King County

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Local Services and Land Use Committee

Councilmembers:
Sarah Perry, Chair;
De'Sean Quinn, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: Erin Auzins (206-477-0687)
Committee Clerk: Marka Steadman (206-477-0887)

9:30 AM **Wednesday, August 20, 2025** **Hybrid Meeting**

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Local Services and Land Use Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:
1. In person: You may attend the meeting and provide comment in the Council Chambers.
2. By email: You may comment in writing on current agenda items by submitting your email comments to kcccomitt@kingcounty.gov. If your email is received before 8:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. Remote attendance at the meeting by phone or computer: You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at https://zoom.us/join and entering the Webinar ID number below.

Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).
TTY Number - TTY 711.
Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.

You are not required to sign up in advance. Comments are limited to current agenda items.

You have the right to language access services at no cost to you. To request these services, please contact Language Access Coordinator, Tera Chea at (206) 477-9259 or email Tera.chea2@kingcounty.gov by 8:00 a.m. no fewer than three business days prior to the meeting.

CONNECTING TO THE WEBINAR
Webinar ID: 840 9948 4774

By computer using the Zoom application at https://zoom.us/join and the webinar ID above.

Via phone by calling 1-253-215-8782 and using the webinar ID above.

HOW TO WATCH/LISTEN TO THE MEETING REMOTELY: There are several ways to watch or listen in to the meeting:
1) Stream online via this link: http://www.kingcounty.gov/kctv, or input the link web address into your web browser.
2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD)
3) Listen to the meeting by telephone – See "Connecting to the Webinar" above.

To help us manage the meeting, if you do not wish to be called upon for public comment please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

1. Call to Order

2. Roll Call

3. Approval of Minutes

July 16, 2025 meeting **p. 5**

4. Public Comment

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Briefing

5. Briefing No. 2025-B0119 **p. 8**

Briefing on a proviso report required by Ordinance 19861, Section 56, Roads, Proviso P1, "on the results of the collaborative efforts to explore alternatives to driving alone to Snoqualmie Pass"

Becka Johnson Poppe, Chief of Staff, Department of Local Services
Brian Mannion, Deputy Director, Mobility Division, Metro Transit

Discussion and Possible Action

6. Proposed Motion No. 2025-0204 **p. 20**

A MOTION accepting the King County 30-Year Forest Plan in accordance with Ordinance 19881, Section 377.

Sponsors: Quinn and Perry

Brandi Paribello, Council staff

7. Proposed Ordinance No. 2024-0408 **p. 116**

AN ORDINANCE related to critical area regulations; amending the King County Comprehensive Plan; and amending Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200, Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122, Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200, Ordinance 15051, Section 24, and K.C.C. 21A.06.254, Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415, Ordinance 15051, Section 41, and K.C.C. 21A.06.451, Ordinance 15051, Section 107, and K.C.C. 21A.06.1331, Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750, Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015, Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240, Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370, Ordinance 10870, Section 321, and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010, Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100, Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180, Ordinance 10870, Section 467, as amended, and

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Sponsors: Perry

Jenny Ngo, Council staff

8. Proposed Motion No. 2025-0205 **p. 838**

A MOTION acknowledging receipt of a Critical Areas Monitoring and Adaptive Management Program plan, in response to the 2025 Annual Budget Ordinance, Ordinance 19861, Section 16, Proviso P1.

Sponsors: Perry

Erin Auzins, Council staff

Other Business

Adjournment

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Meeting Minutes

Local Services and Land Use Committee

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Sarah Perry, Chair;
De'Sean Quinn, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: Erin Auzins (206-477-0687)
Committee Clerk: Marka Steadman (206-477-0887)

9:30 AM | **Wednesday, July 16, 2025** | **Hybrid Meeting**

DRAFT MINUTES

1. Call to Order

Chair Perry called the meeting to order at 9:31 a.m.

2. Roll Call

Present: 4 - Dunn, Mosqueda, Perry and Quinn

3. Approval of Minutes

Vice Chair Quinn moved approval of the June 18, 2025, meeting minutes. There being no objections, the minutes were approved.

4. Public Comment

The following individuals provided public comment: Mike Thomas, Terry Lavender and Evan Dulin

Briefing

5. Briefing No. 2025-B0111

King Conservation District Annual Report

Rosa Mendez-Perez, Executive Director, King Conservation District, briefed the committee and answered questions from the members

This matter was Presented

Discussion

6. **Proposed Ordinance No. 2024-0408**

AN ORDINANCE related to critical area regulations; amending the King County Comprehensive Plan; and amending Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200, Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122, Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200, Ordinance 15051, Section 24, and K.C.C. 21A.06.254, Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415, Ordinance 15051, Section 41, and K.C.C. 21A.06.451, Ordinance 15051, Section 107, and K.C.C. 21A.06.1331, Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750, Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015, Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240, Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370, Ordinance 10870, Section 321, and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010, Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100, Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180, Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200, Ordinance 15051, Section 158, and K.C.C. 21A.24.205, Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275, Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280, Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290, Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310, Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312, Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313, Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335, Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355, Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358, Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365, Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382, Ordinance 15051, Section 204, and K.C.C. 21A.24.388, Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100, Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110, Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150, Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160, Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210, Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045, Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060, Ordinance 15051, Section 228, and K.C.C. 21A.50.035, and Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.24, recodifying K.C.C. 21A.06.1331 and K.C.C. 21A.24.500, and repealing Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055, Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072, Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140, Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314, Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342, and Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

Jenny Ngo, Council staff, briefed the committee and answered questions from the members. John Taylor, Director, Department of Natural Resources and Parks, addressed the committee.

This matter was Deferred

Other Business

There was no further business to come before the committee.

Adjournment

The meeting was adjourned at 10:59 a.m.

Approved this _____ day of _____

Clerk's Signature

King County
Department of Local Services:

Alternatives to Driving Alone to Snoqualmie Pass

August 20th, 2025

Exploring alternatives to driving alone to Snoqualmie Pass

Proviso

ER1, Ordinance 19861, Sec 56

Of this appropriation, $50,000 shall be expended or encumbered solely to **explore alternatives to driving alone to Snoqualmie pass**, particularly in the winter, to reduce congestion, reduce safety hazards, and expand access to the pass, by working with Washington state, Kittitas County, local businesses, and the community.

P1, Ordinance 19861, Sec 56

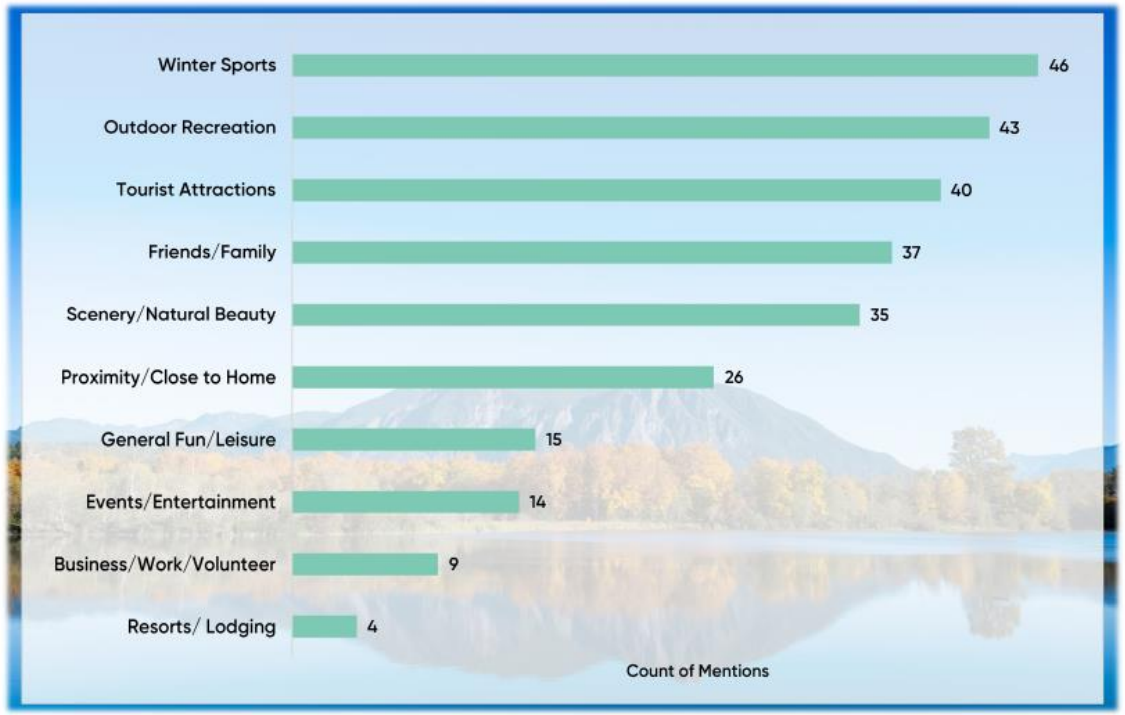
Of this appropriation, $100,000 shall not be expended or encumbered until the executive **provides a briefing to the local services and land use committee**... no later than September 30, 2025.

Eastbound lanes of I-90 at Snoqualmie Pass (Fox13 Seattle)

Travelers to Snoqualmie Pass: What the Data Says

- Over 600 survey responses
- 61% travel to Snoqualmie Pass
- 48% start planning a trip to Snoqualmie Valley less than a week prior to their trip;
- Most common party size is two (35%); solo travelers represent 14%
- 93% travel to Snoqualmie Valley by private vehicle
- 81% of trips are day trips
- Winter Sports and Outdoor Recreation are the top motivators for visiting
- Peak ski times generally mid-December through mid-February (esp weekends and holidays)

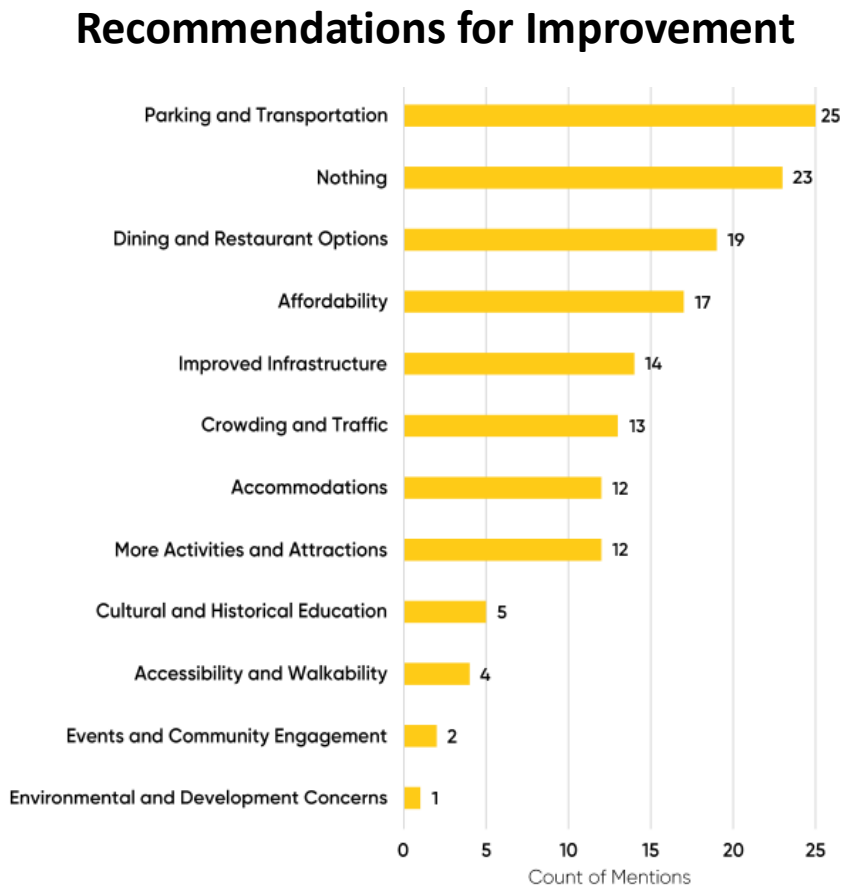
Primary Motivator for Visiting



Snoqualmie Valley – 2025 Washington Visitor Opportunities Survey

Travelers to Snoqualmie Pass: What the Data Says

- Parking and transportation improvements were the most cited recommendations
- 39% of respondents said crowding at popular destinations was a primary factors that might deter a return visit
- 22% pointed to limited or lack of parking in the areas they preferred to visit



Snoqualmie Valley – Washington Visitor Opportunities Survey

Exploring alternatives to driving alone to Snoqualmie Pass

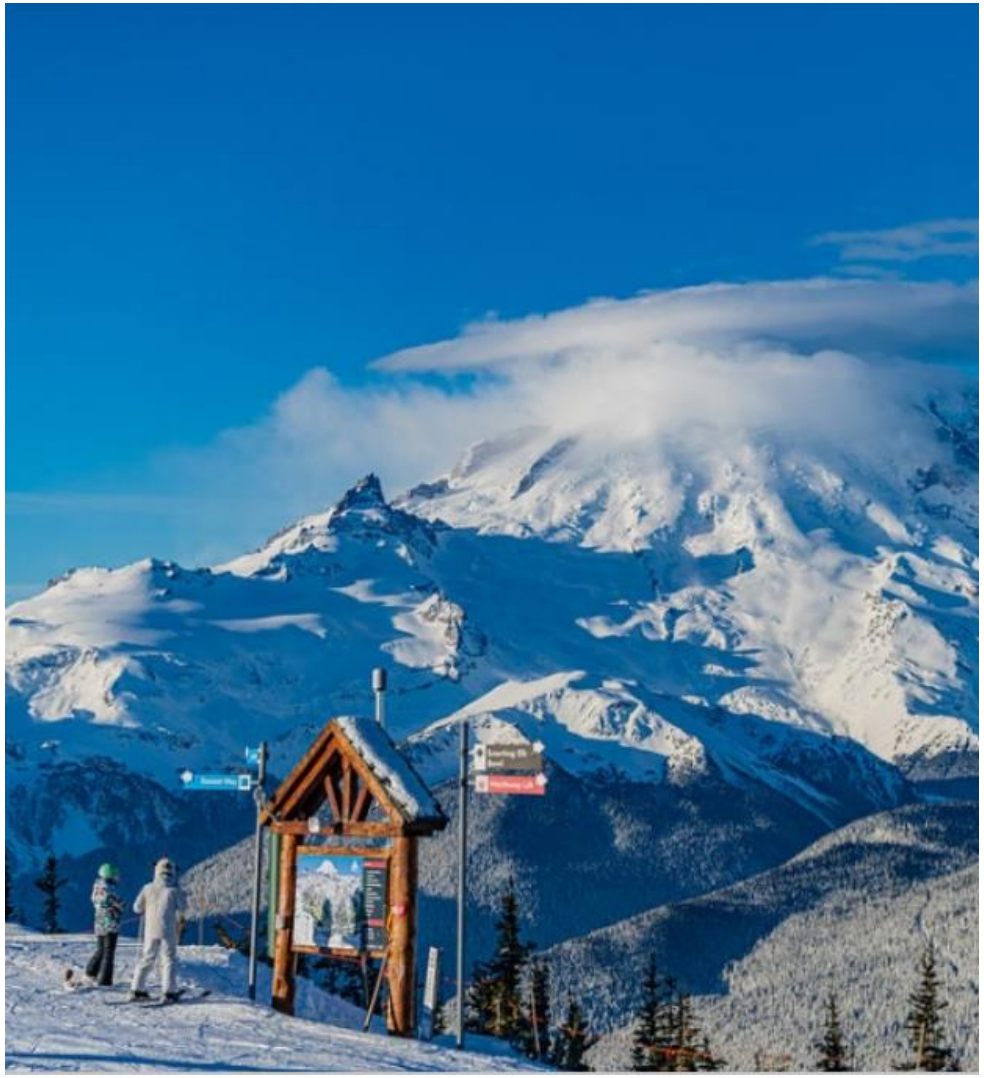
Engagement

- Washington State Department of Transportation
- Kittitas County
- King County Metro
- Cascade Backcountry Alliance
- Mountains to Sound Greenway
- Summit at Snoqualmie Pass
- Snoqualmie Valley Economic Alliance
- Snoqualmie Valley Mobility Coalition
- Snoqualmie Valley Transportation
- Crystal Mountain Resort
- Snoqualmie Indian Tribe
- Muckleshoot Indian Tribe
- Tulalip Tribes
- City of Snoqualmie
- City of North Bend
- Gorge Transit

Existing opportunities

- Carpool incentives
  - Pave Commute app for ride-sharing through Summit at Snoqualmie
  - Parking solutions at Summit at Snoqualmie, e.g. free parking for high-occupancy vehicles

- Crystal Mountain solutions
  - Parking reservation requirement
  - Crystal Mountain Express
  - Midweek ski busses from Seattle/Tacoma
  - Carpool parking



Interests and ideas we heard

- Special shuttle-type service
- Public-private partnership with major companies that have employee busses not being used on the weekends
- Public-private partnership with rideshare apps for on-demand services between North Bend and popular areas
- Additional services at Summit at Snoqualmie, e.g. shuttle, bundling lessons and parking

Challenging business case for a shuttle

- High demand in mornings and evenings, low demand during midday
- Peak demand during the winter season is tied to weather and often unpredictable
- Special vehicles and equipment for winter driving would be required
- Driver availability may be a challenge

Snoqualmie Pass Service – Not Aligned with County Service Guidelines & Priorities

- Metro adds services, including fixed-route, flexible, and other mobility services based on criteria outlined in the Service Guidelines.

- Regular service to Snoqualmie Pass is not a Metro transit service priority based on County policies including Metro's Strategic Plan, Service Guidelines, Metro Connects.

- County priorities include service expansion and realignment
  - Service Recovery Plan
  - Service Growth in East King County
  - Realigning service to support Link Light Rail in Lynnwood, Federal Way and future restructures

Service to Snoqualmie Pass - Constraints

- **Workforce:** Metro and Hopelink have limited workforce and budget capacity that is currently dedicated to meet existing commitments

- **Safety:** Service to Snoqualmie Pass in the winter creates adverse weather-related operational risk to both operators and riders.

Other Options

- **For visitors:** Technology to carpool and self-organize
- **For employees**: Metro Vanpool can support travel to local ski areas for groups of five or more
- **Transit facilities:** There are several Park and Ride facilities that could serve as locations for single drivers to meet and pool trips to the pass.

Questions?

King County

Metropolitan King County Council
Local Services and Land Use Committee

STAFF REPORT

Agenda Item:	6	**Name:**	Brandi Paribello
Proposed No.:	2025-0204	**Date:**	August 20, 2025

SUBJECT

Proposed Motion 2025-0204 would accept the King County 30-Year Forest Plan, which has been transmitted in accordance with the requirements of the adopted 2024 Comprehensive Plan Update.

SUMMARY

King County developed a 30-Year Forest Plan as required in the adopted 2015 Strategic Climate Action Plan; it was finalized in 2021. The adopted 2024 Comprehensive Plan Update required that it be transmitted in 2025, along with a motion accepting the plan.

The 30-Year Forest Plan contains sections on seven priority areas and goals for each, strategies within each of those priority areas, and details regarding implementation actions for each of those strategies. Additionally, within each of the priority area sections, the 30-Year Forest Plan describes how goals and strategies are aligned to other King County plans and initiatives, including Clean Water Healthy Habitat, the Land Conservation Initiative, the 2025 Strategic Climate Action Plan, and the Equity and Social Justice Strategic Plan.

BACKGROUND

In 2015, the King County Council adopted the Strategic Climate Action Plan (SCAP) which included the 1 Million Trees initiative, a commitment to plant at least one million trees with county partners in King County by 2020. The SCAP also included a commitment to work with partners to develop a 30-Year Forest Plan (the Plan) to guide efforts to maintain and enhance the county's forest cover from 2020-2050.[1]

In 2019, the County began to solicit input on priorities, goals, and strategies for the Plan by beginning outreach efforts with nonprofits, Indian tribes, and city governments that also participated in the 1 Million Trees initiative. Outreach was conducted through one-on-one meetings, workshops, community events, and email correspondence.

[1] Motion 14419

Additionally, an online public input survey was distributed to other stakeholders, including forest landowners and managers. The Plan was ultimately finalized by the Executive in 2021; however, the adopted 2024 Comprehensive Plan Update requires that the Plan be transmitted in 2025, along with a motion.[2]

Ordinance 19881, Section 377 states:

> *No later than June 30, 2025, the executive shall transmit the thirty-year forest plan, clean water healthy habitat strategic plan, and wildfire risk reduction strategy to the council, along with motions accepting each document. The documents and motions required by this section shall be filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the transportation, economy, and environment committee or its successor.*

The Chairs of the Transportation, Economy, and Environment (TrEE) and Local Services and Land Use (LSLU) committees agreed that the Plan and proposed motion should be referred to LSLU.

ANALYSIS

Priority Areas and Goals. The Plan identifies seven priority areas relating to the value and benefits of forests. Within each priority area, the Plan identifies goals that relate to forests and tree cover, including specific goals related to cultural resources and equity. The identified priorities and goals include:

1. *Climate*: Contribute to climate change mitigation by increasing carbon sequestration and storage in King County forests and increase resilience and preparedness for climate change effects on forests.
    a. Increase the amount of carbon stored in forests in King County to the greatest extent practicable while protecting biodiversity and improving forest health.
    b. Increase the resilience of existing forests and newly planted trees to the effects of climate change.
    c. Improve the preparedness of communities near forests for any potential increase in fire risk caused by climate change.
    d. Equity and cultural resources: Maintain western red cedar, which may be susceptible to drought stress associated with climate change, and other species of cultural significance that provide cultural resources and values to area Indian tribes.
2. *Forest Health*: Improve and restore forest health, including increasing resilience to disease, invasive species, drought, and climate change; sustaining biodiversity, improving wildlife habitat, and restoring connectivity; and maintaining or improving ecological functions.

[2] Ordinance 19881, Section 377

a. Increase the area of healthy and resilient forestland.
b. Increase connectivity of protected forestland to improve wildlife habitat.
c. Equity and cultural resources: Create a broader public understanding of pre-settlement forest stewardship by the Coast Salish peoples and the resulting forest conditions as a baseline for healthy, complex, and biodiverse forests; improve forest conditions that support the ability of Indian tribes to exercise treaty rights and cultural practices; and improve forest health in forests close to under-served communities.

3. *Urban Forest Canopy*: Increase tree canopy in urban areas, with a focus on areas with the lowest canopy cover and maintain and improve the health of existing urban forests.
    a. Maintain and increase existing tree canopy in urban areas, prioritizing areas with low canopy cover.
    b. Maintain urban trees and improve urban forest health.
    c. Equity and cultural resources: Increase tree canopy above current baseline in urban unincorporated areas with low canopy cover and support urban forest projects as a foundation for youth training to develop tomorrow's forestry leaders.
4. *Human Health*: Prioritize tree canopy improvements and increased access to forested spaces to improve human health outcomes and advance health equity.
    a. Increase tree canopy with improvements focused in geographic areas and communities with residential areas subject to high levels of summer heat and/or pollution, or other human health disparities.
    b. Improve access to forested spaces, prioritize communities where the needs are greatest, and support outdoor recreation opportunities that can provide physical and mental health benefits.
    c. Equity and cultural resources: Increase use, engagement, and sense of belonging in forested parks where access to or use of parks and green space is below the regional average
5. *Salmon Habitat*: Increase and improve forest cover and condition in areas where it can enhance salmon habitat.
    a. Protect, increase, and improve the extent and health of riparian forests.
    b. Protect, increase, and improve the extent and forest health in the headwaters of salmon streams to improve ecological function and protect water quality and quantity.
    c. Equity and cultural resources: Align salmon habitat restoration with Indian tribal priorities and use culturally important plant species in salmon habitat restoration.
6. *Water Quality and Quantity*: Maintain and expand forest canopy where it provides the most benefit for improving water quality and quantity, reducing stormwater runoff, and reducing flooding.
    a. Maintain and expand forest cover in areas identified as having poor water quality or high pollutant loads to streams and rivers, where forest cover improvement can provide benefits.
    b. Maintain and expand forest cover to improve water quantity conditions in areas identified as having high potential to mitigate flooding or where protecting groundwater is a priority.
    c. Equity and cultural resources: Integrate equity considerations into prioritization of stormwater projects involving forest cover.

7. *Sustainable Timber*: Support an ecologically sustainable and economically viable timber industry that promotes maintenance of ecological functions in working forests and local economic development.
    a. Maintain healthy working forests and prevent forest fragmentation and the conversion of working forests to non-forested uses.
    b. Increase the use of forestry practices that improve ecological functions (such as carbon sequestration, fish and wildlife habitat, and hydrologic cycling) in working forests.
    c. Improve access to and condition of infrastructure and markets that support sustainable forestry practices.
    d. Equity and cultural resources: Increase equity in the timber industry and diversity of forestry professionals, particularly those trained in ecological forest management practices and the cultural importance of forests.

Strategies. The Plan provides tables under each priority and goals that set out strategies to achieve those goals, as well as the DNRP action required to implement the strategies. The tables additionally indicate whether any other priorities within the Plan or other countywide strategic plans are related to each strategy. Figure 1 below is an example of these tables within the Plan, specifically related to Priority 1, Climate, Goals 1-3 and 1-4.[3]

Figure 1. Strategy Table Example

1-3 Strategies to Improve Preparedness of Communities

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Improve preparedness for potential increase in wildfire, including identification of forested areas and communities most at risk.	▪ Work with the Office of Emergency Management to develop a Wildfire Strategy for King County, including identification of areas at risk; how to expand education and wildfire resilience strategies; forest resilience strategies; coordination with other public forest landowners; and response to a large fire event.	FH HH ST	SCAP	

1-4 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Experiment with climate-adapted seed sources for culturally important species.	▪ Engage with regional Tribes to determine key tree species to include in trials.	FH SH	ESJ	
Identify vulnerable and suitable areas in the county for key species, including culturally important species, such as western red cedar.	▪ Work with partners to initiate research and mapping.	FH	ESJ	Funding needed

[3] *King County 30-Year Forest Plan*, page 27.

Implementation. The Plan includes information on actions DNRP will take in implementing the strategies laid out in the Plan. The implementation period is from 2021 through 2026 and includes actions such as:

1. *A set of pilot projects, all of which will be initiated in the first year of the plan*.[4] According to Executive staff, six pilot projects were planned and initiated. As of transmittal, four were completed (forest health assessment, climate-adapted planting, tree giveaway, and urban tree planting using City Forest Credits), one is in progress (demonstration forest at Taylor Mountain), and one has been discontinued (the riparian planting project using City Forest Credits). Staff state the last project was discontinued because "changes to the carbon credit rules meant the credits would be based on future tree growth, not actual carbon already removed from the air. Present day crediting for offsets potentially generated in the future is not allowed under policies that govern the County's forest carbon program, so there was no longer a valid way to use the credits for small tree planting projects."
2. *A set of actions that directly align with the 2020 SCAP.*[5] The document indicates these will be completed by the end of 2025. Connections to the SCAP are noted within each of the priority sections within the Plan.
3. *A set of DNRP-led actions to be initiated in the next five years.* Actions identified in the plan will be prioritized based on the following criteria: ability to provide multiple benefits (i.e. contribute to multiple priorities); contribution to other plans and initiatives; and availability of funding. Executive staff state the following actions have been advanced and a full progress report will be available in 2026:
    - Wildfire Strategy: released in 2022; Community Wildfire Protection Plan in development.
    - Climate-Adapted Planting Trial: implemented and monitored.
    - Assisted Migration Paper: published in 2024.
    - Forest Health: 1,000 acres treated; prioritization and stewardship planning underway.

[4] According to Executive staff, these projects are:
- Forest Health: Parks forestlands assessed and prioritized; 977 acres high priority.
- Urban Canopy & Human Health: Tree planting project evaluated via Impact Certification; useful for funders, but time intensive.
- Water Quality: Tree giveaway piloted in White Center and Skyway with community partnerships; 200 trees distributed in 2024.
- Climate: Trial plantings of climate-adapted seedlings at four sites; monitoring underway.
- Sustainable Timber: Taylor Mountain selected as demonstration site; interpretive signage and tours planned.
- Salmon Habitat: City Forest Credits project deemed infeasible due to carbon credit protocol issues.

[5] According to the transmittal letter accompanying the Plan and motion, "Although finalized in 2021, the Forest Plan is being transmitted now as called for in the 2024 Comprehensive Plan Update. Developed to implement the 2015 Strategic Climate Action Plan (SCAP), the Forest Plan responded to SCAP directives to plant at least one million trees by 2020 and to create a 30-year strategy for expanding tree canopy in urban and rural areas while supporting growth, agriculture, wildfire resilience, and working forests. A new SCAP has since been transmitted to the Council, and the Forest Plan's objectives remain aligned with the updated SCAP."

- Urban Forestry Forum and Street Tree Working Group: launched.
- Tree Planting Projects: completed in Skyway and White Center.
- Youth Engagement and community programming expanded.
- Multiple Actions Underway spanning climate resilience, urban canopy, water quality, and sustainable forestry.

The document states that the Plan will be revisited every five years to evaluate progress and identify priority actions for the next five-year period.

Alignment with Other County Initiatives or Plans. The Plan describes the ways in which it aligns with the following County initiatives and plans in each of the priority sections. In general, the Plan aligns with the following:

- Clean Water Healthy Habitat: aligns by highlighting healthy forests and more green space as one of its six goal areas.
- Land Conservation Initiative (LCI): aligns with the LCI goals of protecting additional forests and providing more equitable access to forested areas.
- 2025 Strategic Climate Action Plan: aligns by incorporating all the forestry-related SCAP actions.
- Equity and Social Justice Strategic Plan:[6] aligns by using the ESJ goal that "All county residents should have equitable access to clean air and water, and the health and recreation benefits of King County's extensive network of regional trails, open spaces, and working farms and forests" to inform the Plan.

Policymaker Input on the Plan. Executive staff indicate that a progress report on implementation of the contents of the Plan will be available in the second quarter of 2026. Should Council wish to provide input on the next phase of five-year action identification and implementation, it may make sense to wait to provide that direction until after it receives the report.

INVITED

- Josh Baldi, Division Director, Water and Land Resources Division, Department of Natural Resources and Parks

ATTACHMENTS

1. Proposed Motion 2025-0204 and its attachment
2. Transmittal Letter
3. Fiscal Note

[6] The ESJ Strategic Plan is an Executive initiative not adopted by the Council. The ESJ Strategic Plan expired in 2022.

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

Motion

Proposed No. 2025-0204.1 **Sponsors** Quinn and Perry

A MOTION accepting the King County 30-Year Forest Plan in accordance with Ordinance 19881, Section 377.

WHEREAS, the 2015 Strategic Climate Action Plan thirty-year plan for maximizing the percentage of tree cover in both urban and rural King County while accommodating population and economic growth and meeting goals and needs for local agriculture and food production, wildfire prevention, and working forests, and

WHEREAS, to meet this requirement the King County department of natural resources and parks developed the King County 30-Year Forest Plan with input from nonprofits, municipalities, tribes, forestland owners and managers, and community members, and

WHEREAS, the King County 30-Year Forest Plan was finalized in February 2021 and provides a shared county-wide vision, while providing a roadmap for the department of natural resources and parks to better manage our forests by identifying priority goals, strategies, and actions, and

WHEREAS, Ordinance 19881, Section 377, requires the executive to transmit the thirty-year forest plan;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The King County council hereby accepts the King County 30-Year Forest Plan, Attachment A to this motion.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Girmay Zahilay, Chair

ATTEST:

_____

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Shannon Braddock, County Executive

Attachments: A. King County 30-Year Forest Plan

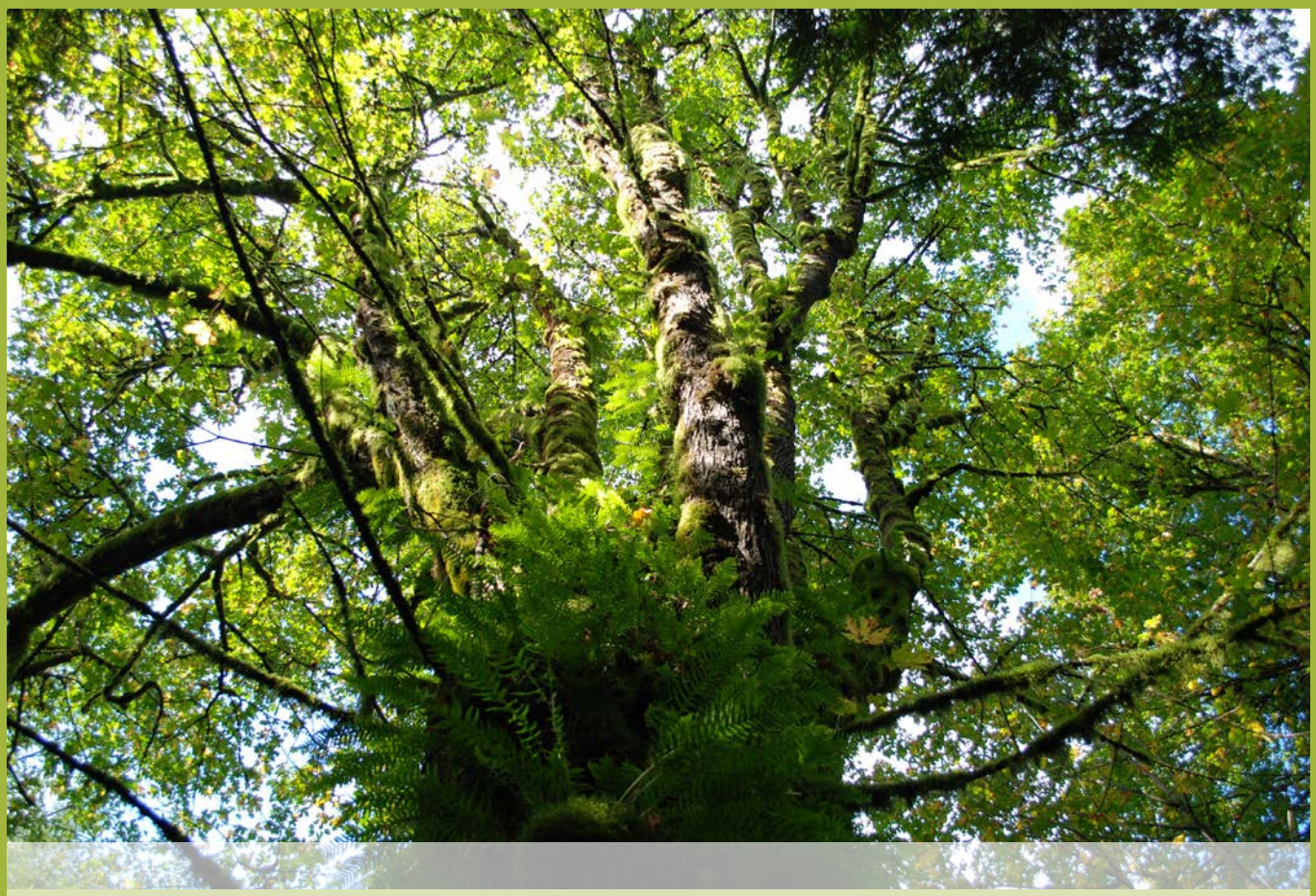
King County

30-YEAR FOREST PLAN

February 2021

King County
Department of
Natural Resources and Parks

Clean Water
Healthy Habitat



Land Acknowledgment and King County Treaty Obligation to Tribes

We acknowledge that the forests that are the focus of this plan are in the traditional territory of the Coast Salish people and we express gratitude for their stewardship of the land and its resources. As King County carries out the work outlined in this plan, we do so with our obligation to Tribal Treaty Rights and sovereignty at the forefront. This plan was developed with Tribal consultation and input and the actions outlined herein require King County to maintain and further develop our government-to-government relationships with regional Tribes as we work to improve forest cover and conditions to better provide the natural and cultural resources that Tribal people rely upon to meet their spiritual, subsistence, and economic needs.

King County

30-YEAR FOREST PLAN

February 2021

King County
Department of Natural Resources and Parks
Water and Land Resources Division
Forestry Program
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855
206-296-8042
www.kingcounty.gov/forestry

Clean Water Healthy Habitat

Alternate formats available

Voice: 206-296-6519 TTY Relay: 711

KCIT-DCE File: 2102_10057L_30yrForestPlan.indd

ELI BROWNELL

King County
Department of
Natural Resources and Parks

January 28, 2021

Dear readers:

I am pleased to present King County's 30-Year Forest Plan, which puts forth a vision for the county's forests and outlines an ambitious approach. It calls on King County and partners, including cities, nonprofits, state and federal governments, Tribes, communities, and forest landowners and managers, to work collaboratively so that our forests provide a broad suite of ecological values, while also supporting human health and cultural values.

The essential benefits provided by forests must be equitably available to all residents of King County. This has never been clearer than in 2020, as the COVID-19 pandemic has led more people to get out into our forests and other green spaces, highlighting their importance for supporting community well-being and the need to improve and expand access. Even as the population of King County grew over recent decades, we have sustained forest cover in many parts of rural King County. At the same time, we have seen losses of forest cover in urban areas and this plan recognizes that we need specific strategies and partnerships to increase forest cover and improve forest health in urban areas.

King County's Land Conservation Initiative established ambitious goals to protect some of the County's remaining highest-priority forestland over the coming decades. We need to expand traditional funding sources. We are exploring innovative opportunities that quantify the ecological services that forestlands provide and create revenue streams that can then be reinvested in forest protection and restoration. King County's recently launched Forest Carbon Program is a good example. Additionally, King County has developed a comprehensive program to purchase conservation easements and options that reduce the property tax burden for private forestland owners who agree to protect and manage their forests.

While acknowledging these challenges, this plan provides a powerful blueprint to help us collectively and effectively manage King County's forests. Thanks to the generous participation and significant input from partners and forestland owners around the County, this plan provides important direction for future forest stewardship, while deliberately considering equity as part of every chapter. Our forests are both challenged by climate change and, when protected and well-managed, can be part of the solution. While access to adequate funding is always a challenge, many of the strategies can be implemented with existing resources while we seek new resources for others.

This plan is a living document that – like a forest – may need to adapt as conditions change and new science becomes available. However, the priorities and goals outlined provide us with strong guidance and direction for the work ahead. Thank you to all who contributed your time, energy, and ideas. We look forward to working with you to make this vision a reality.

Sincerely,

Christie J. True

Christie True, Director
King County Department of Natural Resources and Parks

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Executive Summary

The 30-Year Forest Plan (or "Forest Plan") was developed with input from King County staff, Tribes, nonprofits, municipalities, forestland owners and managers, and community members in order to:

- Develop a shared county-wide vision, including priorities and goals associated with rural and urban forest cover and forest health as well as strategies for achieving that vision over the next 30 years.
- Ensure that county forests continue to play a role in mitigating impacts of climate change, while also guiding the County and partners towards strategies that allow us to meet multiple goals as we expand and enhance forest cover.

The 30-Year Forest Plan is a synthesis of that input that outlines priorities and goals to be met by King County's Department of Natural Resources and Parks (DNRP) and the many partners whose work is critical to the health and longevity of the region's forests. Our goal is for the plan to serve as a resource and guide for our collective efforts over the next three decades.

Overview of Priorities and Goals

Through our outreach process, we identified seven priority areas relating to the value and benefits of forests. Within each priority area, we identified goals that relate to forests and tree cover, including specific goals related to cultural resources and equity. The Forest Plan is intended to support maintaining and providing access to cultural resources in King County forests, honoring treaty-use rights, and incorporating Tribal input into management. The identified priorities and goals include:

JENNIFER VANDERHOOF

Climate

Contribute to climate change mitigation by increasing carbon sequestration and storage in King County forests and increase resilience and preparedness for climate change effects on forests.

1. Increase the amount of carbon stored in forests in King County to the greatest extent practicable while protecting biodiversity and improving forest health.
2. Increase the resilience of existing forests and newly planted trees to the effects of climate change.
3. Improve the preparedness of communities near forests for potential increase in fire risk caused by climate change.
4. Equity and cultural resources: Maintain western red cedar, which may be susceptible to drought stress associated with climate change, and other species of cultural significance that provide cultural resources and values to area Tribes.

Forest Health

Improve and restore forest health, including increasing resilience to disease, invasive species, drought, and climate change; sustaining biodiversity, improving wildlife habitat, and restoring connectivity; and maintaining or improving ecological functions.

1. Increase the area of healthy and resilient forestland.
2. Increase connectivity of protected forestland to improve wildlife habitat.
3. Equity and cultural resources: Create a broader public understanding of pre-settlement forest stewardship by the Coast Salish peoples and the resulting forest conditions as a baseline for healthy, complex, and biodiverse forests; improve forest conditions that support the ability of Tribes to exercise treaty rights and cultural practices; improve forest health in forests close to under-served communities.

Urban Forest Canopy

Increase tree canopy in urban areas, with a focus on areas with the lowest canopy cover, and maintain and improve the health of existing urban forests.

1. Maintain and increase existing tree canopy in urban areas, prioritizing areas with low canopy cover.
2. Maintain urban trees and improve urban forest health.
3. Equity and cultural resources: Increase tree canopy above current baseline in urban unincorporated areas with low canopy cover and support urban forest projects as a foundation for youth training to develop tomorrow's forestry leaders.

Human Health

Prioritize tree canopy improvements and increased access to forested spaces to improve human health outcomes and advance health equity.

1. Increase tree canopy with improvements focused in geographies and communities with residential areas subject to high levels of summer heat and/or pollution or other human health disparities.
2. Improve access to forested spaces, prioritizing communities where the needs are greatest, and support outdoor recreation opportunities that can provide physical and mental health benefits.
3. Equity and cultural resources: Increase use, engagement, and sense of belonging in forested parks where access to or use of parks and green space is below the regional average.

Salmon Habitat

Increase and improve forest cover and condition in areas where it can enhance salmon habitat.

1. Protect, increase, and improve the extent and health of riparian forests.
2. Protect, increase, and improve the extent and forest health in the headwaters of salmon streams to improve ecological function and protect water quality and quantity.
3. Equity and cultural resources: Align salmon habitat restoration with Tribal priorities and use culturally important plant species in salmon habitat restoration.

Water Quality and Quantity

Maintain and expand forest canopy where it provides the most benefit for improving water quality and quantity, reducing stormwater runoff, and reducing flooding.

1. Maintain and expand forest cover in areas identified as having poor water quality or high pollutant loads to streams and rivers, where forest cover improvement can provide benefits.
2. Maintain and expand forest cover to improve water quantity conditions in areas identified as having high potential to mitigate flooding or where protecting groundwater is a priority.
3. Equity and cultural resources: Integrate equity considerations into prioritization of stormwater projects involving forest cover.

Sustainable Timber

Support an ecologically sustainable and economically viable timber industry that promotes maintenance of ecological functions in working forests and local economic development.

1. Maintain healthy working forests and prevent forest fragmentation and the conversion of working forests to non-forested uses.
2. Increase the use of forestry practices that improve ecological functions (such as carbon sequestration, fish and wildlife habitat, and hydrologic cycling) in working forests.
3. Improve access to and condition of infrastructure and markets that support sustainable forestry practices.
4. Equity and cultural resources: Increase equity in the timber industry and diversity of forestry professionals, in particular those trained in ecological forest management practices and the cultural importance of forests.

Strategies and Implementation

In addition to outlining priorities and goals, the 30-Year Forest Plan identifies specific strategies for achieving each goal. The strategies sections are broken out into broad strategies to guide work for both King County and partners, and specific actions related to each strategy that King County DNRP will lead. These actions will guide work within DNRP and our collaboration with other King County departments, our partners, and communities.

While this plan is the only county-wide vision for forest health and tree canopy, many of the actions that DNRP will lead are linked to other County strategies and initiatives. By aligning the Forest Plan with other King County work, we will be able to advance this vision more quickly and effectively. The plans and initiatives most closely aligned with the Forest Plan include Clean Water Healthy Habitat, the Land Conservation Initiative, the 2020 Strategic Climate Action Plan, and the Equity and Social Justice Strategic Plan.

Implementation will begin with work on a set of pilot projects in the first year of the plan (2021). Another set of DNRP-led actions that will be completed in the first five years include those that directly align with the 2020 SCAP and have commitments for completion by the end of 2025. Other DNRP-led actions will be identified for implementation in the next five years, with prioritization based on: ability to provide multiple benefits (i.e., contributing to multiple priorities); contribution to other plans and initiatives, in particular Equity and Social Justice (ESJ); and availability of funding. The Forest Plan will be revisited every five years to evaluate progress and identify priority actions for the next five-year period.

Introduction

The **30-Year Forest Plan** (or "Forest Plan") was developed with input from King County staff, nonprofits, municipalities, Tribes, forestland owners and managers, and community members in order to:

- Develop a shared county-wide vision, including priorities and goals associated with rural and urban forest cover and health, and strategies for achieving that vision over the next 30 years.
- Ensure that county-wide forests continue to play a role in mitigating impacts of climate change, while also guiding King County and partners towards strategies that allow us to meet multiple goals as we expand and enhance forest cover.

This plan is aligned with King County's **Clean Water Healthy Habitat Strategic Plan**, which highlights healthy forests and more green space as one of six key goal areas. The development of this plan began with a commitment in the County's **2015 Strategic Climate Action Plan** (SCAP) to plant at least one million trees with partners in King County by 2020 through the **1 Million Trees** initiative and to work with partners to develop a **30-Year Forest Plan** to guide efforts to maintain and enhance the county's forest cover from 2020-2050 (throughout this plan, "County" refers to King County government, its operations, and the land it manages, while "county" and "county-wide" refer to the geographic area of King County and crosses land ownerships). Recognizing that efforts to combat climate change must be both immediate and thoughtfully planned for lasting impacts, 1 Million Trees allowed the County and partners to take fast, decisive action to plant a large number of trees for climate benefits, while the 30-Year Forest Plan has allowed the County to better understand the other priorities, in addition to climate, that should guide our long-term forest planning (Figure 1).

Figure 1.
Benefits provided by forests.

Forests provide a range of benefits, including:

- Storing carbon and providing climate benefits
- Offering a shady respite that cools streams and sidewalks.
- Enhancing salmon and other wildlife habitat.
- Providing wood and non-timber products.
- Hosting recreational opportunities.
- Improving water and air quality, which have environmental and human health benefits.
- Reducing stormwater runoff.
- Supplying scenic beauty.
- Providing cultural resources and supporting cultural heritage and historic values.

Vision and Purpose

Forests provide multiple benefits – storing carbon, improving salmon habitat, providing timber, lowering temperatures in urban areas and providing other human health benefits, improving water quality and regulating water quantity, providing recreation opportunities, and supporting cultural heritage and historic values, among others (Figure 1). However, we know that not all forest cover is the same, and where and how we focus our actions will determine what kind of benefits are created. Therefore, developing a plan for action requires understanding the objectives and values within the programs and projects led by the County and partners, as well as those of other stakeholders and the broader community. We collected input from a wide range of organizations and individuals to develop a Forest Plan that could serve as a guide for the work we all do over the next three decades. The 30-Year Forest Plan is a synthesis of that input that outlines priorities and goals to be met by King County and the many partners whose work is critical to the health and longevity of the region's forests.

While the Forest Plan is intended to serve as a broader vision for King County and partners, it also provides a roadmap for King County's Department of Natural Resources and Parks (DNRP) to:

- Better manage our forests by identifying priority goals, strategies, and actions.
- Better strategize our tree planting, forest restoration, and forest protection efforts so that they meet priorities and goals that have been identified through an in-depth outreach effort.
- Support our partners by coordinating, collaborating, and aligning County efforts with the work of others to create the most on-the-ground benefits.

Approach to Developing the Forest Plan

Plan development began by conducting outreach to King County staff, partners, and the public to better understand their values and vision for county forests over the next 30 years (Appendix 1). Between July 2019 and March 2020, we sought input on priorities, goals, and strategies for the 30-Year Forest Plan. This outreach began with the nonprofits, Tribes, and city governments that participated in the 1 Million Trees initiative and expanded to a broader audience as these groups connected us with their networks. We also sought input from a broad range of stakeholders who interact with county-wide forests in different ways. Outreach was conducted through one-on-one meetings, workshops, community events, and email correspondence.

In addition to this focused outreach, we developed an on-line public input survey that was distributed to a broader range of stakeholders, including forest landowners and managers. This survey was shared through social media, partner newsletters, and direct emails. A focused effort was made to reach out to the unincorporated urban areas where tree canopy is lowest within the county, in order to understand those communities' interests in and goals for tree cover. The resulting Forest Plan represents this range of input, and our goal is for it to serve as a resource for King County and partners over the next three decades.

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Priorities Identified

Through our outreach process, we identified seven priority areas relating to the value and benefits of forests and we outlined specific goals within each priority area. There are many interconnections among the seven priority areas, and in some cases, they share sets of strategies and actions that can serve to achieve goals in more than one priority area; these connections are noted throughout the plan. Because different groups ranked each of the priorities differently, the list of priorities is not intended to be in ranked order, and all seven of the priorities received support from multiple groups that provided input (Appendix 1).

These priorities will help King County and partners focus forestry-related actions toward shared values:

Climate

Salmon habitat

Forest health

Water quality and quantity

Urban forest canopy

Sustainable timber

Human health

Within each priority area, we also identified specific goals related to cultural resources and equity. The Forest Plan is intended to support maintaining and providing access to cultural resources in King County forests, honoring treaty-use rights, and incorporating Tribal input into management. At the same time, the plan seeks to support and advance the goals in the County's **Equity and Social Justice (ESJ) Strategic Plan**.

Organization of this Plan

This plan begins by providing background and context, including an overview of forest cover in King County, and the remainder is organized around the seven priorities that were identified through the outreach process. Each priority chapter contains:

- **Priority:** A brief description of the priority.
- **Goals:** Goals for each priority that relate to forests and tree cover, including goals that specifically address equity and cultural resources.
- **What We Heard:** A brief overview of the input we received related to the priority.
- **Background:** A description of the context, current science, and challenges related to the priority.
- **Strategies:** Specific strategies for achieving each goal. The strategies section is broken out into broad strategies to guide work for both King County and partners, and specific actions that DNRP will lead, as illustrated below.

Strategy Number and Description

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Approaches developed through outreach, to which many partners, including King County, will contribute	Specific actions within a strategy that will be led by DNRP Water & Land Resources Division or the Parks Division; work in collaboration with other King County departments is also highlighted	Notes overlap with any of the other six priorities	Notes overlap with the County plans listed below	Indicates where funding or other resources are needed

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Related Initiatives and Plans

While the Forest Plan is the only county-wide vision for forest health and tree canopy, many of the actions that DNRP will lead are linked to other County strategies and initiatives. By aligning the Forest Plan with other King County work, we will be able to advance this vision more quickly and effectively. The plans and initiatives most closely aligned with the Forest Plan include Clean Water Healthy Habitat, the Land Conservation Initiative, the 2020 Strategic Climate Action Plan, and the Equity and Social Justice Strategic Plan.

- **The Clean Water Healthy Habitat Strategic Plan (CWHH)** establishes a shared vision of a healthy environment providing equitable benefits to all people in King County. It outlines strategies that allow for individual plans, such as the Forest Plan, to achieve better and faster outcomes through changes in policies, practices, and systems. CWHH aligns King County's work around six shared goals, including the goal of healthy forests and more green space, which seeks to achieve three outcomes: 1) forest cover and green spaces are protected, increasing, widespread, equitably distributed, healthy, and connected in ways that sustain habitat, stream functions, carbon storage, clean air, cool waters and air temperatures, and natural streamflow; 2) human health is supported and cultural values and practices are ensured; and 3) inequities in people's access to quality green space are eliminated by 2050. The 30-Year Forest Plan includes a range of actions to support this goal and numerous strategies that align with the 13 strategies identified in CWHH for delivering faster, better results.

- **The Land Conservation Initiative (LCI)** will preserve 65,000 acres of forests, farmlands, shorelines, and trails within 30 years, before the opportunity is lost due to population growth and development. Many of the actions identified in the 30-Year Forest Plan align with the LCI goals to protect additional forests and to provide more equitable access to forested areas, in particular in LCI Opportunity Areas, which are defined by health, income, and park access metrics. The Forest Plan calls for identification of properties within the LCI priorities that are key to meeting Forest Plan goals and working in coordination with the LCI to protect them.

- The **2020 Strategic Climate Action Plan (SCAP)** is a five-year blueprint for County climate action that outlines the County's priorities and commitments. The SCAP commits the County to Plant, Protect, and Prepare 3 Million Trees, which includes planting 500,000 trees (with a focus on increasing tree canopy cover in unincorporated urban areas where it is lowest), in addition to protecting 6,500 acres of forests and open space and restoring 1,000 acres of County forests (equivalent to 2 million trees and 500,000 trees, respectively), and stewarding sites planted through the 1 Million Trees Initiative. The SCAP also includes other forestry goals and actions associated with carbon sequestration and storage and climate preparedness. The Forest Plan incorporates all of the forestry-related SCAP actions and, in the case of 3 Million Trees, will help guide where and how SCAP actions can be implemented in order to best advance multiple priorities and goals identified here.

- **The Equity and Social Justice Strategic Plan (ESJ) 2016-2022** affirms that "All county residents should have equitable access to clean air and water, and the health and recreation benefits of King County's extensive network of regional trails, open spaces, and working farms and forests." It provides guidance for County actions and investments to "assess and address disproportionate environmental burdens and promote the equitable access to environmental benefits and resulting economic opportunities." This mandate informs each of the priority areas through specific goals and strategies focused on equity and cultural resources.

At the same time, the 30-Year Forest Plan is influenced by forest plans at the state and federal levels, most notably the Washington State Department of Natural Resources (DNR) Forest Action Plan, and the Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, along with forest plans and other plans that influence forestry developed by many cities in King County (Appendix 2). It also aligns with county-wide efforts such as the King County-Cities Climate Collaboration (K4C), through which the County and seventeen city partners coordinate climate and sustainability action. This includes shared commitments to forest protection and restoration and improving forest health and urban tree canopy. The 30-Year Forest Plan outlines strategies and actions that can help advance these commitments.

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Background and Context

Forest Cover and Distribution in King County

King County's 1,363,200 acres of land, spanning from Puget Sound to the Cascade Mountains, includes diverse natural features and topography that serve important ecological and cultural roles. The forests that cover the majority of the landscape are renown for producing some of the world's largest trees (Waring and Franklin 1979) (Figure 2). For millennia, these forests have supported indigenous communities and continue to provide a wide range of ecological benefits, including habitat for wildlife and water for many King County residents (Mojica et al. 2018).

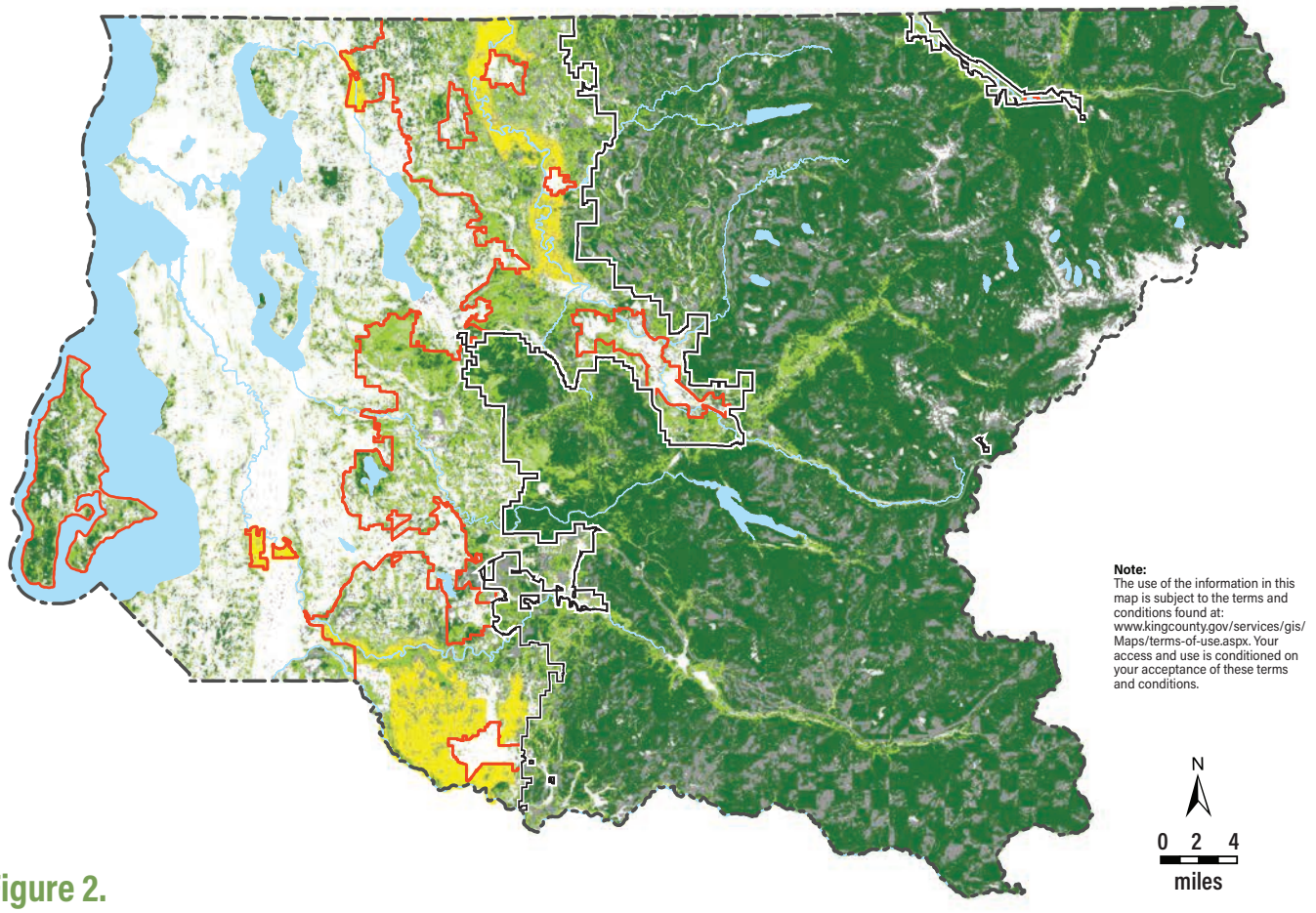

Figure 2.

Forests cover more than 800,000 acres in King County, or approximately 60% of the county.

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In 2016, 60% of the county (811,063 acres) was still covered by forests. Almost three-fourths of our forests (74% or 601,928 acres) are dominated by evergreen tree species, while 6% (51,200 acres) are deciduous trees and 20% (157,935 acres) are mixed forests, composed of both evergreen and deciduous trees (Figure 2). However, forest composition differs between rural and urban areas, with primarily mixed species forests in urban forests (Figure 2).

The Urban Growth Area in King County is dominated by developed land and the distribution of forest cover is uneven between and within cities (Figure 3). While exact tree canopy percentages vary based on the data source, percent canopy cover in cities of King County ranges from 16% to more than 50%, while urban unincorporated areas (UUAs) range from more than 45% closer to rural areas to 21% in White Center and 28% in Skyway (Table 1).

Figure 3.

Urban forest cover in King County varies between and within urban areas.

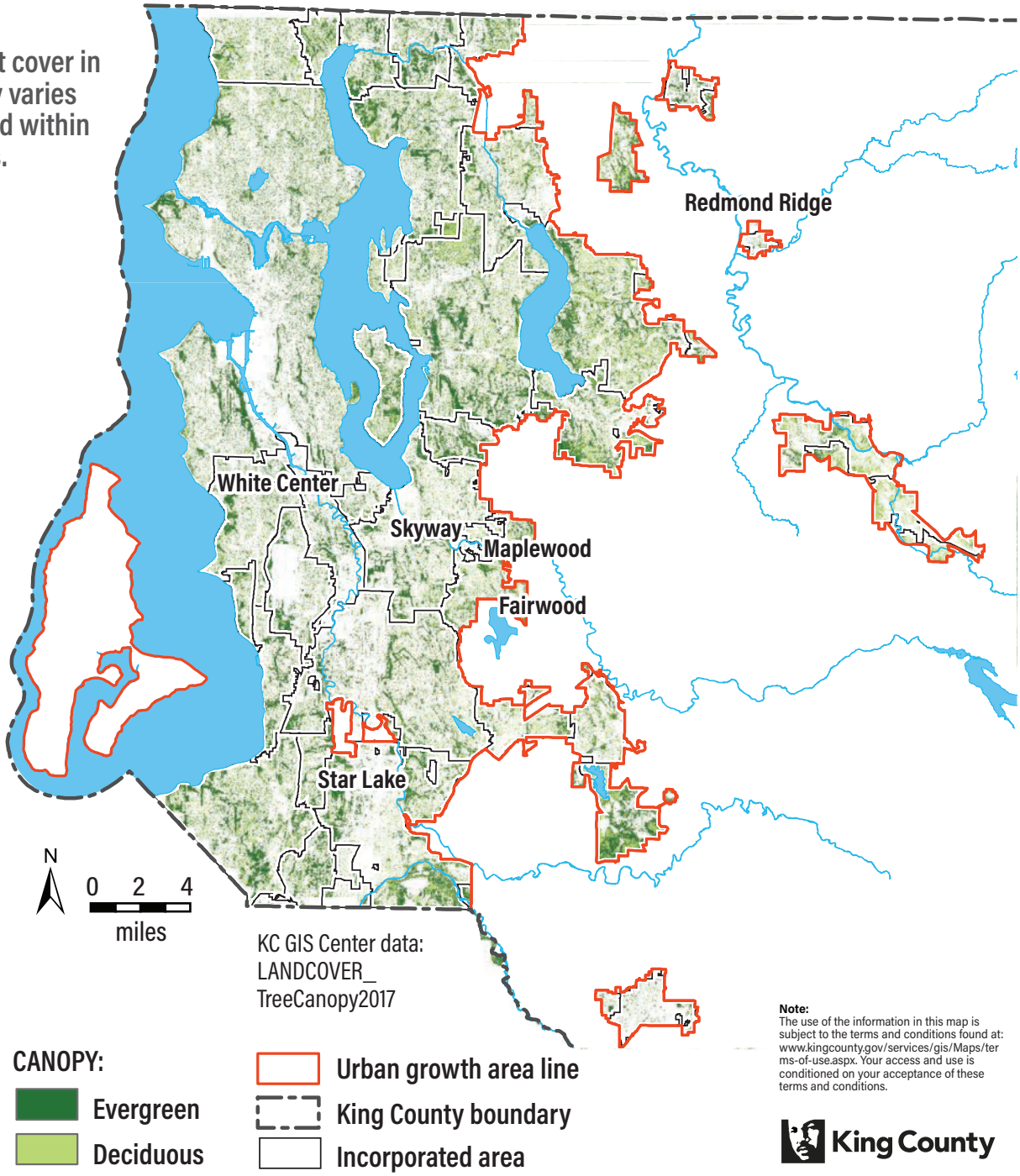


Table 1.

Tree canopy in King County cities and urban unincorporated areas.

SYMBOLS

Location:

Name	King County city
Name	King County UUA

Data sources:

111	Derived from published sources for Redmond, Sammamish, Seattle, and Snoqualmie (Aken et al. 2019, Dyson and Patterson 2018, O'Neil-Dunne 2016, Hanou and Walker 2012).
111	Calculated from King County's 2017 tree canopy GIS layer
111	Data from King Conservation District Tree Canopy Assessments
111	Calculated from National Oceanic and Atmospheric Administration, Coastal Change Analysis Program (C-CAP) 2016 Regional Land Cover

Note: *2017 data are incomplete for Lake Forest Park and Shoreline and may underestimate tree cover.*

City/*UUA*	Tree canopy (acres)	Percent cover	Year
Beaux Arts Village	35	67%	2017
Black Diamond	2,442	57%	2016
Issaquah	3,954	51%	2017
Mercer Island	1,921	48%	2017
Newcastle	1,328	47%	2017
Normandy Park	740	46%	2017
Maplewood	772	46%	2017
Bothell	3,926	45%	2016
Woodinville	1,622	45%	2017
Redmond Ridge	1102	45%	2017
Sammamish	6,970	44%	2018
Snoqualmie	1,769	44%	2015
Kenmore	1,587	41%	2017
Lake Forest Park	953	41%	2017
Fairwood	1624	41%	2017
Hunts Point	77	39%	2017
North Bend	1096	39%	2017
Kirkland	4,361	38%	2018
Redmond	4,062	38%	2017
Star Lake	863	38%	2017
Bellevue	7,877	37%	2017
Federal Way	5,413	37%	2017
Medina	334	37%	2017
Yarrow Point	80	35%	2017
Duvall	523	33%	2017
Skykomish	69	33%	2016
Auburn	5,709	32%	2017
Maple Valley	1,169	31%	2017
Burien	1,941	30%	2017
Covington	1,130	30%	2017
Milton	511	30%	2017
Clyde Hill	198	29%	2017
Des Moines	1,190	29%	2017
Renton	4,382	29%	2017
Kent	6,125	28%	2017
Seattle	15,167	28%	2016
Shoreline	2,112	28%	2017
Skyway	511	28%	2017
Carnation	172	27%	2017
Tukwila	1,390	24%	2017
SeaTac`	1,425	22%	2017
Algona	176	21%	2017
White Center	477	21%	2017
Enumclaw	533	16%	2017
Pacific	183	16%	2017

Although 40% canopy cover used to be a widely cited target, recognition that different contexts create different opportunities and constraints on maintaining and creating tree canopy has led to a shift away from a single target. Instead, a focus on specific goals associated with tree canopy, such as reduction in urban heat island temperatures or reduction in stormwater runoff – and the extent, type, and location of trees needed to meet those goals – is viewed as a better way to achieve desired outcomes (Leahy 2017).

Changes in Forest Cover

The population of King County increased by 50% between 1990 and 2020 and is expected to continue to grow rapidly (King County 2020). The extent and distribution of development associated with this growth has a substantial impact on how much and what type of forest cover is retained. Forest cover has held steady in rural parts of King County over the past 24 years, while it has declined in cities from 23% to 18% (a loss of more than 10,000 acres) and from 37% to 29% in urban unincorporated areas (a loss of approximately 2,000 acres) (Table 2). These trends provide a view of forest cover over recent decades and a baseline for assessing future changes.

Forest Ownership and Forestland Designation

Forestland in King County is owned by public, Tribal, and private landowners (Table 3; Figure 4). Public lands make up the majority of forested areas, with 34% percent of forest cover in federal ownership, 13% managed by the state, 3% by the County, and 14% by city governments. City ownership includes the City of Seattle's 90,638-acre Cedar River Watershed which is managed as a municipal water source. Tribes own 4% of forestland, including 43,500 acres in the Tomanamus Forest that is owned by the Muckleshoot Federal Corporation and managed for timber and cultural uses (the full extent is 96,307 acres across King, Pierce, and Lewis counties). Private landowners, including both large industrial forestry companies and non-industrial private owners, make up the remaining 32% percent of forestland (Figure 5). Private forestland acreage is dominated by the largest owners, with more than 150,000 acres owned by 14 landowners (who own more than 1,000 acres each), but there are many smaller forest landowners in the county, including 16,839 landowners with less than 5 acres and 4,078 landowners with between 5 and 1,000 acres.

Just over 825,000 acres across multiple ownerships in King County are part of the Forest Production District (FPD). The FPD is a King County Comprehensive Plan designation for lands of long-term commercial significance for forestry. It is a political designation rather than a description of existing land cover and it includes land that is not forested, such as rivers and roads, as well as some land that has been converted to other uses (Figure 2). Its origin is in the Growth Management Act (GMA), under which the State requires counties to designate natural resource lands and adopt development regulations to assure their conservation. The GMA defined lands to be designated for forestry as "Forestlands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber" (RCW 36.70A.170). The King County Comprehensive Plan includes policies that encourage the retention of large contiguous blocks of forestland, limit the removal of land from the FPD, recognize the benefits of managed forestry, limit land uses that are incompatible with active forest management, seek to reduce conflicts with nearby non-forestry uses, and call for incentive programs to maintain forestry as a viable industry and encourage forest stewardship.

Table 2.

Forest cover and developed area as a percent of land cover(and acres), calculated using land cover data from NOAA C-CAP FTP tool, 1992 to 2016. Percentages exclude water area.

LAND COVER	Rural Land		Cities		Unincorporated Urban Areas	
	1992	2016	1992	2016	1992	2016
Forested	**70% (748,437)**	**71% (753,806)**	**23% (61,631)**	**18% (49,441)**	**37% (9,533)**	**29% (7,408)**
Deciduous Forest	3% (33,229)	3% (36,183)	6% (14,903)	5% (13,372)	7% (1,855)	6% (1,620)
Evergreen Forest	55% (586,766)	55% (584,921)	7% (19,536)	5% (14,549)	12% (2,961)	8% (2,122)
Mixed Forest	12% (128,442)	12% (132,702)	10% (27,192)	8% (21,520)	18% (4,717)	14% (3,666)
Developed	**3% (32,400)**	**4% (37,503)**	**61% (164,390)**	**67% (179,544)**	**42% (10,672)**	**49% (12,455)**

Table 3.

Area of forest cover (acres) by ownership (2016).

	Total	Federal	State	County	City	Other Public*	Tribal+	Private
Deciduous Forest	51,200	3,504	3,809	4,480	5,573	342	1,304	32,188
Evergreen Forest	601,928	259,152	83,240	6,207	88,122	642	26,083	138,482
Mixed Forest	157,935	9,389	20,269	13,669	17,299	971	4,510	91,828
Total Forest Cover	811,063	272,045	107,318	24,356	110,994	1,995	31,897	262,498
Percent of Total Forest Cover		33.5%	13.2%	3.0%	13.7%	0.2%	3.9%	32.4%

*Including Port of Seattle, Vashon park district, schools

+Including land owned by Tribal governments as well as by the Muckleshoot Federal Corporation

Figure 4. Public and Tribal forests, which together account for more than 65% of county forests.

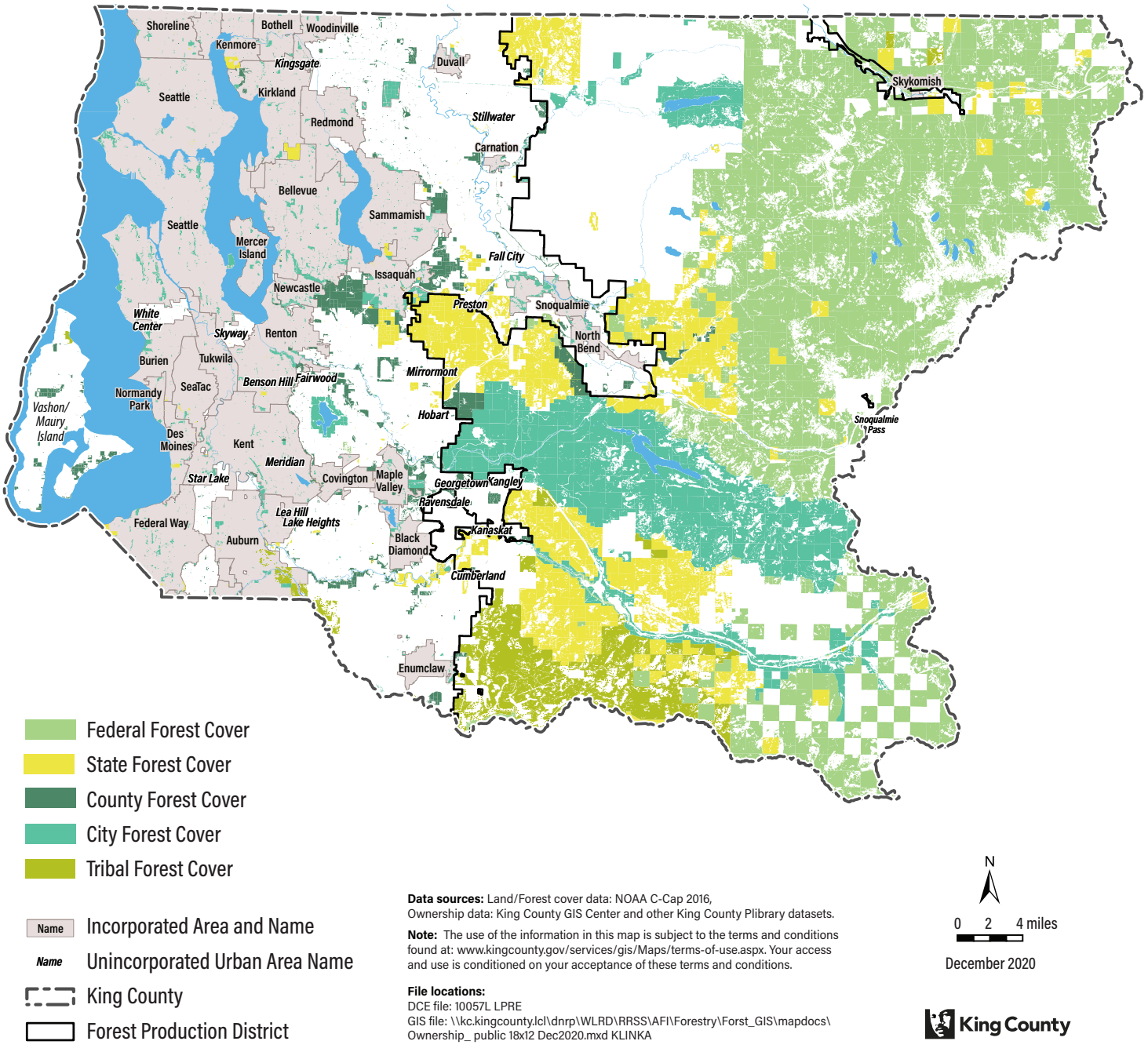
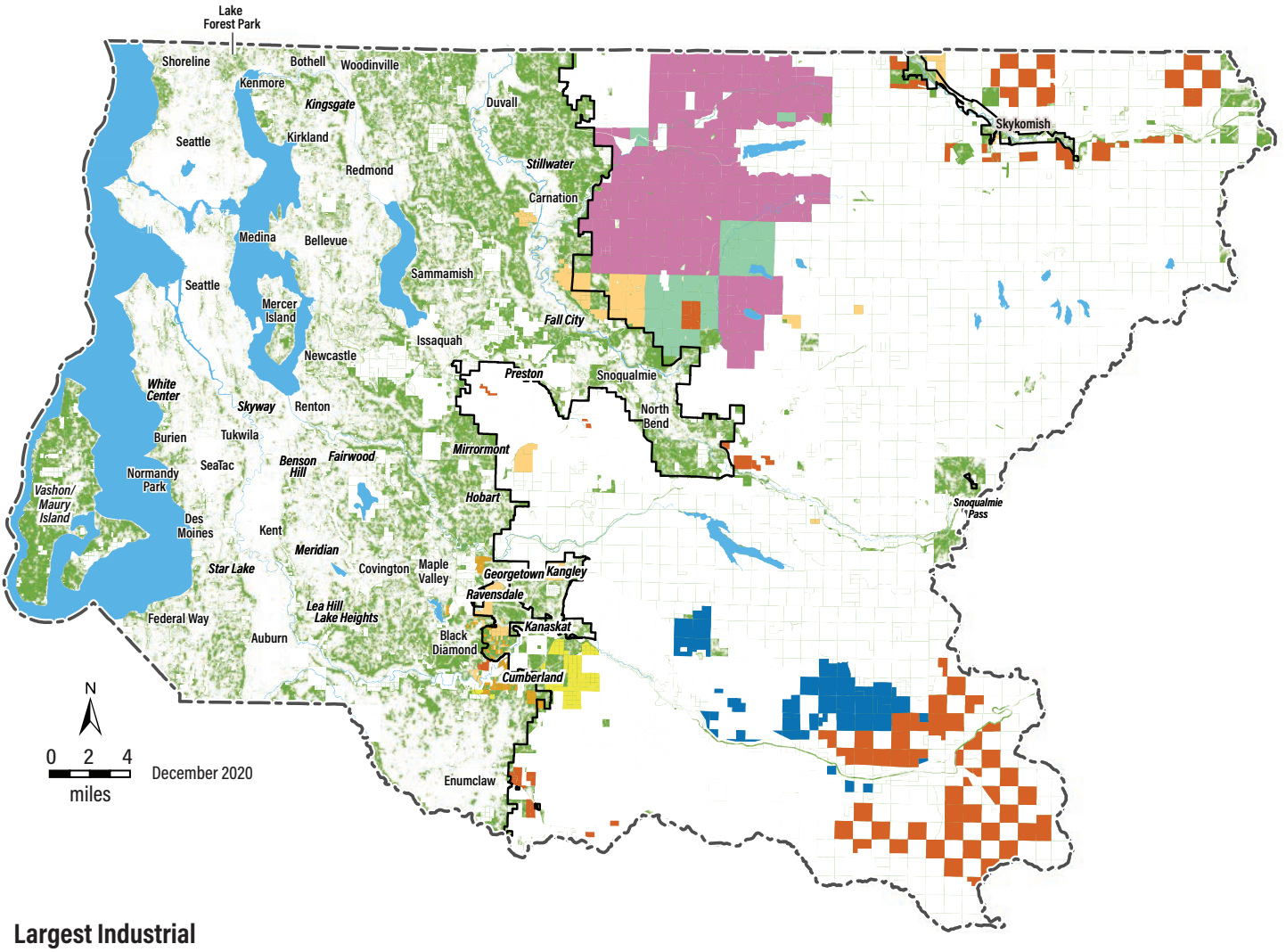


Figure 5. Private forests, which account for approximately one-third of county forests.



Largest Industrial Forestry Owners

- BTG Pactual
- Campbell Global LLC
- EMF Enterprises LLC
- Palmer Coking Coal Co
- Snoqualmie Timber LLC
- Weyerhaeuser
- Other industrial forestry owners
- Forest cover on non-industrial private property
- Name — Incorporated Area Name
- *Name* — Unincorporated Urban Area Name
- King County
- Forest Production District

King County

Note:
The use of the information in this map is subject to the terms and conditions found at: www.kingcounty.gov/services/gis/Maps/terms-of-use.aspx. Your access and use is conditioned on your acceptance of these terms and conditions.

Land/Forest cover data: NOAA C-Cap 2016
Ownership data: King County GIS Center

KCIT DCE file: 10057L
GIS file: \\kc.kingcounty.lcl\dnrp\WLRD\RRSS\AFI\Forestry\Forst_GIS\mapdocs\ Ownership_private 18x12 Dec2020.mxd

Priority 1: Climate

Contribute to climate change mitigation by increasing carbon sequestration and storage in forests in King County and increase resilience and preparedness for climate change effects on forests.

Goals

1-1 Increase the amount of carbon stored in forests in King County to the greatest extent practicable while protecting biodiversity and improving forest health.

1-2 Increase the resilience of existing forests and newly planted trees to the effects of climate change.

1-3 Improve the preparedness of communities near forests for potential increase in forest fire risk caused by climate change.

1-4 Equity and cultural resources: Maintain western red cedar, which may be susceptible to drought stress associated with climate change, and other species of cultural significance that provide cultural resources and values to area Tribes.

What We Heard

We heard from both survey respondents and workshop and interview participants about the importance of prioritizing climate change in this plan. Some focused on the role of forests in mitigating climate change, such as a survey respondent who said, "I believe that promoting carbon sequestration and providing climate benefits is one of the most important things King County can do to ameliorate the human impacts on climate." Others focused on more specific strategies, noting that, "carbon storage that comes from avoided conversion to development, or reforestation of degraded habitats like abandoned agricultural land or low-density residential [areas] is a really big and important target for carbon storage." In addition to the important role forests can play in storing carbon, respondents highlighted the need

PARTNER SPOTLIGHT

Adaptive Restoration at Stossel Creek

Northwest Natural Resource Group, Mountains to Sound Greenway Trust, Seattle City Light, and Seattle Public Utilities are collaborating on a project to restore 51 acres while collecting information on climate-adaptation by planting with seedlings sourced from climates that are similar to the projected future climate at the site. This project will provide insight to the collaborators and other restoration practitioners about which species and seed sources respond best and this information can be used to guide planting in the future. This project also provides a model for King County's Pilot Project (chapter 10). Visit for more information.

to improve forest resilience to the effects of climate change. Some emphasized the need to focus on "healthy forests resilient to a changing climate (forests stay functioning during a rapid change)" while others focused on both forests and nearby communities, stating that it is important to "increase the climate and wildfire resilience of the most at-risk communities and forested areas..." Respondents also pointed to the connections between climate and other priorities, with one stating that, "responding to climate change should be one of the primary objectives of the Forest Plan...this links to a lot of the other issues - improving salmon habitat, air quality, shading urban areas, etc."

Background

Forests in the Pacific Northwest play an important role in sequestering and storing carbon due to their ability to accumulate large quantities of biomass in long-lived tree species that can sustain growth in both diameter and height over long time periods. These tree species characteristics combine with abundant moisture and mild winter temperatures to allow for high levels of carbon sequestration and storage (Diaz et al. 2018, Waring and Franklin 1979). However, due to past management, the forests in King County likely still have potential for greater carbon storage. As noted by Fain et al. (2018, 2), "The West Cascades and Coast Range are among the most naturally carbon rich ecoregions in the world due to the moist temperate forests they contain. Yet, research indicates in-forest carbon storage levels are currently well below ecological potential in these regions." Further analysis specific to King County can help to determine which forests have the most unmet potential in this region and which strategies would be most effective at increasing forest carbon storage. Existing strategies include "avoided conversion" projects that prevent conversion of forests to non-forest uses, such as residential development, and "improved forest management" (IFM) projects that include strategies such as extending tree rotations and variable retention harvesting, among others (Fain et al. 2018, Diaz et al. 2018).

At the same time that forests in the Pacific Northwest can play a role in climate change mitigation, they are vulnerable to changing climate and actions to improve their resilience are critical. Climate change is expected to affect forests in several ways, including bigger winter flood events, less snow pack, and drier, warmer summers, increasing the likelihood of drought and creating some potential for increased wildfires and invasive species competition (Malone 2020). Resilience refers to the ability of the forest to absorb and recover from disturbance, so that it retains "essentially the same function, structure, identity and processes" (Walker et al. 2004). Similarly, forest managers can work to adapt forests to future conditions. Adaptation is the process of adjustment to actual or expected climate and its effects.

A number of strategies can be used to improve the resilience of King County forests to increased drought, including managing forest density and species composition and maintaining and planting climate-adapted species. Where drought stress occurs, thinning can create space for tree establishment and help to reduce competition for water by spreading available moisture among fewer trees (Malone 2020). In addition, forests that are dominated by a single species, such as Douglas-fir or red alder, are more vulnerable to climate change and thinning can also help to shift forest composition and structure to more climate-resilient conditions. These actions support higher carbon levels over the long term, even though carbon storage may be reduced in the short term by these treatments. Managing these forests to increase tree species diversity can improve their resilience while also increasing biodiversity (Malone 2020, Churchill et al. 2018). Planting drought-tolerant species and using climate-adapted seed sources can also play an important role. Climate change may already be causing repeated stress and affecting habitat suitability for some tree species, including western red cedar, one of the most culturally significant tree species in King County (Oregon Department of Forestry 2019). In order to maintain this species on the landscape, it is necessary to focus management resources on areas where it is best able to continue to thrive and to experiment with planting seedlings sourced from areas with drier summers and warmer temperatures that may be better adapted to future climate conditions.

Strategies to increase resilience to fire are less clear in forests of the western Cascades. Historically, fires

in this region were very low frequency (>200 year fire return interval), high severity (often consuming canopy), and large scale (up to 500,000 acres affected by a single fire), with a much smaller part of the region characterized by moderately-frequent fires occurring every 50-200 years (Halofsky et al. 2018). Large west side fires have historically burned when an ignition coincides with warm, dry late summer conditions and strong east wind events, particularly when there has been long-term drought. Large fires are weather- and climate-driven rather than fuels-driven events, as fuels are almost always sufficient to carry fires in west side forests because of their high productivity (the same characteristic that allows globally significant carbon storage in these forests). Therefore, the types of fuel reduction treatments used in dry forests in eastern Washington are not effective at reducing fire risk, and attempting to reduce fuel loads by cutting trees and other vegetation at a large scale would result in conditions with low ecological, economic, and other values (Malone 2020). In west side forests, suppressing fires does not alter the forests ecologically. Therefore, when fires do start, early detection and extinguishing fires is the best strategy to avoid widespread forest loss.

However, fuel reduction strategies can be useful in some areas, including near homes and other infrastructure, and can be effective in these areas when wind speeds are relatively low (Malone 2020; Halofsky et al. 2018, Churchill et al. 2018). Risk of fire impacts is higher in the Wildland-Urban Interface (WUI), where increased development and human-caused ignitions can result in more small fires, which could increase in size and frequency with warmer and drier conditions in the future. In addition, the use of fire by Native Americans may have played a role in shaping fire regimes in some parts of the western Cascades and a better understanding of how and where fire was used could help inform management strategies.

Any fuel management practices need to be paired with broader emergency response strategies that improve the ability to evacuate communities in the case of a large, weather-driven fire that would not be slowed by such treatments. In King County, strategies to prepare for a possible increase in wildfire can include working with communities and other landowners adjacent to forests on preparedness, working across King County departments and other jurisdictions to prepare in the case of a large fire, and planning ahead for post-fire management.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

PARTNER SPOTLIGHT

NNRG-Climate Adaptation Strategies for Pacific Northwest Forests

In order to assist foresters and land managers in planning for our future forests, Northwest Natural Resource Group (NNRG) developed the Climate Adaptation Strategies for Pacific Northwest resource page. The resource page compiles climate projections and research on the effects of climate change on forests and outlines recommendations and strategies for maintaining forest productivity and ecosystem services in the face of climate change. Helpful tools include a video series, white paper, forest management plan template, case studies, and lists of additional resources.

1-1 Strategies to Increase Forest Carbon

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Quantify carbon stored in forests throughout King County and identify the potential for additional carbon storage.	▪ Work with partners or consultants to conduct an analysis of potential for additional carbon storage in county forests.		CWHH	Funding needed
Expand carbon-storing management practices in forests, which depending on the forest owner can include extending rotation lengths, preventing conversion of forests for development, and other practices.	▪ Expand the King County Forest Carbon Program to include additional "improved forest management" and avoided conversion properties and projects and add tree planting projects. ▪ Maintain and expand incentives to private landowners, including expanding the King County Forest Carbon Program to private forest landowners or developing other carbon-focused landowner incentive programs. ▪ Ensure that forest stewardship plans developed for King County Parks-managed and private forestland include actions that can enhance long-term carbon potential.	FH UC HH SH WQQ ST	SCAP LCI CWHH	
Plant more trees on degraded habitats and provide follow-up stewardship.	▪ Develop tree planting guidelines so that the right trees and other native vegetation are planted in the right places across county planting projects, anticipating future expected changes in climate and invasive species threats. ▪ Identify areas suitable for tree planting (reforestation or forest enhancement) and implement planting projects on County-managed land, including coordination with other County departments. ▪ Expand planting in King County Parks and through the Volunteer Program, following tree planting guidance ▪ Work with the Department of Local Services (DLS) to address barriers and enable streamlined clearing and grading permits for restoration projects.	FH UC HH SH WQQ ST	SCAP CWHH	Funding needed for long-term planting, maintenance, and monitoring

1-2 Strategies to Increase Climate Resilience of Current and Future Forests

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Prioritize and manage forests to improve species diversity, manage species composition, and/or manage density to improve resilience.	▪ Conduct a vulnerability assessment of King County Parks forests to identify and map areas of higher and lower sensitivity and exposure to climate change; include identification of climate-vulnerable forests in proximity to under-served communities. ▪ Identify and prioritize King County Parks forests that need management actions to increase their resilience and conduct forest thinning and re-planting projects, including consideration of future climate in species planted and density of planting.	FH UC SH ST	SCAP	
Plant trees sourced from a wider range of seed zones, including experimenting with climate-adapted seed sources.	▪ Work with partners to evaluate appropriateness and options for seed sourcing, including developing guidelines for which seed sources are most appropriate for which environments and working collaboratively to develop seed sourcing options. ▪ Work with partners to design, implement, and monitor a trial with climate-adapted seed sources.	FH UC	SCAP	
Facilitate sharing of information among partners on climate-adapted management practices through creation of an on-line hub of research and resources.	▪ Develop a state of the science paper on assisted migration in the Pacific Northwest with specific recommendations for tree planting that can be used to inform forest planting decisions by King County, small private forest landowners, and others. ▪ Participate in and support the development of the Forest Adaptation Network, a forum for professionals in the Pacific Northwest addressing climate change issues in forest, including adaptive forest planting and obtaining appropriate species.	FH UC	SCAP	

1-3 Strategies to Improve Preparedness of Communities

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Improve preparedness for potential increase in wildfire, including identification of forested areas and communities most at risk.	▪ Work with the Office of Emergency Management to develop a Wildfire Strategy for King County, including identification of areas at risk; how to expand education and wildfire resilience strategies; forest resilience strategies; coordination with other public forest landowners; and response to a large fire event.	FH HH ST	SCAP	

1-4 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Experiment with climate-adapted seed sources for culturally important species.	▪ Engage with regional Tribes to determine key tree species to include in trials.	FH SH	ESJ	
Identify vulnerable and suitable areas in the county for key species, including culturally important species, such as western red cedar.	▪ Work with partners to initiate research and mapping.	FH	ESJ	Funding needed

Lead Department/Division:

Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:

FH Forest Health
UC Urban Canopy
HH Human Health
SH Salmon Habitat
WQQ Water Quality & Quantity
ST Sustainable Timber

Related Plans:

SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 2: Forest Health

Improve and restore forest health, including increasing resilience to disease, invasive species, drought, and climate change; sustaining biodiversity, improving wildlife habitat, and restoring connectivity; and maintaining or improving ecological functions.

Goals

2-1 Increase the area of healthy and resilient forestland.

2-2 Increase connectivity of protected forestland to improve wildlife habitat.

2-3 Equity and cultural resources: Create a broader public understanding of pre-settlement forest stewardship by the Coast Salish peoples and the resulting forest conditions as a baseline for healthy, complex, and biodiverse forests; improve forest conditions that support the ability of Tribes to exercise treaty rights and cultural practices; improve forest health in forests close to under-served communities.

What We Heard

Workshop and interview participants and survey respondents discussed a range of forest health issues that were seen as priority areas for this plan. Some focused on issues of disease, pests, drought, invasive species, and preventing wildfires. Two foresters who responded noted the importance of "sustainable stand densities" and "shifts to more resilient species composition (e.g., greater drought tolerance)" and emphasized the importance of decreasing invasive species cover, noting the need to "aggressively fight non-native forest health issues." At the same time, one noted the need to "allow low amounts of native insects and pathogens to provide ecologically valuable forest diversity."

Other participants and respondents focused on the importance of forest health in creating and maintaining habitat for a range of native plant and animal species. Some took a broader view, focusing

PARTNER SPOTLIGHT

Forest landowners in King County have access to a variety of resources through Washington State University Extension (WSU-Extension), King Conservation District (KCD), and the King County Forestry Program. Publications, on-line resources, workshops, technical advice, and cost-share options are made available to help small forest landowners define and achieve goals for their property. These include individual training events, Forest Landowner Field Days, and Coached Planning courses to help to develop forest stewardship plans with guidance from forestry professionals, all of which provide education on sustainable forest stewardship practices and connect landowners with foresters and other experts for site-specific technical advice. Other programs, such as KCD's Landowner Incentive Program, provide cost-share that can cover up to 75% of costs for approved forest health management projects on small forested properties.

on goals related to forests with complex structure and their connections to streams and other ecosystems, while others provided input focused on specific species or groups of species. One noted the need for "increased levels of coarse woody debris/snags throughout the forest for use by cavity nesters, insects and other critters" as well as "diverse stand structure that benefits birds of prey and smaller mammals/prey populations." Tribal input called for recovering elk habitat as well as expanding "the reintroduction of beavers where suitable habitat exists, and where water storage is strategic."

Respondents also noted the dependence of forest health on many other factors. For example, some cited recreation as a positive influence and noted that recreationists often advocate for and are involved in forest stewardship activities. Others expressed concern about recreation capacity and cited the need to "determine truly sustainable levels of recreation that allow for maintaining healthy forests" that support fish and wildlife and allow for Tribal treaty rights to be met. In addition, both climate change and population growth were noted by Tribal members as important overarching factors affecting forest health and the role of forests in providing habitat.

Background

Forest health encompasses a wide range of issues, including disease, drought, and invasive species, among others. While many different definitions exist, forest health is defined in DNR's Forest Action Plan (2020a, 11) as "The condition of a forest ecosystem reflecting its ability to sustain characteristic structure, function, and processes; resilience to fire, insects and other disturbance mechanisms; adaptability to changing climate and increased drought stress; and capacity to provide ecosystem services to meet landowner objectives and human needs." This definition, like many others, includes the term "resilience," which refers to the ability of the forest to absorb and recover from disturbance, so that it retains "essentially the same function, structure, identity and processes" (Walker et al. 2004, cited in Churchill et al. 2018, 1).

In many western Washington forests, the effects of past harvests and current management have resulted in forest cover dominated by younger forests (10-120 years old), while older-stage forests are limited in area and highly fragmented (Churchill et al. 2018). In King County, many forests were clearcut and abandoned or replanted to a single tree species and the resulting forest does not resemble well-functioning forest ecosystems that provide a range of services, creating a need for forest health treatments. These degraded forests have increased vulnerability to forest health problems, making them good candidates for treatments to restore a broader range of tree species, sizes, and ages and more complex canopy structure. Forest health treatments include forest thinning, which can be used to accelerate the development of these and other old-growth characteristics (Puettman et al. 2016).

In addition to improving forest structure and composition, management actions can reduce impacts from insects and disease and can improve the ability of forests to withstand drought, which can improve resilience to other forest health concerns (Churchill et al. 2018). Summer droughts stress trees, making them more vulnerable to competition with other trees, insect and disease outbreaks, and lower growth rates. Forest managers can anticipate drought and work to establish tree species that are well adapted to a site's moisture capacity and manage forest density to limit inter-tree competition for water. Forests with diverse tree species also limit the spread of insects and disease, which are usually specific to one or two species, while healthy trees growing in uncrowded conditions are better able to fight off insect and disease attacks when they do occur. At the same time, maintaining forest densities that allow relatively low ratios of tree height to diameter also will reduce the risk of widespread wind damage, a common disturbance in western Washington forests.

At the landscape scale, the size and shape of forested areas impact the health of the forests and the functions of a forest ecosystem. Larger, contiguous patches of forest cool the local climate, mitigating the effects of urban heat islands. Corridors of high-quality habitat that connect otherwise disconnected large parks allow wildlife to move among the full range of habitats that King County has to offer.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

2-1 Strategies to Increase Healthy and Resilient Forestland

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Identify areas most in need of forest health treatments.	▪ Conduct an assessment of all County-managed forests and prioritize those most in need of forest health treatments.	C ST	SCAP CWHH	
Expand acreage under forest health treatments and improve monitoring and evaluation of forest health problems.	▪ Conduct forest health treatments on high-priority County-managed forests. ▪ Work collaboratively between King County Parks, King County Forestry, and King County Noxious Weeds program to scope the threat of invasive species and increase the acreage of invasive species removal in high-priority forests, including on LCI-priority lands through the Healthy Lands Project (HeLP).	C UC SH WQQ	SCAP LCI CWHH	Funding needed
Engage private forest landowners to foster management to enhance diversity of forest structure and native species and reduce invasive species, including through education and cost-share support.	▪ Expand participation in King County Forestry education programs for private forest landowners, such as Forest Stewardship Coached Planning. ▪ Seek sustained funding for the Washington State University Extension Forest Stewardship Program to maintain and increase stewardship education for private landowners. ▪ Work with King Conservation District and other partners to increase the availability of cost-share resources to increase the likelihood that forest stewardship plans will be implemented.	C UC HH SH WQQ ST	SCAP CWHH	Funding needed

(*Continued*)

2-1 Strategies to Increase Healthy and Resilient Forestland, continued

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Plant more trees on degraded habitats and provide follow-up stewardship.	▪ Develop tree planting guidelines so that the right trees and other native vegetation are planted in the right places across county planting projects, anticipating future expected changes in climate and invasive species threats. ▪ Identify areas suitable for tree planting (reforestation or forest enhancement) on County-managed land and increase planting, including coordination with other County departments. ▪ Expand planting in King County Parks and through the Volunteer Program, following tree planting guidance. ▪ Work with the DLS to address barriers and enable streamlined clearing and grading permits for restoration projects.	C UH HH SH WQQ ST	SCAP CWHH	Funding needed for long-term planting and maintenance
Improve information exchange among partners in King County on forest health research and resources.	▪ Develop a forum or coordinate with partners to include information such as best management practices, successful projects, funding, guides to navigating King County code in an existing forum.	C UC	CWHH	Funding needed

2-2 Strategies to Increase Connectivity of Forestland

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Evaluate and prioritize habitat connectivity needs.	▪ Conduct a county-wide assessment to evaluate and prioritize habitat connectivity needs, building on existing analyses and efforts.	UC SH ST	SCAP CWHH	Funding needed
Increase protection of forestland to prevent land conversion and create connected habitat corridors.	▪ Protect high-priority forestland through fee acquisition, conservation easements, and enrollment in the Public Benefit Rating System (PBRS).	C HH SH WQQ ST	LCI SCAP CWHH	Funding needed
Prevent loss of private forestland through forest stewardship education and expansion of landowner incentives, including tax incentives and payment for ecosystem services.	▪ Expand the use of existing tax incentive programs such as Current Use Taxation (CUT) for forest owners and develop new incentives, including expanding the Forest Carbon Program to provide options for private landowners to participate.	C HH SH WQQ ST	SCAP LCI CWHH	Funding needed

2-3 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Work with Tribes to create a broader public understanding of pre-settlement forest stewardship by the Coast Salish peoples and forest conditions.	▪ Work with Tribes to develop a more complete understanding of Coast Salish forest stewardship practices in order to inform future stewardship plans and public outreach and education materials.	C UC SH	ESJ	Funding needed
Work with Tribes to determine forest health needs to better enable cultural uses.	▪ Work with Tribes to develop guidance regarding desired future forest conditions and management practices and to identify key forest-dependent wildlife species of importance to Tribes and management goals related to their habitat. ▪ Work with Tribes to assess sustainable levels of recreation that allow for maintaining healthy forests.	C UC SH	ESJ SCAP CWHH	Funding needed

Lead Department/Division:

Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:

C Climate
UC Urban Canopy
HH Human Health
SH Salmon Habitat
WQQ Water Quality & Quantity
ST Sustainable Timber

Related Plans:

SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 3: Urban Canopy

Increase tree canopy in urban areas, with a focus on areas with the lowest canopy cover, and maintain and improve the health of existing urban forests.

Goals

1-1 Maintain and increase existing tree canopy in urban areas, prioritizing areas with low canopy cover.

1-2 Maintain urban trees and improve urban forest health.

1-3 Equity and cultural resources: Increase tree canopy above current baseline in urban unincorporated areas with low canopy cover and support urban forest projects as a foundation for youth training to develop tomorrow's forestry leaders.

What We Heard

As we gathered input on priorities for this plan, the importance of increasing and maintaining urban tree canopy stood out as a recurring theme. Respondents emphasized the importance of adding trees in areas with low canopy cover, preserving existing trees and healthy urban forests, and maintaining urban trees, improving tree survival, and promoting overstory and understory biodiversity. We received input highlighting the overall importance of urban forests to balance urban development "...with green spaces to allow everyone outdoor experience." We also heard the more specific need to increase canopy cover in urban areas, reflected in a survey response that noted, "It's in our best interest...to increase our urban tree cover as well as our local forest health and size." Similarly, a workshop participant emphasized the priority that "canopy cover is maintained, not reduced, and increased where there are disparities," while many noted the need to ensure that any efforts to increase canopy reflect the needs and wishes of local communities.

We also heard that a focus on canopy cover and tree planting alone would be insufficient and maintenance and urban forest health also need to be prioritized. A respondent stated, "[maintaining mature trees] is a major concern in urban areas where there is a significant time period before young trees reach maturity when their ecological benefits are realized." Another community member made a related point about the condition and composition of the forest by stating, "I am a proponent of

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Green Cities

Green Cities Partnerships bring cities, nonprofits, and community members together to restore urban green spaces and empower residents to be agents of change in their communities. These community-based stewardship programs engage volunteers to lead forest restoration in their local parks, training volunteer Forest Stewards to host forest restoration events for local volunteers. The Green Cities model keeps volunteers engaged by offering educational and community-building opportunities that foster meaningful connections to local parks. Starting in 2004 when Forterra and the City of Seattle took on the challenge to restore 2,500 acres of forested urban parkland in 20 years, the program has now expanded to include 14 cities and one county in the Puget Sound region. Each year, Green Cities host 1,000 volunteer events, totaling over 115,000 volunteer hours dedicated to restoring urban forest health.

the full process of restoration, building really diverse and functioning habitats that provide ecosystem functions. Sometimes that is planting trees, sometimes it is thinning trees, sometimes it is planting understory shrubs and ground cover…"

In addition, we heard a suggestion that an important role that King County can play in the context of urban forestry is to act "as a regional convener [that] would help coordinate actions and cross pollinate on BMPs [best management practices] and lessons learned." Further, one of the city partners who contributed input suggested that there would be value in developing ways to bring together a coalition of city and County staff working on urban canopy goals to better address them in a more coordinated manner.

Background

The U.S. Forest Service has defined urban tree canopy as the leafy, green, overhead cover from trees that community groups, residents, and local governments maintain in the urban landscape (USFS 2019). This includes anything from large forests in urban greenways or parks to individual trees found in roadside planting strips or school yards. It includes both public and private lands in cities, their suburbs, and towns. Urban canopy provides ecosystem services, such as habitat, stormwater management, climate change mitigation, and improving human health (e.g. improving air quality, cooling heat islands, and providing mental and physical health benefits) (Barron et al. 2016). Urban forests create spaces for nature exposure, recreation, and outdoor education, which contribute to better quality of life and improved overall well-being (Mills et al. 2018, Nowak et al. 2010).

At the same time, urban forests' proximity to development and dense human populations make them particularly vulnerable to disturbances and climate change effects (Steenberg et al. 2017). Urban forests are susceptible to insect pests, diseases, and invasive weeds that can damage existing plants and prevent regeneration (Nowak et al. 2010). Urban trees generally require a higher level of management than rural forests and present unique maintenance challenges to avoid creating hazards for residents and nearby properties, poor sightlines on streets or in parks, or areas where

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Dirt Corps

Dirt Corps provides paid training opportunities in environmental careers for people facing barriers within existing pathways. The training program combines classroom instruction and field opportunities and provides participants with skills that will be valuable for jobs in urban forestry, green stormwater infrastructure, and ecological restoration. In addition, Dirt Corps partners with youth organizations focused on environmental justice to distribute trees in areas with low canopy cover, while engaging in conversations about urban forest health. Like Dirt Corps, programs such as Seattle Parks and Recreation's Youth Green Corps and the Duwamish Valley Youth Corps are examples of successful approaches to community engagement and hands-on training that can create a pathway toward green jobs that support local communities.

residents do not feel welcomed or safe. Urban forestry requires thoughtful planning and species selection to ensure trees are planted in appropriate locations and that continued maintenance is possible in order to create and maintain healthy urban forests. While planting native trees in urban landscapes is preferred for supporting wildlife and native pollinators, it is important to consider that other species may be favored for their fruit or foliage, or may be better-suited to the environment of a city planting strip or urban park.

In King County, between 1992 and 2016, forest cover in cities declined from 23% to 18% (a loss of more than 10,000 acres) and from 37% to 29% in urban unincorporated areas (a loss of approximately 2,000 acres) as the area of developed land increased (Chapter 2). Reversing the loss of urban canopy cover requires preservation and maintenance of existing trees, as well as planting new trees in parks and other public lands, along streets, and on private properties. While some amount of planting may be desired in all urban areas, a targeted approach that addresses the needs of different communities and geographies is required to effectively address the loss of forest cover throughout the county's urban areas.

Furthermore, urban canopy cover is not evenly distributed between or within urban areas (Chapter 2). As in other parts of Washington, areas with lower canopy cover and less access to forested parks are more often occupied by low-income residents and people of color (Constible et al. 2019, Tran et al. 2013). Focusing efforts to increase and improve urban forests in areas with low canopy cover is one way to begin to address inequities created by uneven access to the benefits provided by urban trees. However, a paradox with addressing inequities in urban canopy cover is that more trees and parks can make neighborhoods more desirable for new residents (Wolch et al. 2014). This can lead to increases in housing costs and gentrification that displaces the very residents the greening efforts were meant to benefit. Increasing urban canopy cover while preventing displacement requires meaningful collaboration and co-development of strategies between community members and urban planners (Haase et al. 2017). Targeted planting and urban forest maintenance, paired with input from local communities to better understand needs and cultural uses for urban forests, can provide a starting point for tree planting efforts and for designating new urban parks that can improve overall well-being.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

3-1 Strategies to Maintain and Increase Tree Canopy in Urban Areas

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Improve knowledge of existing urban tree canopy, including conducting additional and repeat urban tree canopy assessments.	▪ Conduct tree canopy assessments and improve understanding of the extent and ownership of forests in urban unincorporated areas with low canopy cover. ▪ Contribute to acquisition of LiDAR or other data every five years to support effectively and consistently monitoring tree canopy across the county.	FH	CWHH	Funding needed for LiDAR/other data
Expand where trees are planted. ▪ Develop and expand incentives and funding programs to provide trees to private landowners in cities and urban unincorporated areas, including support for ongoing maintenance for low-income residents. ▪ Engage volunteers in tree planting, maintenance, and restoration of urban forests.	▪ Increase tree planting and stewardship on urban land managed by King County Parks. ▪ Work with other King County departments to find opportunities for tree planting in urban unincorporated Areas. ▪ Develop a Forest Carbon tree planting project and an Impact Certification project that quantifies equity benefits using City Forest Credit protocols and evaluate them as model for future projects.	C FH HH SH WQQ ST	SCAP CWHH ESJ	

(Continued)

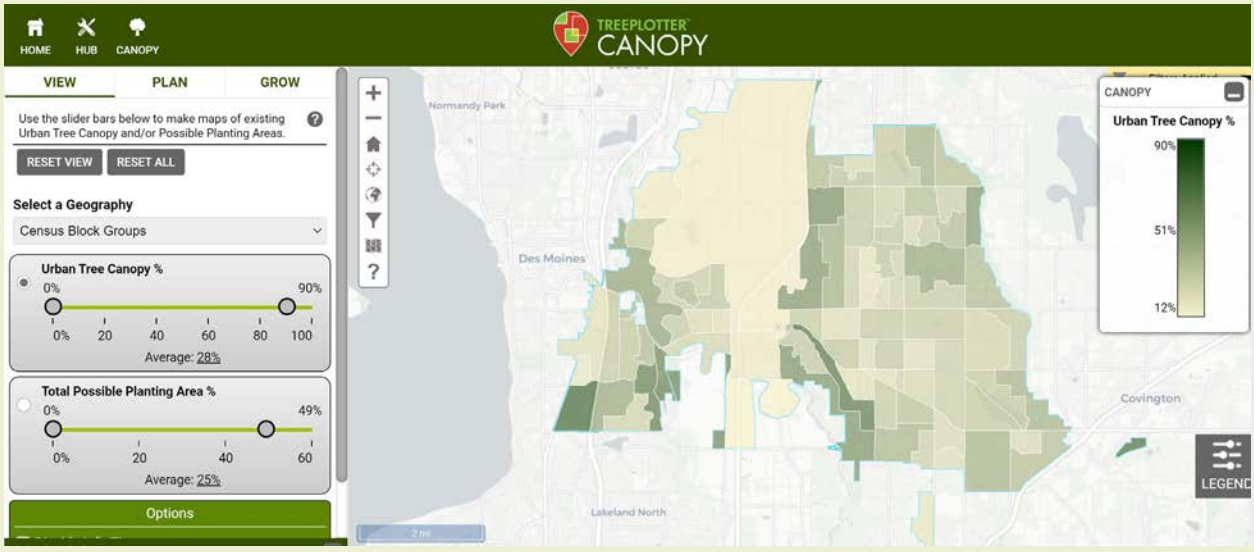
3-1 Strategies to Maintain and Increase Tree Canopy in Urban Areas, continued

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Increase availability of information and best practices on conserving and maintaining urban forests in King County. ▪ Create a portal of information for private landowners in urban areas. ▪ Develop information resources and funding mechanisms to address maintenance issues.	▪ Develop a forum, such as an urban forestry advisory group, for information exchange among cities in King County (potentially including tree ordinances, tree lists, incentive program examples, best management practices, engagement strategies for private property, guidance for sensitive habitats, climate plans, and other information).	FH		Funding/staff needed
Expand education on the importance of healthy urban forests and opportunities for volunteer engagement to empower residents to advocate for and steward urban trees. ▪ Work with local communities and youth to develop materials geared towards youth and community education programs, including information geared towards lower-income residents.	▪ Through King County Parks' Volunteer Program, engage residents surrounding parks by building creative programming and partnerships to support community education about the health of local parks; increase efforts to gather input from community members about restoration design. ▪ Incorporate tree and shrub distribution for local park volunteers and neighbors into at least two volunteer events per year.	FH HH SH WQQ	SCAP CWHH	Funding/ staff needed to expand programs

PARTNER SPOTLIGHT

KCD Tree Canopy Assessment

King Conservation District's web-based Canopy Planner tool assists south King County communities in planning urban forest improvement projects. The software uses GIS and remote sensing data to create interactive maps of current tree canopy and other land cover classes. Users can then incorporate city-specified criteria, including tree canopy, plantable space, and stormwater priorities, to visualize future urban forests. Users create maps of future canopy cover with different planting scenarios and can save reports for use in strategic planning, community development, and urban forest management for south King County communities.



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3-2 Strategies to Maintain Urban Trees and Improve Urban Forest Health

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Plant for and maintain the health of the full forest ecosystem, including shrubs, understory, and groundcover plants, in addition to trees.	▪ Through King County Parks' Volunteer Program, provide increased staff development and training on best management and community-based restoration practices to increase plant diversity in parks. ▪ To support King County Parks' volunteer events, develop culturally relevant materials to deepen public education on the value and ecosystem benefits of urban forests; continue education on planting techniques to build community knowledge base. ▪ Develop guidelines for planting the "right tree in the right place" and work within and across departments to disseminate them.	C FH HH SH WQQ	SCAP	Funding needed to develop new materials with communities
Improve the health and survival of new seedlings and established forest through monitoring, capacity building, and funding for tree maintenance and forest health. ▪ Develop and implement monitoring programs for forest health and seedling survival.	▪ Build capacity and funding for restoration and forest health treatments in established forests in urban unincorporated areas. ▪ Work within and across King County departments to establish funding and responsible parties for new seedling care, including watering, pruning, mulching, and disease management. ▪ Develop urban projects in the Forest Carbon Program using the tree planting protocol and designate a portion of carbon credit revenue for tree maintenance.	C FH SH	SCAP CWHH	Funding needed

3-3 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Increase tree canopy above current baseline in urban unincorporated areas with low canopy cover in ways that address community needs and create welcoming, safe spaces.	▪ Work within DNRP and with the DLS to engage with urban unincorporated areas with low tree canopy cover (including White Center and Skyway) to understand desired types of tree canopy and associated strategies to prevent gentrification. ▪ Develop one or more new tree planting projects in White Center/North Highline and/or Skyway. ▪ Work with DLS to evaluate possibilities to plant and maintain street trees and potential changes in tree replacement policies in urban unincorporated areas.	HH WQQ	SCAP CWHH ESJ	Funding needed for engagement, planting, staff
Support and expand youth job training and educational programs.	▪ Work with King County Parks' Teen Internship Program to engage teen interns on forest health, among other environmental and human health challenges.	HH SH ST	SCAP ESJ	Funding needed to expand program

Lead Department/Division:
Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:
C Climate
FH Forest Health
HH Human Health
SH Salmon Habitat
WQQ Water Quality & Quantity
ST Sustainable Timber

Related Plans:
SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 4: Human Health

Prioritize tree canopy improvements and increased access to forested spaces to improve human health outcomes and advance health equity.

Goals

4-1 Increase tree canopy with improvements focused in geographies and communities with residential areas subject to high levels of summer heat and/or pollution or other human health disparities.

4-2 Improve access to forested spaces, prioritizing communities where the needs are greatest, and support outdoor recreation opportunities that can provide physical and mental health benefits.

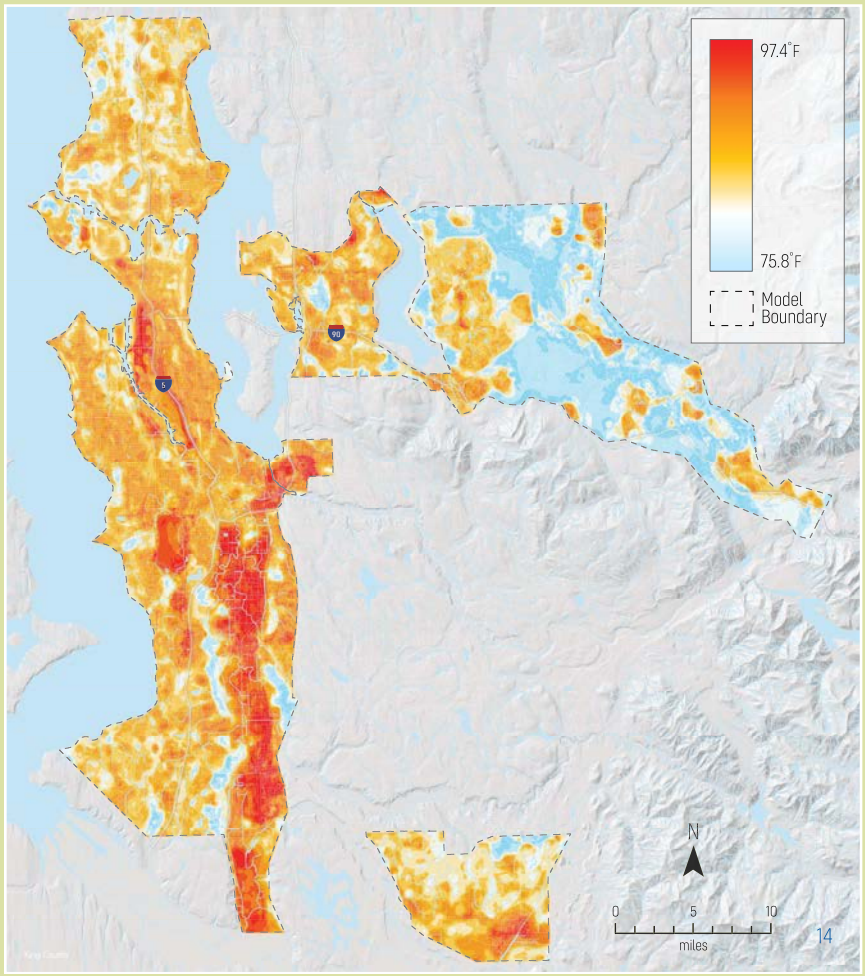
4-3 Equity and cultural resources: Increase use, engagement, and sense of belonging in forested parks where access to or use of parks and green spaces is below the regional average.

What We Heard

During our initial outreach effort, partners and community members highlighted human health as a priority when considering King County's future forests and urban trees. We received input about broader health benefits, as shown in a survey respondent's comment that "living in a highly urbanized area, health and well-being are a concern." We also heard about the importance of specific health benefits associated with tree canopy, as another survey respondent stated, "I spend a lot of time outdoors, so air quality, temperature, and other health benefits are important to me." Another said, "providing shade and lowering temperatures in urban areas is important to me because I live in an intensely, and growing, urban area." A workshop participant underscored the need for "all communities [to] have

Figure 6. Evening temperature predictions (7-8 pm), based on a heat mapping study conducted on July 27, 2020. Temperatures are strongly influenced by the type of land cover, including the amount of tree cover.

CAPA strategies Heat Watch



access to greenspace and improved air and water quality." This input, paired with King County's own public health and equity and social justice goals, underscores the importance of human health when creating a vision for King County's future forests.

Background

Trees and green spaces provide many benefits for human health, improving air quality, cooling urban heat islands, and improving mental health (including reduced depression and anxiety), among others (Frumkin et al. 2017). The health benefits of urban trees range from reducing harm (such as exposure to heat or air pollution), restoring well-being (such as through improved mental health), and improving health outcomes (such as birth outcomes) (Wolf et al. 2020). Although tree planting also has potential to increase pollen allergies, and allergy seasons in the U.S. are getting longer with climate change, species with low allergy ratings can be selected for planting projects so that the many health benefits of trees are not offset (Richmond 2019, Zhang et al. 2015).

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While 60% of King County is forested, disparities in the distribution of trees are pronounced, especially in urban areas; the health benefits of trees are therefore not equally distributed (Chapter 2). Uneven distribution of trees within and across cities leads to some neighborhoods with much lower tree cover than others. Communities living in areas with low canopy cover experience higher average summer temperatures (Constible et al. 2019, Ziter et al. 2019), worse air quality, and are more likely to face health risks related to asthma, heart disease, and mental illness (Constible et al. 2019, Frumkin et al. 2017, Tran et al. 2013). Without access to safe, nearby greenspaces, residents are less likely to interact with nature, limiting access to the mental and physical health benefits it can provide (2017).

Urban areas predominately occupied by low-income residents and people of color tend to have the highest percentage of paved surfaces (Constible et al. 2019, Tran et al. 2013). Areas with more pavement and relatively low canopy cover have reduced access to the health benefits that trees and access to nature provide (Ziter et al. 2019, Ulmer et al. 2016). Additionally, heat islands, or areas with substantially higher air temperatures than other areas in the region, are also associated with lower tree canopy. In a study of cities across the U.S., heat islands were linked to historical housing policies, with higher temperatures in areas where redlining occurred, perpetuating disproportionate exposure to heat effects (Hoffman et al. 2020). The current global health crisis caused by COVID-19 further exemplifies health disparities within cities, including higher mortality risk in areas with poor air quality and less ability to safely socialize and exercise in communities that do not have welcoming outdoor spaces nearby.

Creating, expanding, and improving urban green spaces, including through tree planting, has been identified as one way to lower temperatures in

The Trust for Public Land (TPL) "Green Schoolyard" program

PHOTO: ©2013 JENNA STAMM FOR TRUST FOR PUBLIC LAND

In the United States, nearly 100 million people do not live within a 10-minute walk of a public park or green space. Of those, 19.6 million people, including 5.2 million children, do live near a public school. The Trust for Public Lands' Green Schoolyards Initiative works to transform the 100,000 public schoolyards in the U.S. into publicly accessible community hubs that are designed by communities, for communities. TPL facilitates participatory design processes with local communities to ensure that school yards meet the needs of neighbors as well as students, incorporating trees and gardens, art, and useful features tailored to specific community interests. By adding trees and green features to these previously paved school yards, this initiative can decrease ambient temperatures in schoolyards, divert and absorb stormwater, and provide overall tree-related health benefits for students and the community at large.

urban areas, and may be particularly important for moderating nighttime temperatures (Aram et al. 2019, Ziter et al. 2019, Bowler et al. 2010). Increasing tree cover in heavily paved urban areas cools temperatures through shading and transpiration, or by using the sun's energy to evaporate water rather than heat air, both of which decrease temperatures at ground level (Aram et al. 2019, McDonald et al. 2016). In addition, targeted, strategic tree planting in areas with poor air quality has been shown to significantly decrease air pollution. The Nature Conservancy found that, "trees provide meaningful but locally concentrated reductions in PM [particulate matter] and temperature" and street trees can play a valuable role (McDonald et al. 2016, 3).

Adding more trees to urban and suburban areas with lower canopy cover also creates more greenspaces that can be used for recreation, outdoor learning, and other forms of nature exposure. These nature experiences can occur within cities, in parks, urban forests, and at sites of green stormwater infrastructure (GSI), which all can provide health and wellness benefits (Wolf 2016). By focusing tree planting in areas with low canopy cover, some of the human health and environmental justice issues associated with too few trees and limited access to nature can begin to be addressed. However, it is important to note that these forested areas must be culturally accepted, maintained, and perceived as safe for the positive outcomes to be realized. By working with experts and communities to determine the most appropriate locations and types of planting needed in each area, King County and partners can advance health equity while supporting local benefits of greenspace and urban trees.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

4-1 Strategies to Increase Tree Canopy to Address Disparities in Air Quality, Summer Heat, and Other Health-Related Factors

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Identify priority areas to address air quality and summer heat and expand community-specific outreach and participation to understand local needs and goals as they relate to tree canopy and issues of human health in urban areas.	▪ Using recent heat mapping data, develop an implementation strategy, including evaluating overlap with LCI Opportunity Areas, and prioritize early actions to address disparities; seek funding and partnerships to begin implementing high-priority projects. ▪ Identify areas suitable for tree planting and implement planting projects on County-managed land in unincorporated urban areas, including coordination with other County departments.	FH UC	SCAP ESJ CWHH LCI	Funding needed to implement project
Expand tree-planting and tree-retention incentives in areas where these actions can advance human health benefits, including incentives for private landowners.	▪ Develop a City Forest Credits Impact Certification project that quantifies human health benefits associated with tree planting and evaluate it as model for future projects.	C UC SH WQQ	SCAP ESJ	

4-2 Strategies to Increase Access to Forested Areas and Support Outdoor Recreation

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Reduce transportation and other barriers to accessing forested areas.	▪ Continue to expand and enhance programs like King County Parks and Metro's Trailhead Direct project and seek continued and long-term sources of funding for public transportation to trails and urban green spaces. Inform and adapt these programs based on current understanding of sustainable levels of recreation developed in Strategy 2-3. ▪ Partner with cities and community-based organizations to identify barriers to forestland access and build local capacity to address them.	FH	CWHH	Funding needed for work with cities and communities
Add public forested open space where little exists, including amenities that support public use, and evaluate best practices for avoiding "green gentrification," including co-investing in greenspace and housing.	▪ Continue to pursue forested open space acquisition in LCI Opportunity Areas; where appropriate, utilize the Healthy Lands Project to support enhanced vegetation management.	C UC SH WQQ	LCI SCAP CWHH ESJ	Funding needed

4-3 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Support community-based programs that provide outdoor experiences, opportunities for youth and seniors, accessibility, and culturally appropriate programming and amenities at forested parks. ▪ Improve park interpretive signage and art to include Native American history and use and acknowledge original site names when naming parks and trails. ▪ Partner with cities and community-based organizations in the use of social marketing campaigns to promote health and increase sense of belonging with community forests.	▪ Expand culturally appropriate programming in forested open spaces in LCI Opportunity Areas or other urban areas with similar health and income metrics.	UC SH WQQ	LCI CWHH ESJ	Funding needed
Increase opportunities and support existing programs that provide training in green jobs and professional development for groups that have been underrepresented in forestry to create a more diverse forestry workforce.	▪ Work with King County Parks' Teen Internship Program to engage teen interns on forest health, among other environmental and human health challenges.	UC SH ST	SCAP ESJ	Funding needed to expand program

Lead Department/Division:

Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:

C Climate
FH Forest Health
UC Urban Canopy
SH Salmon Habitat
WQQ Water Quality & Quantity
ST Sustainable Timber

Related Plans:

SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 5: Salmon Habitat

Increase and improve forest cover and condition in areas where it can enhance salmon habitat.

Goals

5-1 Protect, increase, and improve the extent and health of riparian forests.

5-2 Protect, increase, and improve the extent and health of forests in the headwaters of salmon streams to improve ecological function and protect water quality and quantity.

5-3 Equity and cultural resources: Align salmon habitat restoration with Tribal priorities and use culturally important plant species in salmon habitat restoration.

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What We Heard

Salmon habitat recovery is considered a priority by local, state and federal government, nonprofits, and private organizations in King County. Throughout our outreach, we heard about the importance of salmon habitat when planning for future forests in the region. A respondent to the on-line survey stated, "so much of the original wildlife and salmon habitat has been lost that we must do what we can to preserve what remains and return as much as we can back to its original condition." Other survey respondents emphasized that "our salmon are important because they reflect the health of our streams. It is important that we have forest to protect water" and that "we need to take actions now to ensure salmon populations continue to thrive in our area." A program manager with Mt. Baker-Snoqualmie National Forest expressed the goal that through forest planning we can "achieve functional aquatic ecosystems that support an array of physical, biological and chemical processes." These comments represent a small subset of the feedback highlighting salmon habitat as a priority consideration in planning for future forest cover and health.

Background

Salmon populations in the Puget Sound region have sustained Indigenous communities and played a key role in natural ecosystems for millennia. Puget Sound is home to eight species of anadromous salmonids including pink, chum, Chinook, coho, and sockeye salmon,

steelhead trout, cutthroat trout, and bull trout (State of Our Watersheds 2016). Anadromous salmon are born in freshwater rivers and streams, but migrate to the ocean to mature, and return to fresh water to spawn at the end of their life cycle, bringing nutrients and energy from the ocean back into stream systems. This contributes to nutrient cycling in the terrestrial landscape, which supports diverse communities of plants and wildlife and contributes to overall ecosystem function (National Marine Fisheries Service (NMFS) 2007).

Habitat degradation and loss, along with overfishing, have led to sharp declines in salmonid populations since the late 1800s (NMFS 2007, State of Our Watersheds 2016). Degradation of riparian forests and loss of forest cover or change in the type of forest cover throughout King County watersheds has altered in-stream conditions and has contributed to these declines (State of Our Watersheds 2016). For example, riparian vegetation on the Green River has dramatically decreased over the past 150 years, causing degradation of salmon habitat and a need "to restore a broad swatch of tall trees and other native riparian vegetation on all land use types, urban and rural, along the entire length of the Green River and its tributaries" (WRIA 9 2016, 5). In addition, while the overall forest cover in rural areas of King County was largely stable between 1992 and 2016 (Chapter 2), localized upland timber harvest and diminished habitat quality in replanted areas contributed to degradation of habitat (State of Our Watersheds 2016). At the same time, in urban and suburban areas of the county, conversion of forests for development has contributed to a loss of habitat and increase in impervious surfaces, with implications for water quality in streams (Chapter 2).

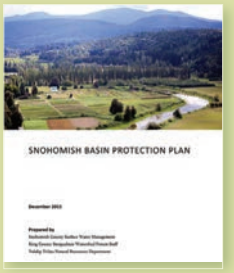
Healthy riparian and upland forests protect salmon habitat in many ways. Each stage of an anadromous fish's life cycle has unique habitat requirements. Spawning fish need cool, oxygenated water to lay their eggs; juveniles need protected water with adequate food resources; and adult and juvenile salmon need healthy estuary and marine habitat to mature and feed (NMFS 2007, Murphy 1995). Trees along riparian corridors shade water, keeping temperatures lower, while also providing habitat for invertebrates that serve as a food source for juvenile salmon. Large wood deposited by fallen riparian trees creates pockets of slow, sheltered habitat for juvenile salmon to feed and hide from predators, and log jams also create pools in rivers and streams (WRIA 9 2016). Forested buffers along waterways reduce erosion and stabilize riverbanks, decreasing sediment loads in the water. Dynamic forests that experience natural successional cycling and host diverse communities of riparian flora and fauna create the complex habitat that salmonids need to thrive (Naiman et al. 2005).

Upland forests regulate stormwater flows by slowing stormwater runoff and snowmelt, allowing water to infiltrate into the ground and decreasing flashy pulses of water that cause erosion (Snohomish Basin Protection Plan (SBPP) 2015). Healthy, complex forests with varied ages and species of plants, healthy soils, and diverse wildlife communities are more resilient to disturbance, and provide continuous water quality and quantity benefits over time. Forest management methods that promote complexity, diversity, and other old forest characteristics can minimize negative impacts on water quality and quantity, while improving resilience to climate change.

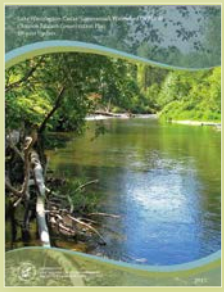
Salmon habitat restoration has been pursued in King County for over 20 years, with a focus on the recovery of salmonid populations listed as threatened under the Endangered Species Act and honoring Tribal treaty rights to harvest salmon. Each of the four major watersheds in King County (WRIAs 7-10) have developed their own salmon recovery plans and each plan includes expansion of forest cover and forest restoration in high-priority areas for salmon habitat. These plans constitute chapters of the regional recovery plan for Puget Sound and highlight the need for forest recovery efforts that restore ecosystem processes and create the complex, healthy habitat necessary to support a variety of salmonid species (NMFS 2007). While the 30-Year Forest Plan focuses on strategies and actions associated with forest cover and condition that are integral to salmon recovery, it is important to underscore that removal of artificial barriers to fish passage, wetland restoration, and management of salmon harvests will also be necessary in order to have lasting impacts on salmon populations (WRIA 8 2017, SBPP 2015, WRIA 9 2005).

King County Salmon Plans

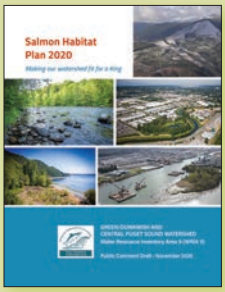
WRIA 7: The Snohomish Basin Protection Plan (SBPP), completed in late 2015, builds on the 2005 that laid out a 50-year path towards species recovery. The SBPP highlights the importance of protecting basin hydrology to protect salmon habitat and ecosystem functions, preserve water quality, and mitigate the impacts of drought and floods. The plan recommends strategies to develop better information about areas of hydrologic importance and protect those areas, including by preventing forest conversion on properties owned by small forest landowners, retaining trees, and protecting critical areas.



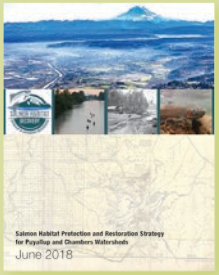
WRIA 8: The Lake Washington/Cedar/Sammamish Watershed Chinook Salmon Conservation Plan (WRIA 8 Plan) sets a science-based vision for salmon recovery, including habitat restoration goals, monitoring and adaptive management priorities for assessing impacts on salmon, and strategies to alleviate factors affecting salmon survival. The plan focuses on Chinook salmon, listed as threatened under the Endangered Species Act, recognizing that many species and ecosystem services will benefit from efforts to bring this key species back to sustainable, harvestable population levels. Strategies outlined in the plan include protecting and restoring riparian vegetation and protecting and restoring forest cover and headwater areas in the WRIA 8 watershed.



WRIA 9: The Green/Duwamish and Central Puget Sound Watershed (WRIA 9) 2005 Salmon Habitat Plan, "Making Our Watershed Fit for a King," will be updated in 2021. The Update provides a science-based framework for identifying, prioritizing and implementing salmon recovery actions over the next 10-15 years. Priority actions include restoring floodplain habitats, revegetating riparian areas, improving water quality and supply, and providing fish passage at Howard Hanson Dam.



WRIA 10: The Salmon Habitat Protection and Restoration Strategy for Puyallup and Chambers Watersheds, developed in 2018, focuses on salmon habitat restoration and describes strategies such as reconnecting river channels to their floodplains, removing physical barriers to fish passage, and restoration and maintenance of hydrologic regimes through conserving and protecting forest lands and creating a Community Forest Program. The Strategy outlines 50-year habitat goals, 10-year implementation goals, and strategies for improving the performance of salmonid populations in the WRIA 10 and 12 watersheds.



Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

5-1 Strategies to Improve the Extent and Health of Riparian Forests

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Increase protection of existing riparian forest to prevent loss of forest cover. ▪ Improve understanding of where riparian buffer protection is most needed. ▪ Protect high priority riparian forest through acquisition and conservation easements in riparian areas.	▪ Improve accuracy of stream locations and appropriate levels of protection through updated water typing on King County streams, particularly near urban areas. ▪ Review the LCI target list in conjunction with salmon recovery plans to identify and prioritize key riparian forests for protection (and for restoration, including invasive species removal). ▪ Acquire properties or conservation easements on LCI-targeted forested parcels in riparian areas.	C FH HH WQQ ST	SCAP LCI CWHH	Funding needed for protection
Expand restoration in riparian buffers with low or degraded forest canopy, focusing on priority areas identified in the salmon recovery plans. ▪ Increase tree planting on public lands in key areas for salmon habitat. ▪ Increase invasive weed control on high priority public and private lands. ▪ Develop programs to incentivize private landowners to plant trees in riparian areas and expand the use of riparian best management practices. ▪ Engage youth and expand youth job training in riparian planting and restoration.	▪ Leverage the King County 3 Million Trees Initiative to "Plant, Protect, and Prepare" to support riparian restoration goals and priorities identified in salmon plans. ▪ Accelerate removal of invasive weeds in high priority riparian areas (identified above) through the HeLP. ▪ Identify riparian areas for Volunteer Restoration Program projects that enhance salmon habitat. ▪ Explore the use of Forest Carbon credits to incentivize private landowners to plant riparian buffers. ▪ Develop and share guidance for riparian buffer widths based on waterway type, building on the work of the Fish Farm Flood Initiative. ▪ Work with King County Parks' Teen Internship Program and partners to develop and expand youth training opportunities.	C FH UC HH WQQ ST	SCAP LCI ESJ CWHH	Funding needed for long-term restoration and training

5-2 Strategies to Improve the Extent and Health of Upland Forests

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Increase protection of existing upland forest.	▪ Review the LCI target list in conjunction with salmon recovery plans to identify and prioritize key upland forests for protection. ▪ Acquire properties or conservation easements on LCI-targeted upland forested parcels. ▪ Target high-priority upland forests for enrollment in King County Current Use Taxation, in coordination with the LCI.	C FH HH WQQ ST	LCI CWHH	Funding needed for protection
Promote management of upland forests for improved ecosystem function and habitat benefits. ▪ Determine priority areas to manage forests for improved salmon habitat. ▪ Expand protection in priority areas, including through increased public ownership. ▪ Engage private forest landowners to adopt practices that benefit salmon, including expanding incentives and cost-share programs.	▪ Partner with forest landowners and land managers to better understand the benefits of upper watershed forests for salmon recovery and habitat restoration and develop approaches to maximize those benefits. ▪ Develop a long-term stewardship plan for King County Parks-managed forests that includes identifying areas where forest management actions could improve salmon habitat. ▪ Support private forest landowners to develop comprehensive forest stewardship plans that include consideration of salmon habitat.	C FH UC WQQ ST	SCAP	
Streamline permitting and code to accelerate tree planting and riparian restoration efforts.	▪ Work with King County DLS to improve the permitting process, including improving on-line resources.	C FH	CWHH	Funding needed

CYNDY HOLTZ

5-3 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Work with Tribes to align county restoration priorities with Tribal interests, where possible.	▪ Continue to work with Tribal representatives on habitat restoration planning to address Tribal concerns and interests and incorporate Tribal recommendations.	C FH	ESJ	
Work with Tribes to identify culturally relevant plants for restoration efforts that support ecological and cultural goals.	▪ Continue to seek input from Tribal archeologists, historians, botanists, biologists, and ecologists when developing planting lists for mitigation, restoration, and revegetation projects.	C FH	ESJ	Funding needed

Lead Department/Division:
Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:
C Climate
FH Forest Health
UC Urban Canopy
HH Human Health
WQQ Water Quality & Quantity
ST Sustainable Timber

Related Plans:
SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 6: Water Quality and Quantity

Maintain and expand forest canopy where it provides the most benefit for improving water quality and quantity, reducing stormwater runoff, and reducing flooding.

Goals

6-1 Maintain and expand forest cover in areas identified as having poor water quality or high pollutant loads to streams and rivers, where forest cover improvement can provide benefits.

6-2 Maintain and expand forest cover to improve water quantity conditions in areas identified as having high potential to mitigate flooding or where protecting groundwater is a priority.

6-3 Equity and cultural resources: Integrate equity considerations into prioritization of stormwater projects involving forest cover.

What We Heard

Water quality and quantity were emphasized as priorities for future forest planning by community members, non-profit staff, and government partners. Respondents highlighted the need for decreased pollutant loads and improved water quality. For example, one stakeholder suggested the need to "prioritize tree planting in areas where riparian/water quality benefits can be realized" and another hoped future forests would lead to "reduced stormwater volumes and pollutant loads in local streams" and "reduced stream flashy flows" as well as improved water quality indicators. We heard that "tree cover and vegetation are critical to capturing and preserving groundwater and avoiding excess runoff" in the winter and about the importance of forests for floodplain recharge and water retention, underscoring the importance of future forests in regulating water quantity. Responses made clear that improving both water quality and quantity could

have broader impacts on the region. This includes effects of water quality on ecosystems, particularly those that provide salmon habitat, as well as protecting water resources for people.

Background

The Pacific Northwest is well known for its evergreen forests, and for the climate that creates an ideal habitat for large, long-lived tree species. These trees in turn impact the way precipitation flows through the landscape. Trees intercept water with their leaves and branches, allowing it to evaporate back into the air before ever reaching the forest floor, release water back into the air through transpiration, and create soil conditions that allow water to infiltrate into the ground (Seattle Public Utilities (SPU) 2008). Forested landscapes also have the ability to filter sediment and pollutants from water before they reach streams or larger water bodies.

King County was once more extensively covered by forests, which absorb and filter rainwater before it flows into streams, rivers, and eventually Puget Sound (DNRP 2016). As decreases in forest cover and increases in land development create more impervious surfaces, it contributes to larger pollutant loads that impact water quality (Asselmeier et al. 2019). Currently, only roughly 16% of rainfall is absorbed into the landscape, resulting in 146 billion gallons of water flowing directly into waterways as stormwater runoff each year, the majority of that untreated (DNRP 2016a; Burkey 2018). Replacing trees and forests with impervious surfaces can lead to a variety of ecological and human heath challenges related to poor water quality. In urban areas, stormwater moving across the landscape collects pollutants, including oil and heavy metals from roads and parking lots, fertilizers and pesticides from lawns and other areas, and animal waste from parks and yards (DNRP 2016a). In rural areas, recently cut forests and agricultural fields with a significant proportion of bare soil and limited riparian buffers allow for loose soil, agricultural chemicals, and waste from livestock to be washed away with stormwater. In addition to stormwater impacts, the loss of riparian forest cover has led to increased summertime water temperatures in many of our streams and rivers. The removal of tall shoreline trees has allowed too much sunlight to reach the water, leading to water temperatures that are unhealthy and sometimes lethal for salmon. Maintaining and expanding forest cover in areas with high pollutant loads and adding forested buffers between sources of pollutants and waterways can play a critical role in intercepting sediment and pollutants and mitigating high summer water temperatures. These strategies may be particularly valuable in the many parts of unincorporated King County that were developed prior to stormwater control requirements.

In addition to improving water quality, forested landscapes moderate water quantity by slowing stormwater runoff, allowing water to infiltrate into groundwater reservoirs and regulating surges of stormwater from slopes and stream banks. According to a modeling study in King, Snohomish, and Pierce counties, even where tree canopy covers one-third or less of an urban area, a 20% increase in tree canopy can reduce runoff between 2-9% (Asselmeier et al. 2019). The type of tree canopy influences the outcomes of increasing tree canopy. Although data are limited for the Pacific Northwest, conifers intercept and transpire approximately 30% of precipitation compared to 15% for deciduous trees (Asselmeier et al. 2019). In addition to decreasing stormwater runoff, research shows that forested landscapes correlate with lower peak flows and less frequent low-moderate flood events, while water stored in underground aquifers contributes to stream flow in seasons with low rainfall and contributes to drinking water consumed by many residents of King County (Bathurst et al. 2020). By contributing to regulating the quantity of water moving through a landscape, forests can play a role in reducing costly damage from floods and erosion and help moderate flows that can overload urban stormwater infrastructure.

Cedar River Watershed

The Cedar River Municipal Watershed is managed by Seattle Public Utilities to provide drinking water for 1.4 million customers in the greater Seattle area. The watershed's 90,636 acres are managed for water quality and quantity under the direction of a 50-Year Habitat Conservation Plan that focuses on fish populations, wildlife, river flows, and restoration. The plan incorporates the latest scientific knowledge to protect the water supply and hydroelectric operations, while also protecting and restoring habitat for the 82 fish and wildlife species of concern. Watershed restoration activities aim to increase biodiversity and facilitate development of old growth forest conditions, providing greater forest complexity and improved habitat diversity, in addition to improving streamside vegetation and reducing the impact of road crossings. While public access is restricted in the watershed, visitors can learn more about historic and current day management at the Cedar River Watershed Education Center or through on-line resources that include virtual field trips and educational videos.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

6-1 Strategies to Maintain and Expand Forest Cover for Water Quality

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Identify priority areas and actions and prioritize planting locations with high opportunity to shade rivers and mitigate high summer water temperatures.	▪ Improve accuracy of stream locations and appropriate levels of protection through updated water typing on King County streams, particularly near urban areas. ▪ Apply King County Water Quality Benefits Evaluation to prioritize projects. ▪ Use the Stormwater Retrofit Prioritization framework to inform where to consider expanding forest cover and urban trees. ▪ Develop and share guidance for riparian buffer widths based on waterway type, building on the work of the Fish Farm Flood Initiative.	SH	CWHH	Funding needed
Develop new Green Stormwater Infrastructure (GSI) projects that include trees, while retaining as much tree canopy as possible on sites being retrofitted for GSI.	▪ Prioritize planting trees as a way to meet National Pollutant Discharge Elimination System Municipal Stormwater Permit regulations under the structural stormwater controls requirement.	C FH UC	CWHH	

(Continued)

6-1 Strategies to Maintain and Expand Forest Cover for Water Quality, continued

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Plant and protect riparian buffers.	▪ Review the LCI target list in conjunction with salmon recovery plans to identify and prioritize key riparian forests for protection (and for restoration, including invasive species removal). ▪ Acquire properties or conservation easements on LCI-targeted forested parcels in riparian areas. ▪ Leverage the King County 3 Million Trees strategy to "Plant, Protect, and Prepare" to support riparian restoration goals and priorities identified in salmon plans. ▪ Accelerate removal of invasive weeds in high priority riparian areas (identified above) through the King County Healthy Lands Project.	C FH UC SH	LCI SCAP CWHH	Funding needed for protection
Develop programs to incentivize private landowners to plant trees in riparian areas and expand the use of riparian best management practices.	▪ Explore the use of Forest Carbon credits to incentivize private landowners to plant riparian buffers.	C FH UC SH	SCAP CWHH	
Improve monitoring of tree planting projects and coordination with related efforts.	▪ Incorporate monitoring as a component and budget item in any planting or restoration work. ▪ Track riparian planting progress using the ArcGIS On-line Revegetation Tracker map. ▪ Explore opportunities to capture monitoring in existing efforts, such as the King County Green Building Team's Sustainable Infrastructure Score Card. ▪ Coordinate with the King County Beaver Task Force to optimize water quality benefits of tree planting along streams.	SH	CWHH SCAP	Funding needed for monitoring

6-2 Strategies to Maintain and Expand Forest Cover for Water Quantity

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Identify priority areas with high hydrologic value, emphasizing connectivity and minimum size for forest hydrology impact.	▪ Conduct prioritization analysis to be shared among partners ▪ Use the Stormwater Retrofit Prioritization framework as a decision-making tool for expanding forest cover and urban trees.	FH SH	CWHH	
Increase protection in ecologically valuable and sensitive areas, including through incentive programs for preserving and converting to forestland cover and assess tree planting opportunities. ▪ Expand education, cost-share, other support for small forest landowners.	▪ Identify and acquire LCI-identified forestland in priority areas ▪ Expand King County Public Benefits Rating System, Current Use Taxation, and other forestry incentive programs. ▪ Coordinate outreach to forest landowners among King County Forestry, WSU Extension, King Conservation District, and DNR for continuity across jurisdictions.	C FH HH SH ST	LCI	Funding needed to expand programs and outreach

6-3 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Conduct outreach and community awareness campaign to communicate the connection between forests and stormwater.	▪ Conduct community outreach by Stormwater Services to ensure GSI projects align with community needs ▪ Include outreach materials in on-line portals for partners, in coordination with Puget Sound Starts Here and Puget Sound Partnership. ▪ Developing a volunteer stewardship program to advance community stewardship of Stormwater Services lands such as Hamm Creek and Seola Pond in White Center. ▪ Provide support for current programs (e.g. Green Duwamish Revegetation, Duwamish Alive Coalition, Duwamish River Cleanup Coalition, DIRT Corps) to pilot work with Stormwater Services.	UC HH	ESJ CWHH	Funding needed
Increase tree planting in urban and industrialized waterways.	▪ Focus tree planting in LCI Opportunity Areas or other urban areas with similar health and income metrics to address health and community needs. ▪ Support tree planting on private property in urban unincorporated King County communities with low canopy and high levels of imperviousness through the GSI Incentive Program.	UC HH	LCI ESJ	Funding needed for planting and maintenance

Lead Department/Division:

Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:

C Climate
FH Forest Health
UC Urban Canopy
HH Human Health
SH Salmon Habitat
ST Sustainable Timber

Related Plans:

SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

Priority 7: Sustainable Timber

Support an ecologically sustainable and economically viable timber industry that promotes maintenance of ecological functions in working forests and local economic development.

Goals

7-1 Maintain healthy working forests and prevent forest fragmentation and the conversion of working forests to non-forested uses.

7-2 Increase the use of forestry practices that improve ecological functions (such as carbon sequestration, fish and wildlife habitat, and hydrologic cycling) in working forests.

7-3 Improve access to and condition of infrastructure and markets that support sustainable forestry practices.

7-4 Equity and cultural resources: Increase equity in the timber industry and diversity of forestry professionals, in particular those trained in ecological forest management practices and the cultural importance of forests.

What We Heard

In workshops, interviews, and through the on-line survey, we heard about the importance of maintaining working forests in King County and expanding the use of conservation forestry practices. Concerns about forestry infrastructure, markets, and the need to maintain and build a well-trained workforce were also frequently raised. One workshop participant stressed the importance of a viable timber industry and noted that sustainable harvesting "currently exists, but could be improved." Another respondent focused on industrial timber, stating that "steady work comes from large scale operations and sustains a local viable workforce." And one interviewee expressed the need to "support local contractors in forest harvest/restoration/stewardship work," while another discussed the need to create viable ways for new foresters to get into business as an older generation retires.

We heard about ways to improve and change markets to help sustain the timber industry, including ways to expand local use of timber, develop markets for "homegrown" timber, create demand for mass timber, and expand possibilities to increase the use of wood in tall buildings in cities. Some respondents focused on forest products beyond timber, including the statement that one goal of forest management should be to stimulate

and diversify the economy, including harvesting not only trees, but also other forest products. Others emphasized the need to expand markets for timber produced in conjunction with ecological benefits. Community forests, or working forests owned by or managed for local communities, were seen as one potential avenue to meet some of these objectives since they are designed to provide a range of benefits to communities, including "economic benefits through active forest management, clean water, wildlife habitat, educational opportunities, and public access for recreation" (USFS, n.d.).

We also heard about the cost that improving transportation infrastructure can add to forest restoration projects, with one interviewee noting that, "When the transportation infrastructure (including roads and culverts) is improved it can have the effect of allowing for ecological forestry practices to be implemented in those locations." Conversely, others noted that deterioration of infrastructure can restrict access and limit forest management options.

Background

Working forests are defined by DNR as "sustainably managed for commodity products as well as ecological and social values" and require a "permanent and un-fragmented land base" (DNR 2017). In the context of forests managed by King County, working forests balance "sustainable timber production with conservation and restoration of resources, and public use." Forests managed for commercial timber production provide an important buffer between urban, suburban, and commercial development that is primarily restricted to western King County and forestland managed for ecological values in eastern King County (DNRP 2016b).

Supporting continued opportunities for sustainable timber production on private land is an important part of King County's long-range commitment to forest stewardship because it can:

1) Prevent conversion of forested areas to development by offering an economic alternative.

2) Provide economic opportunities for rural communities.

3) Provide renewable and carbon-beneficial timber alternatives to standard building materials for local construction projects (Sathre and O'Connor 2010, Bergman et al. 2014, Leskinen et al. 2018).

4) Generate revenue from public and private timber sales to support many King County programs.

The timber industry faces complex challenges to ensure that working forests are both economically viable and ecologically sustainable. In King County, the industry depends on private industrial forestland and DNR timber harvests, a network of small-scale loggers and truckers within and outside of King County, and large-scale mills located outside of King County. Smaller-scale forest owners, King County Parks, and small-scale independent mills also contribute to the county's forest industry. The industry provides financial benefits to forest landowners, with the stumpage value of timber harvested in King County in 2018 estimated at $29.3 million. In addition to the financial benefits to forest landowners and various sectors of the timber industry, King County receives approximately $20 million per year through several forest-related programs that support County government operations. These include the excise tax from timber harvested ($1.2 million in 2018), payments from timber harvested from DNR lands ($4.7 million in 2019), payments to compensate for significant reductions in timber harvest due to endangered species concerns from the federal Secure Rural Schools and Community Self-Determination Act ($14 million in 2020), and the federal payment in lieu of taxes program (PILT), which offsets local government loss of property tax from non-taxable federal land ($909,000 in 2020) (DNR 2020b, U.S. DOI 2020, WA DOR 2018, King County 2015).

One challenge relates to loss of forestland and lower timber production. Approximately 825,000 acres in King County are designated as having significance for long-term timber production as part of the Forest Production District (FPD), a designation intended to maintain the forestry land base and commercial forestry (Chapter 2). However, while the extent of the FPD is stable, land use within it can change, in particular when population growth makes the land more valuable for residential development. Privately-owned land within the FPD has gradually been sold

by large timber companies to smaller landowners. This subdivided land is more likely to be used for residential purposes rather than timber production, further decreasing the amount of timber produced and leading to lost forest cover and increased forest fragmentation. In addition, in some cases, public acquisition of land in the FPD leads to it being taken out of timber production and much of the federally-owned forestland is no longer managed for commercial timber production (King County 2015).

Current timber harvests are a small fraction of those in the late 19th and early 20th centuries and have continued to decline from 400-500 million board feet (mmbf) annually between the mid-1960s and early 1980s to approximately 100 mmbf in 2014 and 70 mmbf in 2018. Significant timber was formerly harvested from federal lands in King County, but harvest volumes have declined substantially in recent decades and timber from those lands is now harvested primarily as part of forest restoration activities. The dramatic decrease in the amount of timber being harvested and processed in King County in recent decades has corresponded with the loss of access to markets, forest products infrastructure, and forestry and logging services. Lack of infrastructure, such as logging roads and mills, increases the costs of timber harvest and production. These factors all can reduce the viability of the forestry industry in King County.

Market prices for forest products also present a challenge, as they are an important determinant of the viability of the industry but depend on regional and global supply and demand. Opportunities to improve market conditions in King County include promoting timber markets for innovative uses of wood or logging

PARTNER SPOTLIGHT

Tomanamus Forest

In 2013, the Muckleshoot Federal Corporation restored over 86,500 acres of traditional territory to Tribal members by purchasing the Tomanamus Forest. They contract with Hancock Forest Management to carry out Tribal management plans, prioritizing long-term sustainable timber harvest, while also maintaining and enhancing wildlife habitat, providing medicinal and food plants, and preserving areas of cultural importance, and it is certified to the Sustainable Forestry Initiative (SFI) Forest Management Standard. The Tomanamus Forest helps to diversify the Tribes' economic base, provide revenue for Tribal government programs, ensures jobs for future generations, and allows for permanent access for hunting, fishing, and gathering. In addition to managing the forest for timber, the Tribe hosts extensive educational programming for Tribal youth, job training for future natural resource managers, and opportunities for Tribal members to gather and harvest for cultural uses (NW Treaty Tribes 2019).

by-products for specialized or high-value uses, such as cross laminated timber (Brandner et al. 2016). At a smaller scale, organizations within King County could develop a local network of foresters, loggers, and small-scale mills who are willing to work on small-scale forestry projects and connect them with forest owners and lumber buyers willing to pay for locally-grown and processed wood. Third-party forest certification systems, which evaluate and certify forests and timber harvesting for their legal, ecological, and social impacts, may create a premium for certified timber and incentivize landowners to manage forests for both ecological benefits and timber (Haynes 2005). However, price premiums for certified wood products depend on certified mills, as well as buyers willing to pay more for the ancillary benefits that come with certification.

In terms of employment in the forestry sector, forestry jobs in King County include those associated with corporate headquarters and agencies, as well as field forestry and logging jobs. However, racial and ethnic diversity in the forestry sector remains low (Onokpise et al. 2002). With several universities within and nearby King County, and relatively diverse communities, King County is in a unique position to improve diversity in the field and could help provide a pipeline of skilled and diverse talent for the forestry industry.

Strategies

These strategies were developed through the outreach process and are intended as guidance for DNRP as well as the many partners who contributed to this plan. DNRP has identified specific actions to pursue under these strategies, and also aims to support partners as they continue to build and adapt their individual programs, projects, and actions that form part of the broader strategies.

7-1 Strategies to Prevent the Conversion of Working Forests to Non-Forested Uses

Strategies: approaches developed through outreach, to which many partners, including King County, will contribute	**DNRP-Led Actions:** specific actions within a strategy that will be led by DNRP	**Related Priorities**	**Related Plans**	**Additional Resources Needed**
Assess the scale of recent forest to non-forest conversion, the risk of future conversion, whether current safeguards are sufficient to limit incentives for conversion, and tailor prevention strategies.	▪ Analyze which ownerships are at risk of conversion. ▪ Work with owners of LCI-identified larger forest blocks to acquire working forest conservation easements that will support continued sustainable forestry while limiting conversion to non-forest uses.	C FH SH WQQ	LCI SCAP CWHH	Funding needed for easements
Increase participation in incentive programs by forest landowners.	▪ Expand participation of LCI-identified forestlands in King County Current Use Taxation programs. ▪ Provide forest stewardship planning assistance, including information on incentive programs to actively manage forests.	C FH HH SH WQQ	LCI SCAP CWHH	Funding needed to expand CUT

7-2 Strategies to Increase the Use of Forestry Practices that Improve Ecological Function in Working Forests

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Provide leadership in climate-resilient sustainable forest stewardship including sustainable harvest of timber.	▪ Calculate and implement annual sustainable harvest targets on parcels classified as working forest in order to improve forest climate resilience and achieve King County's diverse objectives. ▪ Develop and implement a long-term forest stewardship plan that considers all King County Parks-managed forests and update it annually. ▪ Expand certification of King County Parks forestland, including third-party certification for all King County working forests.	C FH SH	SCAP	
Promote climate-resilient sustainable timber management on private forest ownership, including expanding the use of third-party certification.	▪ Expand technical education for small forest landowners on methods of harvest and forest stewardship that promote biodiversity and complexity of forest stands. ▪ Ensure all DNRP-approved forest stewardship plans include a section on climate resiliency ▪ Educate private forest landowners about third-party certification.	FH SH	SCAP	Funding needed
Explore establishment of community forest and demonstration forest models to test and illustrate management practices that meet diverse objectives.	▪ Establish a King County Parks demonstration forest.			Funding needed beyond initial feasibility

7-3 Strategies for Improving Infrastructure and Markets

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Reduce barriers related to forest products infrastructure. ▪ Coordinate networking among small forest landowners to share resources and connect with local forestry service providers, including loggers, small mills, and others. ▪ Assess the need for additional mill capacity in King County and whether there is a demand for wood to be processed through a local, certified mill. ▪ Explore the value of expanding sustainability certification for small mills in King County.	▪ Work with King County DLS to provide support for small mills to develop business plans, overcome permitting barriers, and provide support to make their business viable. ▪ Explore certifying a small, local mill to produce FSC-certified lumber that can be used in King County projects, in alignment with the Sustainable Infrastructure Scorecard.	C	CWHH	Funding needed
Investigate new wood products markets, including third-party certified wood and specialized timber products (e.g. cross-laminated timber), and promote local wood, including public education about local wood and increase its availability.	▪ Expand the use of FSC-certified wood in King County Projects, in alignment with the Sustainable Infrastructure Scorecard.	C	CWHH	Funding needed
Assess existing infrastructure to identify critical maintenance needs.	▪ Work with commercial forest landowners to identify critical infrastructure and ways to improve these resources. ▪ Assess, maintain, and improve existing forest road infrastructure on King County Parks forestland.			
Improve cross-agency coordination in forest stewardship projects, such as project-level partnerships, cross-agency funding opportunities, and cost-sharing opportunities.	▪ Work with the Rural Forest Commission and private, public, and Tribal forest landowners to identify and resolve economic and regulatory barriers to effective forest management.			Funding needed

7-4 Strategies Focused on Equity and Cultural Resources

Strategies	DNRP-Led Actions	Related Priorities	Related Plans	Additional Resources Needed
Support timber-related job training and career opportunities for under-represented communities and increase the work force trained in ecological forestry methods. ▪ Provide funding for training, interns, and summer youth crews.	▪ Expand partnerships with local universities and colleges.	UC HH	SCAP ESJ	Funding needed
Increase forest ownership by under-represented communities.	▪ Explore ways to replicate or adapt King County Agriculture programs that have increased access to land for farmers.		SCAP ESJ	Funding needed

Lead Department/Division:

Blue DNRP/WLRD
Green DNRP/Parks
Orange Other King County Department

Related Priorities:

C Climate
FH Forest Health
UC Urban Canopy
HH Human Health
SH Salmon Habitat
WQQ Water Quality & Quantity

Related Plans:

SCAP Strategic Climate Action Plan
CWHH Clean Water Healthy Habitat
LCI Land Conservation Initiative
ESJ Equity and Social Justice Strategic Plan

King County DNRP Implementation Plan

The creation of the 30-Year Forest Plan was a process of collecting input from many organizations and individuals who work in, manage, and use King County's forests. As such, the plan can serve as a resource that synthesizes that range of views into priorities and goals and can help direct future work that aligns with a collective vision for the future of forests in King County.

Five-Year Implementation: 2021-2026

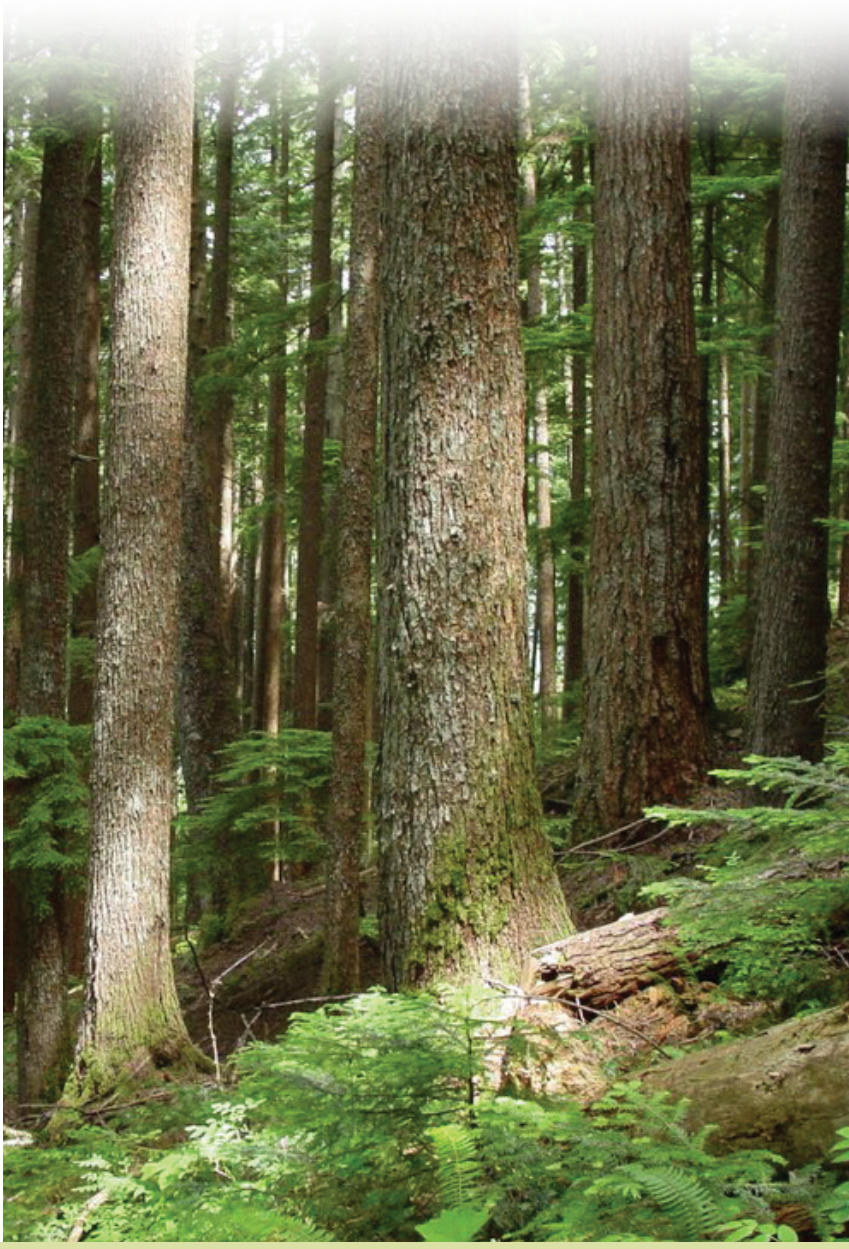
The Forest Plan identifies actions that will be led by King County DRNP. These actions will guide work within DNRP and our collaborations with other King County departments, partners, and communities. Implementation in the first five years will include:

1. A set of **pilot projects,** all of which will be initiated in the first year of the plan.

1. A set of **actions that directly align with the 2020 SCAP** and will be completed by the end of 2025. These connections are noted within the priority chapters.

1. A set of **DNRP-led actions** to be initiated in the next five years. Actions identified in the plan will be prioritized based on the following criteria: ability to provide multiple benefits (i.e. contribute to multiple priorities); contribution to other plans and initiatives, in particular, ESJ (as noted below); and availability of funding.

The Forest Plan will be revisited every five years to evaluate progress and identify priority actions for the next five-year period.



Pilot Projects

DNRP will initiate planning for a set of pilot projects that contribute to goals in each priority area in the first year of the plan. Implementation of these projects will be completed by 2025. These projects will allow DNRP to begin work quickly, test new approaches, and make immediate progress towards each of the seven priorities. Several projects represent new ways of approaching our forestry work that, if successful, can provide models for future actions or can be scaled up for broader impact. These will be considered for replication in the next five-year period, while lessons learned from these projects will be integrated into future planning.

Climate Pilot Project

Design and implement a climate-adaptive planting trial involving planting trees with climate-adapted seed sources. We will work with partners to select a King County Parks forest site to set up an experiment modeled on the Stossel Creek Adaptive Restoration project, using the Seedlot Selection Tool to select seed sources for key species included in the project.

- **Goals supported:** Increase the resilience of existing forests and newly planted trees to the effects of climate change; Experiment with climate-adapted seed sources for culturally important tree species.
- **Strategy supported:** Plant trees sourced from a wider range of seed zones, including experimenting with climate-adapted seed sources.

Forest Health Pilot Project

Conduct an assessment of all King County Parks forests to prioritize those most in need of forest health treatments. Based on this assessment, forest health treatments will be conducted to put forests on a path toward late seral, mature forested conditions and to increase the resilience of working forests.

- **Goal supported:** Increase the area of healthy and resilient forestland.
- **Strategy supported:** Identify areas most in need of forest health treatments.

Urban Canopy and Human Health Pilot Project

Develop a pilot tree planting project using City Forest Credits' Impact Certification, which provides a quantified score for the project's impacts in the areas of human health, social equity, and environment. The impact scorecard provides an opportunity to support project leads in creating planting projects that improve equity, human health, and environmental outcomes. We will evaluate its potential to be replicated in other King County planting projects and to create a new funding source for high-impact urban planting projects.

- **Goals supported:** Maintain and increase existing tree canopy in urban areas, prioritizing areas with low canopy cover; Increase tree canopy with improvements focused in geographies and communities with residential areas subject to high levels of summer heat and/or pollution or other human health disparities.
- **Strategies supported:** Expand where trees are planted and expand incentives and funding programs; Expand tree-planting and tree-retention incentives in areas where these actions can advance human health benefits.

Salmon Habitat Pilot Project

Develop a pilot tree planting project with City Forest Credits (CFC) to provide incentives for landowners to plant riparian buffers. This pilot project will begin with identification of parcels that qualify for a CFC project and that have potential for riparian buffer plantings, and then will identify landowners who may be interested in participating. The pilot will allow us to evaluate the feasibility of establishing and replicating the project as a way to expand riparian planting on privately-owned land.

- **Goal supported:** Protect, increase, and improve the extent and health of riparian forests.
- **Strategy supported:** Expand restoration in riparian buffers with low or degraded forest canopy, focusing on priority areas identified in the salmon recovery plans.

Water Quality & Quantity Pilot Project

Pilot a tree giveaway program to support tree planting on private property in urban unincorporated King County, as part of the Green Stormwater Infrastructure Incentive Program. Target communities with low canopy and high levels of impervious surface.

- **Goals supported:** Maintain and expand forest cover in areas identified as having poor water quality or high pollutant loads to streams and rivers, where forest cover improvement can provide benefits; Integrate equity considerations into prioritization of stormwater projects involving forest cover.
- **Strategy supported:** Increase tree planting in urban and industrialized waterways.

Sustainable Timber Pilot Project

Establish a demonstration forest on units within King County Parks forestland to serve as a platform for education and training focused on sustainable forest management.

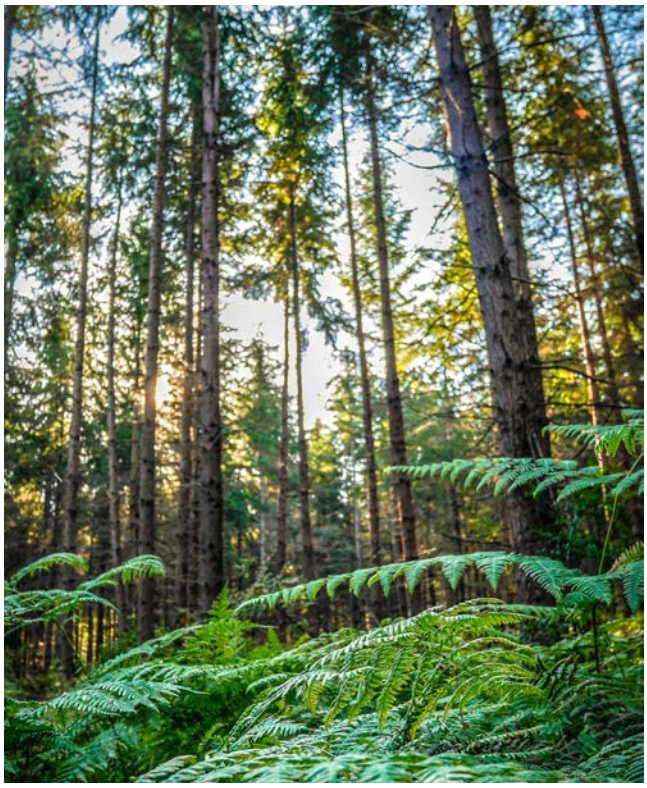
- **Goal supported:** Increase the use of forestry practices that improve ecological functions (such as carbon sequestration, fish and wildlife habitat, and hydrologic cycling) in working forests.
- **Strategy supported:** Explore establishment of community forest and demonstration forest models to test and illustrate management practices that meet diverse objectives.

Alignment with Implementation of Related Plans and Initiatives

As noted in each priority chapter, the Forest Plan is closely aligned with other King County plans and initiatives, which will allow us to advance this work more quickly and effectively.

Implementation of **DNRP-led actions that are aligned with the 2020 Strategic Climate Action Plan** will contribute to a number of 2020 SCAP Performance Measures, including:

- Protecting 6,500 acres of forestland and natural areas by 2025, in alignment with the LCI, including approximately 1,000 acres annually through fee and easements and 300 acres through incentive programs.
- Improving public access to green space in LCI Opportunity Areas.
- Creating Forest Stewardship Plans on all King County Parks forested sites over 200 acres by 2025.
- Doubling the pace of forest and open space restoration to improve climate resiliency and improve carbon sequestration potential.
- Planting 500,000 native trees on King County-managed land by 2025.
- Increasing tree canopy above the baseline in unincorporated King County with lowest forest cover (White Center and Skyway).



DNRP-led actions that align with the 2016-2022 ESJ Strategic Plan will also be prioritized for implementation by 2022. These include actions that contribute to:

- Working "with partners to prioritize the planting of trees in communities where residents lack tree canopies and face higher temperatures because of concentrated paved and built areas."
- Using "demographic data and knowledge gained through partnerships and community engagement to drive pro-equity planning for open spaces, habitat, trails, trees, green infrastructure, energy conservation and climate response."

The Forest Plan is also directly linked to **Clean Water Healthy Habitat** through the Healthy Forests and More Green Spaces goal, which seeks to achieve three outcomes: 1) forest cover and green spaces are protected, increasing, widespread, equitably distributed, healthy, and connected in ways that sustain habitat, stream functions, carbon storage, clean air, cool waters and air temperatures, and natural streamflow; 2) human health is supported and cultural values and practices are ensured; and 3) inequities in people's access to quality green space are eliminated by 2050. Implementation of Forest Plan actions will contribute to 30-year targets of: 1) no net loss in forest cover in any King County watershed across all ownerships and 2) quality green space within one-quarter mile of urban households and 2 miles of rural households. In addition, the Forest Plan will employ or benefit from a number of strategies outlined in Clean Water Healthy Habitat, including:

- Strategy 1: Engage community partners to align delivery of County environmental services with community priorities and development of data that highlight current environmental inequities resulting from racial discrimination.
- Strategy 2: Establish an equitable DNRP-wide community partnership vision, standards, and protocols.
- Strategy 5: Integrate natural asset management.
- Strategy 8: Add multi-benefit criteria to King County grants and incentive programs.
- Strategy 9: Update Green Building Sustainable Infrastructure Scorecard.
- Strategy 11: Pursue innovative funding mechanisms.
- Strategy 12: Develop regulatory alternatives for improved environmental outcomes.
- Strategy 13: Develop and implement an interdepartmental work plan and policy framework between DNRP and DLS.

30-Year Time Horizon

This Forest Plan serves as a vision for the next three decades, but will need to be revisited every five years, not only to evaluate progress but also to evaluate the ways in which the natural and human contexts for the plan have changed. The 30-Year Forest Plan includes ambitious goals and challenges us to implement a wide range of actions to reach those goals, so that the forests of King County continue to thrive and provide benefits for this generation, but also so that we leave our forests in even better condition for the generations that follow us.

References & Acknowledgements

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Dave Kimmett, DNRP, Parks and Recreation Division
Janne Kaje, DNRP, Water and Land Resources Division
Josh Latterell, DNRP, Water and Land Resources Division
Matt Kuharic, Climate Action Team
Beth LeDoux, DNRP, Water and Land Resources Division
Alex Lincoln, DNRP, Water and Land Resources Division
Mo McBroom, DNRP, Director's Office
Matt McNair, DNRP, Water and Land Resources Division
Jason Mulvihill-Kuntz, DNRP, Water and Land Resources Division
Michael F. Murphy, DNRP, Water and Land Resources Division
Elissa Ostergaard, DNRP, Water and Land Resources Division
Robin Pfohman, Department of Public Health
Greg Rabourn, DNRP, Water and Land Resources Division
Mary Rabourn, DNRP, Water and Land Resources Division
Heather Ahndan Ramsay, DNRP, Water and Land Resources Division and Parks and Recreation Division
Wendy Sammarco, DNRP, Water and Land Resources Division
Blair Scott, DNRP, Water and Land Resources Division
Megan Smith, DNRP, Water and Land Resources Division
Jamie Stroble, Climate Action Team
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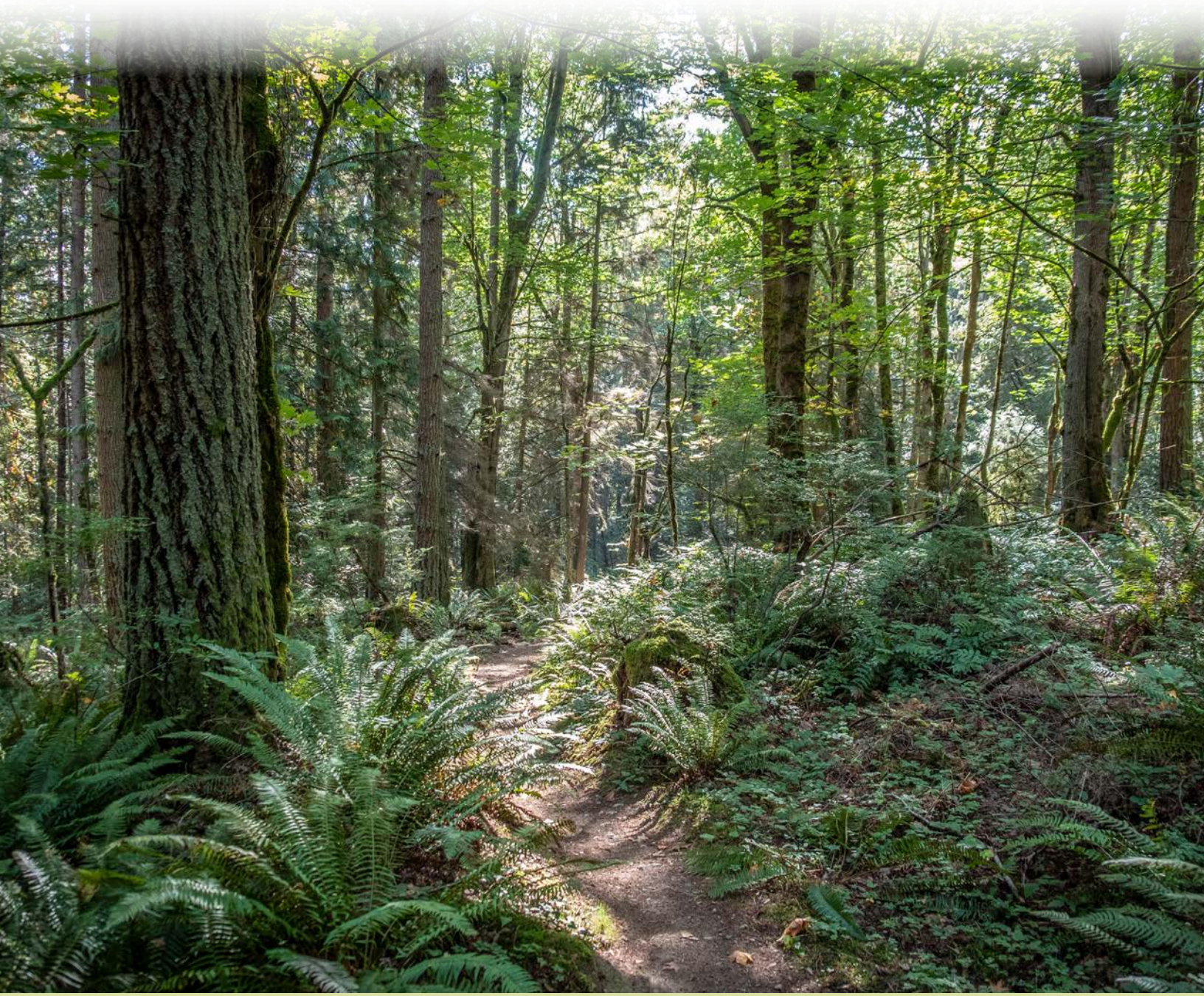
Julie West, Department of Public Health
Lara Whitley Binder, Climate Action Team

King County Design, Mapping, and Editing

Laurel Preston, Graphics
Todd Klinka, GIS
Saffa Bardaro, DNRP, Water and Land Resource Division
Doug Williams, DNRP Director's Office
Logan Harris, DNRP Director's Office

Partners

We thank all of the partners listed in Appendix 1 who provided input and shared their ideas.



Appendices

This section contains:

► **Appendix 1:** 30-Year Forest Plan Outreach

► **Appendix 2:** King County City Forest Plans

Appendix 1: 30-Year Forest Plan Outreach

The development of this plan depended on communicating with a wide range of staff, partners, and stakeholders and opportunities for them to provide input and perspective. Following is a compilation of the outreach conducted during the development of the Forest Plan.

Phase 1: Scoping

King County (KC) Staff Input (April-June 2019)

- Included DNRP, WLRD, and Parks leadership; teams in WLRD and Parks focused on forest health issues; DNRP Tribal Liaison.

Meetings with Key Partners (May-July 2019)

- Included Forterra, Mountains to Sound Greenway Trust, King Conservation District, and The Nature Conservancy.

Phase 2: Collecting Input

King County Staff Workshops and Meetings (June 2019-March and January 2020)

- KC Parks Open Space & WLRD Forestry teams; Parks operations team; Parks Volunteer Program; DNRP Equity and Social Justice leads; Public Health – Seattle & King County; King County Department of Local Services.
- DNRP Lunch & Learn Events (July and October 2019).

Partner and Community Workshops and Events (September 2019-March 2020)

- Department of Local Services Town Hall Meeting, White Center (information table) – Sept. 12, 2019
- Strategic Climate Action Plan Workshop with King County-Cities Climate Collaboration – Sept. 19, 2019
- 1 Million Trees Partner Event Workshop – Oct. 15, 2019
- Rural Forest Commission (presentation and discussion) – Nov. 21, 2019
- Green Cities Network Workshop – Dec. 4, 2019
- White Center Summit (information table) – Dec. 7, 2019
- Conservation Futures Tax Committee Meeting (presentation) – Jan. 8, 2020
- West Hill Community Association Quarterly Meeting (presentation) – Jan. 21, 2020
- North Highline Subarea Plan Community Open House – Jan. 30, 2020
- City of Seattle Urban Forestry Commission (presentation) – Mar. 4, 2020

One-on-One Partner Meetings (September 2019-March 2020)

- Washington State Department of Natural Resource – Sept. 5, 2019
- White Center Community Development Association – Oct. 1, 2019
- The Wilderness Society – Jan. 16, 2020
- City of Seattle – Jan. 23, 2020
- Forterra – Jan. 23, 2020
- Mountains to Sound Greenway Trust and Northwest Natural Resources Group – Jan. 23, 2020
- U.S. Forest Service, Mt. Baker-Snoqualmie National Forest – Jan. 30, 2020
- Trust for Public Lands – Feb. 4, 2020
- The Nature Conservancy – Mar. 25, 2020
- Open Space Equity Cabinet – July 1, July 29, and September 17, 2020

Outreach to Tribes (November 2019-June 2020)

- The DNRP Tribal Liaison provided information on the plan in meetings with the following Tribes:
  - Snoqualmie Tribe representatives - December 2019
  - Suquamish Tribe representatives - December 2019
  - Tulalip Tribes representatives - January 2020
  - Duwamish Tribe representatives – March 2020
- Presented to the Rural Forest Commission (RFC), including RFC Tribal representative (Snoqualmie Tribe) (Nov. 21, 2019); follow-up conversations included input from the Snoqualmie and Muckleshoot Tribes.
- Corresponded by email with 1 Million Trees Tribal partners (Snoqualmie Tribe, Tulalip Tribes, Muckleshoot Tribe) – January-March 2020
- Met with Hancock Timber representatives (at the suggestion of Muckleshoot Indian Tribe) and toured Tomanamus Forest, with a focus on the Muckleshoot Tribe's management goals and practices – Mar. 4, 2020
- Received written input from the Tulalip Tribes in June 2020.

On-line Public Input (December 2019-March 2020)

We used the King County Engagement Hub to collect input from a broader range of stakeholders. We created a brief survey to request input on what should be prioritized in the plan and which actions we should take with respect to rural and urban forests in King County over the next 30 years. The survey opened in December 2019 and closed in March 2020. During that period, 526 participants completed the survey and provided a total of 1,464 comments, which translates to the equivalent of approximately 73 hours of comments if we had held public meetings to receive this input (1,464 comments x 3 minutes per comment = 73 hours).

Outreach by Email (January-February 2020)

Schools and Universities

- WSU Extension; Green River College; UW School of Environmental and Forest Sciences faculty and graduate students and the UW Nature and Health list serve

Forestry/Timber Industry Professionals

- Campbell Global; Weyerhaeuser
- Vashon Land Trust; Vashon Forests
- AFM; International Forestry Consultants; Silvicultural contractors (Timberline Silvics, Applied Ecology, Erickson Logging, Resilient Forestry); Stewardship Forestry; and forestry consultants (via WSU consultant directory)
- Lumber mills receiving KC timber
- Former King County Rural Forest Commissioners

Municipal Groups, Community Groups, and Partners

- King County cities (via 1 Million Trees list serve); 1 Million Trees partners
- Port of Seattle
- YWCA, South Seattle
- WRIA 7, 8, 9 community groups
- Evergreen Bike Alliance; Washington Trails Association
- Coached Planning participants (forest landowners) – Feb. 11, 2020

Social Media and Newsletters (January-February 2020)

- KC Executive Twitter post; DNRP and KC Parks Facebook and Twitter posts
- KC Climate Action Newsletter; KC Unincorporated Area News; The Emerald Alliance newsletter; West Seattle Blog; and WA DNR Tree Link forestry newsletter

Public Comments and Surveys Consulted

- Skyway West Hill Subarea Plan 2016
- White Center Survey summary 2017
- White Center Survey summary 2019
- Skyway West Hill Subarea Plan revision 2019

Phase 3: Summarizing Input

Input from all sources was summarized into themes. Priorities fell into seven themes, which were determined by mentions of the following:

- **Climate:** carbon, reduced emissions, forest resilience, climate adapted species, increasing species/spatial diversity, survivability, changing seed/seedling sources, wildfire
- **Forest health:** rural forests, forest stewardship, forest management, pests, habitat (not specifically riparian), wildlife, preservation, succession, connectivity, maintenance, restoration, land acquisition, tribal input into management, cultural uses (not specifically salmon)
- **Urban forest canopy:** urban trees, tree planting with development, street trees, urban greenspace acquisition, urban parks, walkable/safe greenspaces, access to nature, equity focused parks/planting, environmental justice, frontline communities
- **Human health:** health outcomes, health benefits, air quality, heat islands, mental health, recreation, trails
- **Salmon habitat:** salmon/fish, riparian, wetlands, shorelines, buffers, treaty use rights, cultural uses
- **Water quality and quantity:** flooding, water quality, GSI, stormwater
- **Sustainable timber:** timber, forestry, working forests, wood products, mills, thinning, community forest, forestry workforce jobs

Urban forest canopy, forest health, and climate were all cited as priorities by more than 50% of participants in workshops, while forest health was cited 60% of participants in meetings and sustainable timber and urban forest canopy were each prioritized by 25-30% of participants. In the on-line survey, salmon habitat and climate were prioritized by more than half of participants, while water quality and quantity and human health were prioritized by 46% and 39%, respectively. Because different groups ranked each of the priorities differently, the list of priorities is not intended to be in ranked order, and all seven of the priorities received support across the groups who provided input.

Appendix 2: King County City Forest Plans

The following cities in King County have developed forest plans and other plans that influence or guide forest management activities:

- **Beaux Arts Village:** Town of Beaux Arts Village Forest Strategic Plan
- **Black Diamond:** Black Diamond Area Stewardship Plan
- **Bothell:** An Assessment of Urban Tree Canopy in the City of Bothell, Washington
- **Burien:** Green Burien Partnership Urban Forest Stewardship Plan
- **Covington:** City of Covington Urban Forestry Strategic Plan for Publicly- Managed Trees
- **Duvall:** City of Duvall Watershed Plan
- **Kirkland:** City of Kirkland Urban Forestry Strategic Management Plan
- **Lake Forest Park:** City of Lake Forest Park Community Forest Management Plan
- **Newcastle:** Urban Forest Management Plan- Hazelwood Park, City of Newcastle
- **Normandy Park:** Nature Trails Park Management Plan, Normandy Park, WA
- **North Bend:** City of North Bend Urban Forestry Plan
- **Redmond:** Redmond's Tree Canopy Strategic Plan
- **Renton:** Renton Urban and Community Forestry Development Plan
- **Sammamish:** City of Sammamish Urban Forest Management Plan
- **Seattle:** Seattle Urban Forest Management Plan
- **Shoreline:** Shoreline Parks, Recreation and Cultural Services Urban Forest Strategic Plan
- **Snoqualmie:** Snoqualmie Urban Forest Strategic Plan
- **Tukwila:** Department of Community Development Comprehensive Plan Urban Forestry Goals and Policies
- **Woodinville:** City of Woodinville 2020 Parks, Recreation & Open Space Plan

King County

30-YEAR FOREST PLAN

King County
Department of
Natural Resources and Parks

Clean Water
Healthy Habitat

King County
Shannon Braddock
King County Executive
401 Fifth Avenue, Suite 800
Seattle, WA 98104
206-296-9600 Fax 206-296-0194
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June 30, 2025

The Honorable Girmay Zahilay
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Zahilay:

This letter transmits the 30-Year Forest Plan in response to Ordinance 19881, Section 377, which adopts the 2024 King County Comprehensive Plan Update and a proposed Motion that would, if approved, acknowledge receipt of the report.

Although finalized in 2021, the Forest Plan is being transmitted now as called for in the 2024 Comprehensive Plan Update. Developed to implement the 2015 Strategic Climate Action Plan (SCAP), the Forest Plan responded to SCAP directives to plant at least one million trees by 2020 and to create a 30-year strategy for expanding tree canopy in urban and rural areas while supporting growth, agriculture, wildfire resilience, and working forests. A new SCAP has since been transmitted to the Council, and the Forest Plan's objectives remain aligned with the updated SCAP.

The 30-Year Forest Plan was developed by the King County Department of Natural Resources and Parks (DNRP) with input from King County staff, nonprofits, municipalities, tribes, forestland owners and managers, and community members. Outreach was conducted between July 2019 and March 2020 through one-on-one meetings, workshops, community events, and email correspondence, as well as an online public input survey that was shared through social media, partner newsletters, and direct emails. The plan is a synthesis of that input and outlines priorities and goals to be met by King County and the many partners whose work is critical to the health and longevity of the region's forests. The seven priority areas identified are climate, forest health, urban forest canopy, human health, salmon habitat, water quality and quantity, and sustainable timber.

The 30-Year Forest Plan provides a shared county-wide vision, while providing a roadmap for DNRP to better manage our forests by identifying priority goals, strategies, and actions. This

allows us to better strategize our tree planting, forest restoration, and forest protection efforts so that they meet priorities and goals that were identified through DNRP outreach.

Thank you for your consideration of the 30-Year Forest Plan. The priorities and goals identified provide us with strong guidance and direction for the work of effectively managing King County's forests over the next three decades.

If your staff have questions, please contact Josh Baldi, Division Director, Water and Land Resources Division, Department of Natural Resources and Parks, at 206-477-9440.

Sincerely,

for

Shannon Braddock
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Hay, Clerk of the Council
Karan Gill, Deputy Executive, Chief of Staff, Office of the Executive
Stephanie Pure, Council Relations Director, Office of the Executive
Lauren Smith, Director, Office of Regional Planning
Chris Jensen, Comprehensive Planning Manager, Office of Regional Planning
John Taylor, Director, Department of Natural Resources and Parks
Josh Baldi, Director, Division Director, Water and Land Resources Division

2025 FISCAL NOTE ATTACHMENT 3

Ordinance/Motion:	2025-XXXX
Title:	King County 30-Year Forest Plan
Affected Agency and/or Agencies:	Water and Land Resources Division, Department of Natural Resources and Parks
Note Prepared By:	Kris Nielsen
Date Prepared:	4/4/2025
Note Reviewed By:	Ashley Evans
Date Reviewed:	4/5/2025

Description of request:

Revenue to:

Agency	Fund Code	Revenue Source	2025	2026-2027	2028-2029
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2025	2026-2027	2028-2029
TOTAL			**0**	**0**	**0**

Expenditures by Categories

	2025	2026-2027	2028-2029
TOTAL	**0**	**0**	**0**

Does this legislation require a budget supplemental? Yes/No

Notes and Assumptions:

King County

Metropolitan King County Council
Local Services and Land Use Committee

STAFF REPORT

Agenda Item:	7	**Name:**	Jenny Ngo
Proposed No.:	2024-0408	**Date:**	August 20, 2025

SUBJECT

Proposed Ordinance 2024-0408 would adopt updates to a critical area policy in the Comprehensive Plan and implementing critical area regulations.

SUMMARY

Following a two-year process by the Executive, the Council is considering the first major update to critical area regulations since 2004. The Growth Management Act (GMA) requires that critical area regulations be adopted for several types of critical areas, including wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, and frequently flooded areas.

The GMA requires that critical area regulations include best available science ("BAS") in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and update critical areas regulations as part of the 10-year statutory review. Council staff provided an overview of the policy staff analysis (Attachment 4) at the April 16, 2025 meeting. At the May 21, 2025 Committee meeting, Council staff briefed additional material on the impacts of the critical area regulations on agriculture and agricultural activities; the policy staff analysis related to this material is included Attachment 7.

A striking amendment for the Proposed Ordinance was released on July 15, 2025 and public line amendments were released on August 15, 2025. The Committee is expected to act on the Proposed Ordinance at the August 20, 2025 Committee meeting.

The Proposed Ordinance is required to be adopted by the full Council by the end of December 2025.

BACKGROUND

Growth Management Act (GMA). Under RCW 36.70A.060 and RCW 36.70A.130, the County is required to adopt development regulations that protect critical areas and periodically take action to review and revise these regulations. State law requires the County utilizes BAS when developing policies and regulations to conserve and protect the functions and values of critical areas. The County must also give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.

Timing. Under the GMA, the County is required to update critical area regulations as part of the 10-year statutory update to the Comprehensive Plan and implementing development regulations. The County updated the Comprehensive Plan, and other development regulations and map amendments, in December 2024, as part of Ordinance 19881. The Findings for Ordinance 19881 noted that additional critical area regulations work was ongoing, "as allowed under the reasonable progress exception in RCW 36.70A.130(7)(b)." Under this provision of the GMA, the County has until the end of December 2025 to complete this portion of the 10-year statutory update.

2004 Update. The current critical area regulations were adopted in 2004 as part of Ordinance 15053. Some substantive updates have been made since then, including changes to the allowed alterations within critical areas, allowances for agricultural activities, alteration exceptions and reasonable use exceptions, in lieu fee mitigation program requirements, notice on title, new requirements for vegetation management plans, building setbacks from critical areas, updated floodplain regulations in 2020, critical aquifer recharge area mapping, updates to wetland and stream requirements, including buffer widths, as part of the 2019 Shoreline Master Program periodic update, and listed species requiring wildlife habitat conservation areas.

Types of Critical Areas. The GMA identifies and defines five types of critical areas: geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas. The County may choose to designate other areas for protection. Table 1 identifies the five critical areas designated under the GMA compared to the County's designations, as included in the proposed ordinance or under existing code.

Table 1. Critical Area Types Comparison

Growth Management Act Designations	King County Designations in Proposed Ordinance
Geologically hazardous areas	Geologically hazardous areas
Landslide hazard areas	- Landslide hazard areas - Steep slope hazard areas - Alluvial fan hazard areas
Erosion hazard areas	- Erosion hazard areas
Seismic hazard areas	- Seismic hazard areas - Tsunami hazard areas
	- Channel migration zones - Coal mine hazard areas

	- Volcanic hazard areas
Frequently flooded areas	- Floodplains - Special flood hazard areas - Zero-rise flood fringe; - Zero-rise floodways - FEMA floodways - Channel migration zones
Critical aquifer recharge areas	Critical aquifer recharge areas
Wetlands	Wetlands
Fish and wildlife habitat conservation areas	- Aquatic areas - Riparian areas - Wildlife habitat conservation areas - Wildlife habitat networks

The County defines each critical area and provides specific regulations that limit alterations, including type, intensity, or duration, along with measures to prevent, reduce, eliminate or mitigate impacts. The proposed ordinance defines these critical areas as follows:

Geologically hazard areas include:

- *Landslide hazard area*: an area subject to severe risk of landslide, such as:
    - An area with a combination of:
        - Slopes steeper than fifteen percent of inclination;
        - Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
        - Springs or ground water seepage;
    - An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;
    - Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
    - An area that shows evidence of or is at risk from snow avalanches; or
    - An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.
- *Steep slope hazard area*: an area on a slope of forty percent inclination or more within a vertical elevation change of at least ten feet. For the purpose of this definition, a slope is delineated by establishing its “toe” and “top”, and is measured by averaging the inclination over at least ten feet of vertical relief. Also, for the purpose of this definition:
    - The "toe" of a slope means a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "toe" of a slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet; and
    - The "top" of a slope is a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty

percent or more. Where no distinct break exists, the "top" of a slope is the upper-most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet.

- *Alluvial fan*s are defined as "a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a sudden change in sediment transport capacity, such as a significant change in slope or confinement." Alluvial fan hazard areas are considered a type of geologically hazardous area and a type of landslide hazardous area.
- *Erosion hazard area*: a geologically hazardous area underlain by soils that are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture Natural Resources Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on slopes inclined at fifteen percent or more:
    - The Alderwood gravely sandy loam ("AgD");
    - The Alderwood and Kitsap soils ("AkF");
    - The Beausite gravely sandy loam ("BeD" and "BeF");
    - The Kitsap silt loam ("KpD");
    - The Ovall gravely loam ("OvD" and "OvF");
    - The Ragnar fine sandy loam ("RaD"); and
    - The Ragnar-Indianola Association ("RdE").
- *Seismic hazard area*: an area subject to severe risk of earthquake damage from seismically induced settlement or lateral spreading as a result of soil liquefaction in an area underlain by cohesionless soils of low density and usually in association with a shallow groundwater table.
- *Tsunami hazard area*: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but not limited to, those areas shown on the Washington Geological Survey Digital Data Series 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.
- *Coal mine hazard area*: an area directly underlain, adjacent to, or affected by operative or abandoned subsurface coal mine workings such as adits, tunnels, drifts, or air shafts.
- *Channel migration zones* are the area along a river channel within which the channel can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. Channel migration zones can either be classified as “moderate” or “severe”. Channel migration zones are considered a type of frequently flooded area and type of geologically hazardous area.

Frequently flood areas include floodplains, special flood hazard areas, zero-rise flood fringe, zero-rise floodway, the FEMA floodway, and channel migration zones (described previously).

- *Floodplain*s: the total area subject to inundation by the base flood.
- *Special flood hazard area or area of special flood hazard:* the land subject to inundation by the base flood. Special flood hazard areas (SFHA or area of special flood hazard) are designated on flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and VE.
- *Flood fringe, zero-rise:* that portion of the floodplain outside of the zero-rise floodway. The zero-rise flood fringe is generally associated with standing water rather than rapidly flowing water.
- *Floodway, zero-rise*: the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation. For the purpose of this definition, "measurable increase in base flood elevation" means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain. "Zero-rise floodway" is broader than that of the Federal Emergency Management Agency (FEMA) floodway but always includes the FEMA floodway. "Zero-rise floodway" includes the entire floodplain unless a critical areas report demonstrates otherwise.
- *FEMA floodway*: the channel of the stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height at any point. The FEMA floodway is delineated on the Flood Insurance Rate Map and on King County Surface Water Design Manual major floodplain or floodway studies.

A *wetland* is defined as "an area that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands are categorized based on the quality of habitat features, flood storage capacity, and water quality capabilities.

Aquatic areas include "shorelines of the state, rivers, streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs," "ditches [especially if used by fish]." Aquatic areas are considered a kind of fish and wildlife habitat conservation areas.

A *riparian area* (formerly aquatic area buffers) is defined as "a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality." riparian areas are considered a kind of fish and wildlife habitat conservation areas.

Other fish and wildlife habitat conservation areas include *wildlife habitat conservation areas*, which is defined as "an area for a species whose habitat the King County

Comprehensive Plan requires the county to protect that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity," and *wildlife habitat networks*, which are designated through a map in the Comprehensive Plan and are further defined as areas "that links wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation."

Critical aquifer recharge areas (CARAs) are areas within a sole source aquifer or a wellhead protection area for potable water systems, and are susceptible to groundwater contamination. There are three categories of CARAs based groundwater contamination susceptibility and location over an aquifer or wellhead protection area.

Best Available Science (BAS) and No Net Loss

The GMA requires that critical area regulations include BAS in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and update critical areas regulations as part of the 10-year statutory review.

Under WAC 365-195-905(3), the Council is responsible for including BAS in the development and implementation of critical areas or regulations. State law encourages the BAS review to include consultation with qualified scientific experts to determine the BAS and assess its applicability to each critical area. State law provides guidelines to determine what constitutes BAS, including data obtained through a valid scientific process. Information from local, state, or federal natural resource agencies that have been determined to represent best available science may be used.

To demonstrate that the BAS was used in developing policies and development regulations, the County is required to address each of the following:

1. Identify the specific policies and development regulations adopted to protect the functions and values of the critical areas at issue;
2. Identify the relevant sources of the best available scientific information used;
3. When departing from BAS, any nonscientific information used as a basis for critical area policies and regulations. When departures from BAS occur, the County should identify the information that supports the departure, explain the rationale for the departure, and identify potential risk to critical area functions and values and any measures to limit risk; and
4. Include the BAS in deciding critical area alteration exceptions and reasonable use exceptions.

ANALYSIS

Summary of BAS Report. The County published a Best Available Science Review and Updates to Critical Areas Protections (BAS Report) in October 2024. The Executive transmitted the BAS Report with the Proposed Ordinance containing the critical area regulations. The BAS Report includes a description of the current best available

science, Comprehensive Plan considerations, proposed regulatory updates, a risk assessment of the proposed regulatory updates (and policy departures from BAS), and a description of the nonregulatory measures that contribute to no net loss. The BAS Report covers wetlands, riparian areas, wildlife habitat, critical aquifer recharge areas, frequently flooded areas, and geologically hazardous areas.

The BAS Report indicates that regulatory changes are needed to align the County's regulations with BAS and state law. The findings and recommendations are as follows:

- Increased environmental protections for wetlands are needed, including buffer increases to some wetlands and revised mitigation ratios. Identified regulatory updates in the BAS Report include a focus on protecting rare wetlands and limiting the impact to wildlife habitat functions of common wetlands.
- Increased environmental protections for fish and wildlife habitat conservation areas are needed, including changes to definitions and riparian area width increases (formerly called aquatic area buffers). Identified regulatory updates in the BAS Report include increased protections for riparian areas and updates to the species of local importance and habitat of local importance lists, which indicate where alterations may require special consideration.
- Alluvial fans, which are designated as a type of geologically hazardous area, require additional standards to reduce public health and safety risks. The BAS Report indicates new alluvial fan development regulations and limiting alterations would reduce risk.
- The BAS Report also indicates that the protections consider multiple GMA goals. Further investment in nonregulatory programs will improve the protection and management of local wetlands, such as updated mapping and a monitoring and adaptive management program, climate gradient analysis for wildlife habitat, updated species and habitat lists, and the continuation of existing programs such as the public benefit rating system.

Substantive Changes. Attachment 4 to the staff report is the Council staff analysis matrix of the Proposed Ordinance. The matrix includes the Executive's proposed changes, rationale, and effect; as well as Council staff analysis of the proposed changes, findings from the BAS, and other background information. Substantive changes described in the matrix include:

- Findings;
- Critical area chapter purpose and applicability;
- General definitions;
- Exemptions from a clearing and grading permit;
- Allowed alterations to critical areas and buffers;
- Critical area alteration exceptions and reasonable use exceptions;
- Critical area review and report requirements;
- Critical area mitigation;
- Notice on title and critical area tracts;
- Channel migration zones;
- Geologically hazardous areas;

- Critical aquifer recharge areas;
- Wetlands and wetland buffers;
- Aquatic areas and riparian areas;
- Wildlife habitat conservation areas;
- Agricultural allowances, farm management plans, and grazing area buffers;
- Rural stewardship plans (proposed to be repealed);
- Shoreline Master Program;
- Violations;
- Consolidated review; and
- Plan update, codification, ecology approval, and severability.

There is also a change proposed in Chapter 5, Environment, of the King County Comprehensive Plan, to delete Policy E-412, related to altering Category IV wetlands less than 2,500 square feet subject to mitigation and criteria.

The matrix also includes a description of the nonregulatory measures that contribute to no net loss cited in the BAS Report, and the legislative markup version of the Comprehensive Plan policies and definition changes made as part of the critical area updates made in the 2024 Comprehensive Plan.

Impacts to Development. Critical areas and their buffers are generally required to be conserved. The critical area regulations establish development standards, allowed uses and alterations, and mitigation are specific to the protections needed for each critical area. Although the standards specific to each critical area varies, the presence of critical areas and their buffers impact the development potential of a property. The Proposed Ordinance includes updates that would modify limitations on activities in or near critical areas. For instance, new restrictions in alluvial fan hazard areas would limit certain alterations and increases to wetland buffer and riparian area widths (formerly called aquatic area buffers) would decrease the area for potential development. The increase to wetland buffer and riparian area widths as proposed is between 25 and 85 feet, depending on the category or type.

As part of the Council's review of the Proposed Ordinance, Executive staff prepared a high-level, theoretical GIS analysis of the potential impacts of the updated riparian area widths on property development within urban unincorporated King County. The analysis is based on assumptions that would lead to an overestimate of parcels, as all streams are Type F or S, meaning the largest widths are used, and site-specific conditions or code provisions that modify density were not included.

The analysis found that 9.8% of analyzed parcels are potentially impacted when applying current riparian area widths for Type S and F streams and that the proposed changes in riparian area widths from 115 feet to 180 feet in width could potentially impact an additional 3.4% of parcels. Executive staff note that although the proposal may have the effect of decreasing the number of potential housing units, these changes are anticipated to be minimal and other factors may already affect development (for instance, limitations from existing development standards or the presence of other critical areas). Executive staff note that the riparian area's estimated impact on urban unincorporated King County residential capacity overall (regardless of riparian width)

will not affect King County's ability to accommodate planned growth in urban unincorporated King County and meet its adopted growth targets. The land capacity analysis from the 2024 Comprehensive Plan estimated approximately 29,000 units of residential capacity in UUKC, sufficient to accommodate the projected 5,412 units of housing growth 2019-2044.

The analysis is included in Attachment 6 to this staff report.

Impacts to Agricultural Activities. Attachment 7 to this staff report includes the policy staff analysis regarding the impacts of the critical area regulations on agriculture and agricultural activities, which was briefed at the May 21, 2025 Committee meeting.

Schedule. The review schedule, Attachment 5 to this staff report, includes the established amendment deadlines, including those for full Council. The schedule has been updated to modify amendment deadlines for full Council.

AMENDMENTS

- Striking Amendment S1 (Attachment 9) was released on July 15, 2025. The summary of changes (Attachment 13) and the effect statement at the end of Attachment 9 provide a description of the changes made from the Executive's transmittal.
- Amendment 1 to Striking Amendment S1 would add a requirement for monitoring of county-approved farm management plans.
- Amendment 2 to Striking Amendment S1 would invite consultation with federally-recognized Indian tribes on Indigenous Knowledge and species and habitats of cultural importance on two proposed policies in the Comprehensive Plan.
- Title Amendment T1 conforms the title to changes in the amendments.

INVITED

- John Taylor, Director, Department of Natural Resources and Parks
- Jim Chan, Division Director, Permitting Division, Department of Local Services
- Megan Smith, Environment and Water Quality Policy Manager, Department of Natural Resources and Parks
- Camille Beasley, Environmental Scientist III, Permitting Division, Department of Local Services

ATTACHMENTS

1. Proposed Ordinance 2024-0408 (and its attachment)
2. Transmittal Letter
3. Fiscal Note
4. Council Staff Analysis Matrix dated April 16, 2025
5. Council's Review Schedule for 2025 KCCP, updated August 15, 2025
6. Executive Staff analysis on riparian area widths
7. Agriculture and the Critical Areas Regulations – LSLU 5/21/25
8. Proposed Ordinance 2024-0408 Amendment Tracker
9. Summary of Key Changes in Striking Amendment S1, updated August 12, 2025

10. Striking Amendment S1 to Proposed Ordinance 2024-0408 with Attachment
11. Amendment 1 to Striking Amendment S1 to Proposed Ordinance 2024-0408
12. Amendment 2 to Striking Amendment S1to Proposed Ordinance 2024-0408
13. Title Amendment T1 to Proposed Ordinance 2024-0408

LINKS

All materials for the 2025 KCCP, as well as additional information about the Council's review of the proposal, can be found at:

https://kingcounty.gov/en/dept/council/governance-leadership/county-council/useful-links/comprehensive-plan/2025

KING COUNTY

Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2024-0408.1 **Sponsors** Perry

AN ORDINANCE related to critical area regulations; amending the King County Comprehensive Plan; and amending Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200, Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122, Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200, Ordinance 15051, Section 24, and K.C.C. 21A.06.254, Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415, Ordinance 15051, Section 41, and K.C.C. 21A.06.451, Ordinance 15051, Section 107, and K.C.C. 21A.06.1331, Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750, Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015, Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240, Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370, Ordinance 10870,

Section 321, and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010, Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100, Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180, Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200, Ordinance 15051, Section 158, and K.C.C. 21A.24.205, Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275, Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280,

Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290, Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310, Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312, Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313, Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335, Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355, Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358, Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365, Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382, Ordinance 15051, Section 204, and K.C.C. 21A.24.388, Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100, Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110, Ordinance 3688, Section 415, as amended,

and K.C.C. 21A.25.150, Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160, Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210, Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045, Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060, Ordinance 15051, Section 228, and K.C.C. 21A.50.035, and Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.24, recodifying K.C.C. 21A.06.1331 and K.C.C. 21A.24.500, and repealing Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055, Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072, Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140, Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314, Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342, and Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. The Washington state Growth Management Act ("the GMA") requires counties to include the best available science ("BAS") in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and consider critical areas regulations as part of the comprehensive plan review and evaluation required by RCW 36.70A.130.

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance XXXX (Proposed Ordinance 2023-0440). Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

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

D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates

and non-regulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk.

E. Comprehensive Plan policies, land use designations, zoning classifications, and development regulations work in concert with non-regulatory actions, including land conservation and habitat restoration to ensure no-net loss of critical area functions and values.

F. The proposed updates to critical areas regulations have the effect of strengthening protections for critical areas functions and values while advancing the goals of GMA, including the designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County.

G. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 9.14, 16.82, 21A.06, 21A.16, 21A.22, and 21A.24, and K.C.C. 17.04.010. For the purposes of RCW 70A.355.030, King County declares critical aquifer recharges areas to be environmentally sensitive areas.

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

SECTION 2. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are hereby amended to read as follows:

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

B. The activities in subsection D. of this section are exempted from the requirement of obtaining a clearing or grading permit ((~~before undertaking forest practices or clearing or grading activities, as long as~~)), if those activities conducted in critical areas ((~~are in compliance~~)) comply with the standards in this chapter and in K.C.C. chapter 21A.24, and are legally established. Activities ((~~not requiring~~)) exempt from a clearing and grading permit are not exempt from other code requirements and may require other permits, including, but not limited to, a floodplain development permit.

C. Clearing and grading permit requirement exemptions shall be interpreted as follows:

1. The use of "NP" in a cell means that no clearing or grading permit is required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24 are met;

2. A number in a cell means the numbered condition in subsection E. of this section applies, and:

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

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

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

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

5. Clearing and grading permits are required when a cell in ((~~this~~)) the table in subsection D. of this section is empty and for activities not listed on the table.

D. Clearing and grading permit requirement exemptions.

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and	Seismic, Volcanic, and Tsunami Haz	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Allu	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian	((~~Wildlife Area and Buffer~~)) Wildlife Habitat

						Buffer	ard Area		vial Fan Hazard Area			Area	Area and Wildlife Habitat Network
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~N P 1, 2~~))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~N P 3~~))		NP 3	NP 4 ((~~N P 23~~))	NP 4 ((~~N P 23~~))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~N P~~	NP 5	NP 5	NP 5	NP 5	NP 5

								~~5~~))					
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~N P 6~~))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((~~N P 25~~))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~N P 7~~))	NP 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((~~N P 9~~))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((~~N P 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the	NP	NP	NP	NP	NP	NP	NP	((~~N~~	~~((N~~	NP			NP

roadway	11	11	11	11	11	11	11	~~P 11~~))	~~P 11~~))	11			11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((~~N P 12~~))	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((~~N P 13, 14, 15~~))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((~~Construction of farm field access drive~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))
((~~Maintenance of~~	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N	((~~N

~~farm field access drive~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))	~~P 17~~))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((~~N P 19~~))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 NP 28		NP 1, 2, 3				NP 1, 2, 3	((~~N P 1, 2, 3~~))		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P~~	NP 11	NP 11	NP 11	NP 11	NP 11

water flow control and surface water quality treatment facility								~~11~~))					
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((~~NP 20~~))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~NP 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat ((~~restoration~~))<u>creat</u>	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((~~NP~~	NP 21	NP	NP 21	NP 21	NP 21

ion or enhancement project								21))					
Drilling and testing for critical areas((s)) report or monitoring and data collection	NP 1, 2, 22	NP 1, 2, 22	NP 1, 2, 22	NP 22	NP 22	NP 22	NP 1, 2, 22	((NP 1, 2))	NP 22	NP 1, 2, 22	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((NP))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure	NP ((16))	NP ((16))	NP ((16))	NP ((16))	NP ((16))		NP ((16))	((NP 16)		NP ((16))	NP ((16))	NP ((16))	

storage facility	17	17	17	17	17		17	)		17	17	17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((N P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((N P 26))	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((N P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Other													
Excavation of cemetery grave in	NP	NP	NP	NP	NP	NP	NP	((N P))	NP	NP	NP	NP	NP

established and approved cemetery													
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP <u>13</u>	((~~N P~~))	NP 13	NP 13	NP 13	NP 13	NP 13

E. The following conditions apply:

1. Excavation less than five feet in vertical depth((~~,~~)) or fill less than three feet in vertical depth that, cumulatively on a single site since January 1, 2005, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing of less than seven thousand square feet on a single site since January 1, 2005, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:

a. regulated as a Class IV forest practice under chapter 76.09 RCW;

b. in a critical drainage areas established by administrative rules;

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

d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

4. Not allowed within a wetland, aquatic area, or a tree containing an active nest. Otherwise, allowed for ((~~C~~))cutting firewood for personal use in accordance with a forest management plan ((~~or rural stewardship plan~~)) approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan((~~,~~)) or forest management plan((~~, or rural stewardship plan~~)).

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

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

b. limited to removal with hand labor.

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

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

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

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

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

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

a. The King Conservation District;

b. King County department of natural resources and parks;

c. King County department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

16. Only on sites with agricultural activities uses if:

a. consistent with an adopted farm management plan in accordance with K.C.C. Title 21A((.));

b. constructed using best management practices approved by the permitting division;

c. access is not greater than fourteen feet wide;

d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers;

e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual;

f. located where it is least subject to risk from channel migration;

g. a floodplain development permit is obtained for any action within the floodplain; and

h. all other required state and federal permits have been obtained and actions comply with these permits.

17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.

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

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

20. When:

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

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

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation((~~:~~)), and

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

(((~~1~~))) revegetation of the critical area and ((~~its~~)) associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation using only hand labor; or

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

(1) revegetation of the critical area and associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation;

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

(3) hand labor except:

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

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

22. If done with hand equipment((~~and~~)), does not involve any clearing, and equipment is not left in the critical area or associated buffer when work is concluded.

23. Limited to tree and vegetation clearing for the purposes of wildfire preparedness, except tree and vegetation clearing subject to K.C.C. 16.82.156, ((~~or~~)) K.C.C. Title 21A, or otherwise requiring a permit, including, but not limited to, alterations within critical areas, as follows:

a. Within thirty feet of a residential structure containing habitable space, the following is allowed:

(1) vegetation removal:

(a) within fifteen feet of the furthest attached exterior point of a residential structure containing habitable space or a deck;

(b) within ten feet of an installed above ground propane or liquefied petroleum gas tank; and

(c) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels; and

(2) removal and pruning of trees to provide:

(a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height;

(b) fifteen feet of clearance over driveways for emergency vehicle access;

(c) eighteen feet between tree crowns; and

(d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied petroleum gas tanks, overhead communication cables, overhead electrical wires, or other structures; and

b. All activities in subsection E.23.a. of this section are also allowed up to one hundred feet from a residential structure containing habitable space if such clearing is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk, except ((~~as follows:~~)) that

(((~~(1)~~))) removal and pruning of trees to provide clearance between tree crowns is limited to providing:

(((~~(a)~~))) (1) twelve feet between tree crowns((~~, when~~)) located more than thirty feet and up to sixty feet ((~~of~~)) from a residential structure containing habitable space; and

(((~~(b)~~))) (2) six feet between tree crowns((~~, when~~)) located more than sixty feet and up to one hundred feet ((~~of~~)) from a residential structure containing habitable space.

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

b. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156.

26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the:

a. King Conservation District;

b. department of natural resources and parks;

c. department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

27. Pruning of trees to provide up to ten feet of clearance from overhead communication cables and electrical wire components of utility facilities, if:

a. ((~~no~~)) all debris is ((~~left~~)) removed following the pruning activity;

b. authorized by a right-of-way construction permit;

c. pruning activities around overhead electrical facilities do not extend fifteen feet beyond the right-of-way; and

d. any work is approved by the property owner.

28. Tree and vegetation clearing, except for overhead facilities in subsection E.27. of this section, and except for tree and vegetation clearing subject to K.C.C. 16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows:

a. Up to thirty feet measured horizontally from the utility facility structure, the following is allowed:

(1) vegetation removal:

(a) within fifteen feet of the furthest attached exterior point of a structure; and

(b) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels;

(2) removal and pruning of trees to provide:

(a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height;

(b) fifteen feet of clearance over driveways for emergency vehicle access;

(c) eighteen feet between tree crowns; and

(d) ten feet between tree crowns and structures; and

(3) the screening function of any landscaping planted to provide screening in K.C.C. chapter 21A.16 is maintained; and

b. All of the activities in subsection E.28.a. of this section are also allowed up to one hundred feet measured horizontally from the utility facility structure if such clearing activity is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks and that includes best management practices to reduce wildfire risks, except that removal and pruning of trees to provide clearance between tree crowns is limited to providing:

(1) twelve feet between tree crowns, when more than thirty feet and up to sixty feet measured horizontally from a utility facility structure; and

(2) six feet between tree crowns, when more than sixty feet and up to one hundred feet measured horizontally from a utility facility structure.

SECTION 3. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended to read as follows:

A. The King County shoreline master program consists of the following elements, enacted on or before the date of enactment of ((~~Ordinance XXXX (Proposed Ordinance 2023-0440~~)) this ordinance:

1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

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

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

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

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

((~~h.~~)) g. K.C.C. 21A.24.200;

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

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

((~~k.~~)) j. K.C.C. 21A.24.275;

((~~l.~~)) k. K.C.C. 21A.24.280;

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

((~~n.~~)) m. K.C.C. 21A.24.300;

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

((~~p.~~)) o. K.C.C. 21A.24.316;

((~~q.~~)) p. K.C.C. 21A.24.318;

((~~r.~~)) q. K.C.C. 21A.24.325;

((~~s.~~)) r. K.C.C. 21A.24.335;

((~~t.~~)) s. K.C.C. 21A.24.340;

((~~u.~~)) t. K.C.C. 21A.24.355;

((~~v.~~)) u. K.C.C. 21A.24.358;

((~~w.~~)) v. K.C.C. 21A.24.365;

((~~x.~~)) w. K.C.C. 21A.24.380;

((~~y.~~)) x. K.C.C. 21A.24.382;

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

((~~aa.~~)) z. K.C.C. 21A.24.388;

4. The following:

a. K.C.C. 20.18.050;

b. K.C.C. 20.18.056;

c. K.C.C. 20.18.057;

d. K.C.C. 20.18.058;

e. K.C.C. 20.22.160;

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

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

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

i. K.C.C. 21A.50.030; and

5. The 2024 King County Flood Management Plan.

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

C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided

in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of an electronic copy, with the clerk of the council, who shall retain the original and provide electronic copies to all councilmembers, the chief of staff, and the lead staff of the local services and land use committee, or its successor.

SECTION 4. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are hereby amended to read as follows:

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

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

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

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((~~s~~)))Section 21 ((~~of this ordinance~~))), for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users

including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is

abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met:

a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application’s public hearing;

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads,

culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

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

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((~~s~~)))Section 21 ((~~of this ordinance~~))), uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police

emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by

implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ((~~or rural stewardship land categories~~)) category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native

plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance

in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

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

12. Rural open space - five points. "Rural open space" means an area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant; or

b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ((~~rural stewardship,~~)) or resource restoration plan acceptable to the department;

13. ((~~Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;~~

~~14.~~)) Scenic resource, viewpoint, or view corridor – five points.

a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public

from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.

b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way.

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

((~~15.~~)) 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an

Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category;

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

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

(1) an area used by animal species listed as endangered, threatened, sensitive, or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local ((~~significance~~)) importance that are listed by the King County Comprehensive Plan or a local jurisdiction;

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

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

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

b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.((~~16~~))15.a.

of this section. To receive credit for ((~~salmonid~~)) fish habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible;

((~~17.~~)) 16. Special animal site - three points. "Special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a biodiversity area and corridor identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application as identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

((~~18.~~))17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest

stewardship, ((~~rural stewardship,~~)) or resource restoration plan. Grazing use by livestock on such land is prohibited;

((~~19.~~)) 18. Urban open space - five points.

a. "Urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

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

(4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;

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

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

((~~20.~~)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and

groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((~~, or rural stewardship~~)) plan that addresses this need and is acceptable to the department.

D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows:

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

2. Contiguous parcels under separate ownership - two points.

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

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

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

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

c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program.

d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories.

e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner;

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

4. Public access - points depend on type and frequency of access allowed. "Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic ((~~properties~~)) properties is subject to approval by the historic preservation officer of King County or a

certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access ((~~because of~~)) due to resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner.

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

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

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

5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category.

Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land((~~,~~)) or forest stewardship land((~~, or rural stewardship land~~)) categories.

SECTION 5. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any residential structures of twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles;

d. The construction of a parking lot designed for forty automobiles;

e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in ((~~an aquatic area, wetland,~~)) a steep slope, ((~~or~~)) landslide ((~~hazard area~~)), or alluvial fan hazard area. If the proposed action is to remove from or replace fill in ((~~an aquatic area, wetland,~~))a steep slope, ((~~or~~)) landslide ((~~hazard area~~)), or alluvial fan hazard area to correct a violation, the threshold shall be five hundred cubic yards.

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

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

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

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

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a sudden change in sediment transport capacity, such as a significant change in slope or confinement.

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

Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan hazard areas are a type of geological hazard area.

SECTION 9. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows:

A. Aquatic areas:

1. Nonwetland water features including: all shorelines of the state, rivers, streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs;

2. Impoundments, such as reservoirs or ponds, if any portion of the contributing water is from a nonwetland water feature listed in subsection A.1. of this section; ((~~and~~))

3. Above-ground open water conveyance systems, such as ditches, if any portion of the contributing water is:

a. used by fish; or

b. from either a wetland or a ((~~nonwetland~~)) water feature listed in subsection A.1. or A.2. of this section, or both; and

4. Portions of the water features in subsections A.1, A.2, and A.3 of this section that are conveyed underground in pipes or culverts.

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

SECTION 10. Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122 are hereby amended to read as follows:

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

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Climate-smart plants: native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as identified by the department of natural resources and parks.

SECTION 12. Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows:

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

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

Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following:

A. Filed IRS Schedule F for a minimum of three years;

B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or

C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.

SECTION 14. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby amended to read as follows:

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

A. ((~~Aquatic areas;~~

~~B. Coal mine hazard areas;~~

~~C.~~)) Critical aquifer recharge areas;

((~~D. Erosion hazard areas;~~

~~E. Flood hazard areas;~~

~~F. Landslide hazard areas;~~

~~G. Seismic hazard areas;~~

~~H. Steep slope hazard areas;~~

~~I. Volcanic hazard areas;~~

~~J.~~)) B. Frequently flooded areas, regulated as Flood Hazard Areas, including:

1. Floodplains;

2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;

3. Zero-rise flood fringe;

4. Zero-rise floodways;

5. FEMA floodways; and

6. Channel migration zones;

C. Fish and wildlife habitat conservation areas, including:

1. Aquatic areas;

2. Riparian areas;

3. Wildlife habitat conservation areas; and

4. Wildlife habitat networks;

D. Geologically hazardous areas, including;

1. Alluvial fan hazard areas;

2. Channel migration zones;

3. Coal mine hazard areas;

4. Erosion hazard areas;

5. Landslide hazard areas;

6. Seismic hazard areas;

7. Steep slope hazard areas;

8. Tsunami hazard areas; and

9. Volcanic hazard areas; and

E. Wetlands((~~;~~

~~K. Wildlife habitat conservation areas; and~~

~~L. Wildlife habitat networks~~)).

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within shorelines of the state, and floodplains designated as shorelines of the state in the shoreline master program.

NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Debris flow: a moving mass of rock fragments, soil, and mud, with more than half of the particles being larger than sand size.

NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Ecological professional: a person having a degree in ecology, wildlife biology, wetland biology, fisheries, botany, soil science, environmental science, natural resource management, or a closely related field, with a minimum of five years of professional experience related to the subject ecological field. Professional certification in a relevant ecological field can be substituted for two years of work experience.

SECTION 18. Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows:

Erosion hazard area: ((~~an~~)) a geologically hazardous area underlain by soils that ((~~is~~)) are subject to severe erosion when disturbed. ((~~These~~)) Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture ((~~Soil~~)) Natural Resources Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of

River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on slopes inclined at fifteen percent or more:

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

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

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

D. The Kitsap silt loam ("KpD");

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

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

G. The Ragnar-Indianola Association ("RdE").

SECTION 19. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows:

Farm field access drive: a((~~n~~)) paved or impervious ((~~surface constructed to provide a fixed~~)) route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Fish and wildlife habitat conservation areas: areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges,

breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with high population density or species richness.

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

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

Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or other geological events. Areas classified as geologically hazardous areas include one or more of the following:

A. Alluvial fan hazard areas;

B. Channel migration zones;

C. Coal mine hazard areas;

D. Erosion hazard areas;

E. Landslide hazard areas;

F. Seismic hazard areas;

G. Steep slope hazard areas;

H. Tsunami hazard areas; and

I. Volcanic hazard areas.

NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Geological professional: a geotechnical engineer or geologist, licensed in Washington state and experience in analyzing geologic, hydrologic, and ground water flow systems, as well as, preparing reports for the relevant geological subdisciplines.

NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 24. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

SECTION 25. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are hereby amended to read as follows:

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

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

B. Damage an approved road or utility facility; or

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

SECTION 26. Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows:

Mitigation: an action taken to compensate for unavoidable adverse impacts to the environment resulting from a development activity or alteration after all appropriate and practicable avoidance and minimization measures have been accounted for and implemented.

NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Notice of map amendment: a letter issued by the department of natural resources and parks indicating that the classification of a critical area has been changed from the classification shown on a critical areas map adopted by King County. The notice of map amendment may indicate that an area has been reclassified, declassified, or newly classified as a critical area.

NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Revegetation: the reestablishment of vegetation within an area that reflects historic natural conditions or native vegetation types that are well suited to thrive in the area.

NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Riparian area: a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas reduce impacts from adjacent land uses through various physical, chemical, or biological processes.

SECTION 30. Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015 are hereby amended to read as follows:

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

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

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

C. ((~~Brown trout;~~

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

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

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

F. Mountain whitefish.

NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Species of local importance: a species designated by the county in the Comprehensive Plan to be of local concern due to their population status, sensitivity to habitat alteration, or that are game species.

SECTION 33. Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows:

Stream: an aquatic area where surface water produces a channel, not including a wholly artificial channel((~~,~~)) unless ((~~it~~)) the artificial channel is:

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

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

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

Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but not limited to, those areas shown on the Washington Geological Survey Digital Data Series 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.

SECTION 35. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows:

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

SECTION 36. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are hereby amended to read as follows:

Wetland functions: ((~~natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~

~~availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988~~)) the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.

NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Wetland values: wetland processes, characteristics, or attributes that are considered to benefit society.

NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Wildlife lighting: measures applied to exterior lighting to reduce impacts to wildlife.

SECTION 39. Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010 are hereby amended to read as follows:

The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 3670A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

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

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

C. Protecting unique, fragile, and valuable elements of the environment including, but not limited to, fish and wildlife and their habitats, ((~~and~~)) while maintaining and promoting countywide native biodiversity;

D. Requiring prioritization of avoidance and minimization measures, followed by mitigation of ((~~unavoidable~~)) adverse impacts to critical areas((~~, by regulating alterations in or near critical areas~~)) and associated buffers;

E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground water, wetlands, and aquatic areas;

F. Measuring the quantity and quality of wetland and aquatic area resources and preventing overall net loss of wetland and aquatic area functions;

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

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

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

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

SECTION 40. Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows:

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

B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter.

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

D. If an area or site contains more than one critical area or natural resource land use designation, all designations shall apply.

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

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

SECTION 41. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are hereby amended to read as follows:

A. Within the following ((~~seven~~)) critical areas and their buffers ((~~all~~)) alterations are allowed if the alteration complies with the development standards, and prioritizes

impact avoidance and minimization measures, ((~~and~~)) followed by mitigation requirements and other applicable requirements established in this chapter:

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

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

1. ((~~Severe channel migration hazard area~~)) Alluvial fan hazard areas;
2. ((~~Landslide hazard area over forty percent slope~~)) Aquatic areas;
3. ((~~Steep slope hazard area~~)) Landslide hazard areas over forty percent slope;
4. ((~~Wetland~~)) Riparian areas;
5. ((~~Aquatic area~~)) Severe channel migration hazard areas;
6. ((~~Wildlife habitat conservation area; and~~)) Steep slope hazard areas;
7. ((~~Wildlife habitat network~~)) Wetlands;

8. Wildlife habitat conservation areas; and

9. Wildlife habitat networks.

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

A= ((~~alternation~~)) Alteration is allowed. Numbers indicate applicable development condition in subsection D. of this section.	Landslide Hazard Areas Over 40% and Buffer	Alluvial Fan Hazard Areas	Steep Slope Hazard Areas and Buffer	Wetland and Buffer	Aquatic Areas ((~~and Buffer~~)), Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks
Structures						
Construction of new single detached dwelling unit				A 1	((~~A 2~~))	
Construction of a new tree-				A 64	A 64	A 64

supported structure						
((~~Construction of nonresidential structure~~))				((~~A 3~~))	((~~A 3~~))	((~~A 3, 4~~))
Maintenance or repair of existing structure	A 5	A 5, 6	A 5	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 6, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7, 8
Interior remodeling	A		A	A	A	A
Construction of new dock or pier				A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11	A 4
Grading						
Grading		A 13, 15, 70	A 13		A 14	A 4, ((~~14~~))
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ((~~13~~)) 15, 16	A 16, 17	A 16, 17	A 4
Mineral extraction	A		A			
Clearing						

Clearing	A 18	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, ((~~14,~~)) 18, 20
Cutting firewood		A 21	A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 19	A 4, 19
((~~Removal of vegetation for fire safety~~)) Tree and vegetation clearing for the purposes of wildfire preparedness	A 22	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices						
Forest management activity	A	A	A	A	A	A 25
Roads						
Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a plat				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road	A	A 26	A	A 26	A 26	

right-of way structure						
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28, 70	A 28	A 28	A 28	A 28
((~~Construction of farm field access drive~~))	((~~A 29~~))		((~~A 29~~))	((~~A 29~~))	((~~A 29~~))	((~~A 29~~))
Maintenance of driveway, private access road, ((~~farm field access drive~~)) or parking lot	A	A 17	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39, 70	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16,	A 16,	A 16, 17,	A 16, 17, 31	A ((~~4~~))27

		17, 31	17	31		
Utilities and other infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33, 34	A 32, 33, 34, 35	A 32, 34	A 32, 34	A 4, 27, 32, 35
Construction or maintenance of a hydroelectric ((~~generating~~)) generation facility	A 67	A 66, 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33, 60	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((~~A 24~~))		((~~A 24~~))	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 37	A 4, 37
Maintenance, ((~~or~~)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24	A 24, 37	A 24, 37	A 4, 24, 37

Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 32, 33	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37
Construction of new surface water flow control or surface water quality treatment facility		A 32		A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16
Construction of new flood protection facility		A 16, 42		A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61

Construction of new instream structure or instream work	A 16	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A 16	A	A	A	A 4
Recreation						
Construction of new trail	A 46	A 46, 47	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		A 50		A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62

Agriculture						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm				A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility				A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54
Construction of a livestock heavy use area				A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54
Construction or maintenance of a farm pad				A 56	A 56	
Construction of agricultural drainage				A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 53, 54, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural		A 69		A 69	A 69	

waterway						
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((~~A 53~~))	A 53, 54	((~~A 53~~))	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of farm field access drive	A 29	A 29	A 29	A 29	A 29	A 29
Construction of nonresidential structure		A 3		A 3	A 3	A 3, 4
Other						
Shoreline water dependent or shoreline water oriented use					A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

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

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

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

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

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

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

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

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

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

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

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

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

Repealed.

3. Limited to nonresidential farm-structures in grazed or tilled wet meadows, ((~~or~~)) wetland buffers ((~~of wetlands~~)), or ((~~aquatic~~)) riparian areas where:

a. the site is predominantly used for the practice of ((~~agriculture~~)) agricultural activities;

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

c. the structure is either:

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

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

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

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

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

f. in an alluvial fan hazard area or a severe channel migration hazard area ((~~portion of an aquatic buffer only~~)) if:

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

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

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

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

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

5. Allowed for structures when:

a. the landslide hazard, steep slope hazard, or alluvial fan hazard poses little ((~~or~~)) to no risk of injury;

b. the hazard risks ((of ~~landsliding is~~)) from landslides, steep slopes, or alluvial fans are low; and

c. there is no((~~t an~~)) expansion of the structure.

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

a. existing legally established primary structures if:

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

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

b. existing legally established accessory structures if:

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

(2) there is no((~~t an~~)) expansion of the footprint towards any source of alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only in ((~~grazed wet meadows or the~~)) a critical area, associated buffer, or ((~~building~~)) critical area setback outside a severe channel migration hazard area if:

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

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

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

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

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

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

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

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

e. The expansion of a residential structure in ((~~the buffer of~~)) a riparian area adjacent to a ((~~T~~))type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:

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

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

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

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

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

c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation or climate-smart plants in accordance with an approved ((~~landscaping~~)) mitigation plan.

9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland or ((~~its~~)) associated buffer or along a lake shoreline or ((~~its buffer~~)) the adjacent riparian area where:

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

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

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

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

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

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

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

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

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

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

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

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

16. Allowed ((~~when~~)) for projects performed by, at the direction of, or authorized by a government agency in accordance with regional road construction and maintenance guidelines.

17. Allowed ((~~when~~)) for projects not performed under the direction of a government agency only if:

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

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

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

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

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

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

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

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

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

21. Cutting of firewood is subject to the following:

a. not allowed within a wildlife habitat conservation area, wetland, aquatic area, steep slope hazard area, or on a tree containing an active nest ((~~cutting firewood is not allowed~~));

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

c. when firewood is for personal use, cutting is allowed within ((~~a~~)) critical areas and critical area buffers((~~, cutting shall be for personal use and~~)) when done in accordance with an approved forest management plan ((~~or rural stewardship plan~~)).

22. ((~~Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal~~)) Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.

23. Allowed as follows:

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

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

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

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

(3) the cleared area is revegetated with native vegetation or climate-smart plants and stabilized against erosion; and

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

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

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

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

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

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

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

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

26. Allowed only if:

a. there is no((~~t~~)) ((~~an~~))other feasible location with less adverse impact on the critical area and ((~~its~~)) associated buffer;

b. the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal

government unless the department determines that there is no other feasible crossing site((.));

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

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

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

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

e. construction occurs during approved periods for instream work.

29. Allowed ((~~O~~))only on sites currently involved in the practice of agricultural activities if:

a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division;

b. there is no other feasible location with less adverse impact on critical areas and associated buffers;

c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual;

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

e. a floodplain development permit is obtained for any action within the floodplain; and

f. all other required state and federal permits have been obtained and actions comply with such permits.

30. Allowed only if:

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

b. the site is restored with appropriate native vegetation or climate-smart plants in accordance with an approved mitigation plan.

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

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

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

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

33. Allowed outside the roadway if:

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

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

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

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

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

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

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

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

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

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

(1) the width is the minimized;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38. Allowed if:

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

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

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

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

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

39. Allowed only if:

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

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

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

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

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

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

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

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

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

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

a. necessary to avoid erosion of slopes; and

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

42. Allowed in a severe channel migration hazard area, riparian area, or an ((~~aquatic area buffer~~)) alluvial fan hazard area to prevent bank erosion only:

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

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

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before

February 16, 1995. The buildings, sole access routes, or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

e. the site is restored with appropriate native vegetation, or climate-smart plants and erosion protection materials according to an approved mitigation plan; and

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

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

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

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

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

c. in compliance with the criteria of subsection D.49. of this section.

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

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

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

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

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

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

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

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

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

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

i. trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands or associated buffers;

j. the trail may be ((~~located across a critical area buffer~~)) allowed to cross a riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform or to a permitted dock or pier; and

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

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

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

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

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

48. Only if the maintenance:

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

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

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

49. Limited to alterations to create, restore, or enhance aquatic or wetland habitat forming processes or ((~~directly restore~~)) habitat functions and values, including access for construction, as follows:

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

~~b.~~)) creation, restoration, and enhancement plans shall be prepared by an ((~~qualified biologist~~)) ecological professional; ((~~or~~

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

b. the applicant provides an ecological critical area report that includes the following:

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

(2) a mitigation plan for impacts to critical areas and associated buffers, unless the applicant demonstrates to the satisfaction of the department that the proposed project will provide a net ecological benefit and increase in function over the existing conditions of the project area; and

(3) a monitoring and reporting plan to demonstrate the gain of ecological function.

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

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

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

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

b. survey monument placement;

c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment ((~~and~~)); or

d. similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities.

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

a. the site is predominantly involved in the practice of ((~~agriculture~~)) agricultural activities;

b. there is no expansion into an area that:

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

(2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height~~)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock;

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

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

55. Only allowed in grazed or tilled wet meadows or ((~~their~~)) associated buffers if:

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

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

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

56. Only allowed in:

a.(1) a severe channel migration hazard area located outside of the shoreline((~~s~~)) jurisdiction area;

(2) grazed or tilled wet meadow or wet meadow buffer; or

(3) ((~~aquatic area buffer~~)) grazed or tilled riparian area; and only if:

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

(2) there is ((~~not another~~)) no other feasible location available on the site that is located outside of the critical area or critical area buffer;

(3) the farm pad, livestock manure storage facility, or livestock heavy use area is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and

(4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, or livestock heavy use area is located where it is least subject to risk from channel migration.

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

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

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

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

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

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

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

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

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

(4) the width of clearing is minimized;

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

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

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

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

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

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

61. Allowed if sponsored or cosponsored by the countywide flood control zone district, or the department of natural resources and parks and the department of local services, permitting division, determines that the project and its location:

a. is the best flood risk reduction alternative practicable;

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

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

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

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

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

b. Only allowed if:

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

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

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

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

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

(6) the project meets the following design criteria:

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

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

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

(d) structures shall be located outside of the wetland or aquatic area landward of the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark or open water component, ((~~(~~))if applicable((~~)~~)), to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark;

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

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

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

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

(j) disturbed bare ground areas around the structure must be ((~~replanted~~)) revegetated with native vegetation or climate-smart plants approved by the department.

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

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

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

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

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

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

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

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

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

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

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

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

h. exterior lighting shall meet the following criteria:

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

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

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

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

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

l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-smart plants according to a ((~~vegetation management~~)) mitigation plan approved by the department.

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

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

a. there is ((~~not another~~)) no other feasible location within the aquatic area with less adverse impact on the critical area and ((~~its~~)) associated buffer;

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

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ((~~8~~)) eight points or greater;

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

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

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

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

h. the facility and corridor ((~~is~~)) are not located within a severe channel migration hazard area;

i. to the maximum extent practical, buildings will be located outside the wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~));

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

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

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

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

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

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

a. there is no((~~t an~~))other feasible location with less adverse impact on the critical area and ((~~its~~)) associated buffer;

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

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

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

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

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

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

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

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

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

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

69. Only for maintenance of agricultural waterways if:

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

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

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

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

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

70. Only allowed within an alluvial fan hazard area, and overlapping critical areas if:

a. in response to an emergency event where channel avulsion or migration is imminent or has occurred as a result of a pulse of in-channel sediment or debris deposition;

b. to prevent an imminent threat to:

(1) public roadways, utilities, and other infrastructure;

(2) sole access driveways and roads;

(3) primary dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures;

(4) agricultural activities structures necessary to store equipment, produce, or livestock;

c. conducted under an approved emergency authorization request per K.C.C. 16.082.065;

d. the emergency work is completed within thrity days of receiving a written emergency authorization;

e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat;

f. proposed in-stream work is minimized or results in the least adverse impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;

g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;

h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;

i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:

(1) mitigate any adverse ecological impacts of the emergency actions;

(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and

(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and

j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.

SECTION 42. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows:

A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ((~~the buffers of~~)) wetland((~~s~~)) buffers, ((~~aquatic areas~~)) riparian areas, and wildlife habitat conservation areas,)when an agricultural activity is currently

occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.

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

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

D. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

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

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

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

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

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

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

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

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

3. Ensure no net loss of shoreline ecological functions and critical area functional and values.

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

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

2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ((~~their~~)) associated buffers, and maintain

and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

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

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

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((~~their~~)) associated buffers ((~~and to modify~~)). Modification to the farm management plan should occur if adverse impacts ((~~occur~~)) are identified.

G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

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

I. ((~~Once approved, a~~))Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King

Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 43. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows:

A. The King County council recognizes that ((~~rural stewardship plans and~~)) farm management plans ((~~are key elements of this chapter that~~)) provide flexibility to natural resource land and rural area residents to establish and maintain a rural lifestyle that includes activities such as farming ((~~and forestry~~)), while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051 ((~~relating to rural stewardship plans and farm management plans~~)), consistent with the provisions of this section. The rules shall ((~~not compromise~~)) be consistent with the King Conservation District's mandates or standards for farm management planning.

C. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ((~~the assistance shall be provided at little or no cost to landowners~~)) the cost of such assistance shall be minimal to the landowner. ((~~In addition, t~~))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ((~~and make available to the public,~~)) model farm management((~~, forest management and rural stewardship~~)) plans illustrating examples of

plan application content, drawings, and site plans, ((~~to assist landowners in their development of site-specific plans for their property~~)) and make available to the public.

D. The department of natural resources and parks ((~~is~~)) shall be the primary county agency responsible for ((~~rural stewardship plans and~~)) farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out ((~~its~~)) the responsibilities under this chapter relating to ((~~rural stewardship plans and~~)) farm management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to ((~~rural stewardship plans and~~)) farm management plans.

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural stewardship and~~)) farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. The director may approve exceptions to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration areas, not otherwise allowed by this chapter as follows:

1. For linear alterations, ((~~E~~))except as otherwise provided in subsection A.2. of this section((~~, for linear alterations, the director may approve alterations to critical areas,~~

~~critical area buffers and critical area setbacks only~~)) when all of the following criteria are met:

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

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

c. the ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

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

e. the linear alteration:

(1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility, or other public infrastructure owned or operated by a public utility; or

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

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

3. For nonlinear alterations, except as otherwise provided in subsection A.3.h. of this section, the director may approve exceptions to allow alterations to critical areas

except aquatic areas, wildlife habitat conservation areas, and wetlands, ((~~unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas,~~)) and may approve alteration((~~s~~)) exceptions to critical area buffers and critical area setbacks, when all of the following criteria are met:

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

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

c. the ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

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

e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. When the site disturbance is within a critical area or associated buffer, the ((~~building~~)) critical area setback line shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance;

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

g. the critical area is not ((~~used as a~~)) potential salmonid spawning ((~~area~~)) habitat; and

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

B. The director may approve a reasonable use exception to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration hazard areas, if the application of this chapter would deny all reasonable use of the property as follow:

1. If the critical area, critical area buffer, or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all ((~~of~~)) the following criteria are met:

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

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

c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and

d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations, and maintained

yard and landscaping but not including the area used for a driveway or for an on-site sewage disposal system; and

2. If the critical area, critical area buffer, or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090.

C. For the purpose of this section:

1. "Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric ((~~generating~~)) generation facilities, utility corridors, and utility facilities; and

2. ((~~For purposes of subsections A. and B. of this section, a~~))Areas located ((~~within the shoreline jurisdiction that are~~)) below the ordinary high water mark shall not be included in calculating the site area.

D. ((~~Alteration e~~)) Exceptions approved under this section shall meet the mitigation requirements of this chapter.

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

F. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.

SECTION 45. Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows:

((~~If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether~~)) An applicant for a permit for a development proposal or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide the following:

A. Disclosure of critical areas on the development proposal site or sites, including mapped or identifiable critical areas within the distance equal to the largest potential required critical area buffer applicable to the development proposal; and

B. An affidavit indicating whether:

1. The applicant has knowledge of any illegal alteration to ((~~any or all~~)) the critical areas or associated buffers on the development proposal site or sites; and

((~~B.~~)) 2. The applicant previously has been found in violation of this chapter for any property in King County, in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant ((~~shall~~)) must declare whether the violation has been corrected to the satisfaction of King County.

SECTION 46. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

SECTION 47. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows:

A.1. A property owner or the property owner's agent may request a critical area designation for a site consisting of part or all of a ((~~site~~)) parcel, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department.

2. ((~~If the request is for review of a portion of a site, t~~)The application shall include a map identifying ((~~the portion~~)) all areas of the ((~~site~~)) parcel for which the designation is sought. The designation shall not apply to any areas of the parcel other than those identified in the application and approved by the department.

((~~2. The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.~~))

3. If deemed necessary by the department, supporting critical area reports, prepared in accordance with K.C.C. 21A.24.110, may be required.

4. The review by the department shall evaluate, determine, and document the existence, location, and classification of the critical areas within the areas indicated on the application.

B. ((~~In preparing the critical area designation, the department shall perform a critical area review to:~~

~~1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;~~

~~2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;~~

~~3. Evaluate the critical area report, if required; and~~

~~4. Document the existence, location and classification of any critical area.~~

~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or~~

~~aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~

~~D.~~)) The department shall ((~~make the determination of~~)) issue a critical area designation in writing within one-hundred-twenty-days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. ((~~If the determination applies to less than an entire site, t~~))The determination shall clearly identify the portion of the ((~~site~~)) parcel to which the determination applies.

((~~E.1.~~)) C. The written determination made under this section is final and effective for five years from the date of issuance as to the existence, location, classification of any critical area ((~~and critical area buffers~~)) on the site, unless:

((~~a.~~)) 1. ((~~t~~))There is a change in site conditions;

((~~b.~~)) 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration, or the adoption of revised methods for critical area classification; or

3. A county, state, or federal agency adopts critical area maps that conflict with the department's written determination.

((~~2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.~~

~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~

~~subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.~~))

SECTION 48. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ((~~Before any~~)) Prior to clearing, grading, or site preparation, the department shall perform a critical area review ((~~for any~~)) of development proposal permit applications or other request for permission to alter a site to determine ((~~whether there is~~)):

1. The existence, location, and classification of ((~~A~~)) critical areas on the ((~~development proposal site~~)) parcel;

2. ((~~An active breeding site of a protected species on the development proposal site; or~~

~~3. A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible from the boundaries of the site~~)) The existence, location, and classification of critical areas within three hundred feet of the site that can be identified by use of available data and methods including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, critical area determinations for other permits, and available critical area reports;

3. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and

4. Compliance with all other standards and regulations of this chapter.

B. As part of the critical area review, the department shall review ((~~the critical area reports and determine~~)) whether:

1. ((~~There has been an accurate identification of all critical areas~~)) Critical area designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as recodified by this ordinance;

2. ((~~An alteration will occur to a critical area or a critical area buffer~~)) Critical area report or reports are required with the application under K.C.C. 21A.110;

3. ((~~The development proposal is consistent with this chapter~~)) Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified within the application documents;

4. ((~~The sequence~~)) Proposed alterations prioritize avoidance and minimization measures, followed by mitigation requirements in K.C.C. 21A.24.125 ((~~has been followed to avoid impacts to critical areas and critical area buffers~~)); ((~~and~~))

5. Proposed ((~~M~~))mitigation measures required to compensate for unavoidable adverse impacts to critical areas ((~~is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,~~)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and

6. Proposed alterations are consistent with the goals, purposes, objectives, and requirements of this chapter.

C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a:

1. Flood hazard area;

2. Critical aquifer recharge area; or

3. Landslide hazard area, steep slope hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure.

D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an

effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an independent decision under K.C.C. 20.20.020.

SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:

A. An ((~~applicant~~)) application for a development proposal that requires critical area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this ordinance, shall submit a critical area report at a level determined by the department to adequately evaluate the proposal and all probable impacts in accordance with the applicable critical area report criteria of this chapter.

B. The applicant may combine a critical area report with ((~~any~~)) additional studies required by other laws and regulations.

C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. ((~~A~~))a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. ((~~D~~))documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. ((~~D~~))documentation that the activity fits within Section 4(d) of the Endangered Species Act;

d. ((~~A~~))an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((~~2010~~)) April 2011. The assessment shall determine if the project ((~~would~~)) adversely affects any ((~~one or more~~)) of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

(5) water quality;

(6) water quantity, including flood and low flow depths, volumes, and velocities;

(7) the river or stream channel's natural planform pattern and migration process;

(8) spawning substrate, if applicable; and

(9) floodplain refugia, if applicable.

2. The department ((~~must~~)) shall require ((~~a~~)) projects with adverse ((~~effects~~)) impacts on critical areas or associated buffers to ((~~comply with the impact~~)) prioritize avoidance((~~,~~)) and minimization ((~~and~~)) measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.

NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An applicant for a development proposal that requires geological critical area review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level of detail determined by the department to adequately evaluate the proposal and all probable impacts.

B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The geological critical area report shall be prepared, stamped, and signed by a geological professional.

D. The geological critical area report shall contain, at a minimum, the following information:

1. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on the site;

b. the quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient; and

d. the location or evidence of any springs, seeps, or other expressions of groundwater.

2. A evaluation of the geological conditions of the site that includes:

a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines;

b. available geotechnical reports, well logs, or other data sources within the vicinity of the site;

c. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours;

d. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site;

e. engineering properties of the subsurface soils or bedrock or both on site and adjacent properties; and

f. identification of all existing fill areas;

3. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property including, but not limited to:

a. slope stability;

b. liquefaction hazard;

c. debris runout;

d. channel migration;

e. erosion rates, slope recession rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization; and

f. additional information required by K.C.C. 21A.25.170, if applicable;

4. An evaluation of proposed development which includes;

a. location and description of proposed development activity;

b. method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the King County Surface Water Design Manual;

c. locations and methods for temporary and permanent erosion control;

d. recommendations for structure siting limitations, including buffers and setbacks, in accordance with the development standards of geologically hazardous areas in this chapter;

e. recommendations for engineering mitigation of hazards; and

f. recommendations for vegetation management to mitigate hazards;

5. A determination stating whether the proposed alterations minimize risks to people and development on and off the site in accordance with the development standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice;

6. A site plan that includes:

a. the topography with vertical contour intervals of five feet or less unless the underlying project permit requires a smaller interval;

b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site;

c. all identified geologically hazardous areas, buffers, and critical area setbacks;

d. exploration locations;

e. locations of proposed development and clearing limits, if known, and

f. transects of any provided cross-sections;

7. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

8. Any other information determined by the department to be necessary to determine compliance with this chapter including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, and models for estimating how far landslide materials will travel.

E. The department shall require a project with adverse impacts to prioritize avoidance and minimization measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.

NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An applicant for a development proposal that requires ecological critical area review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level of detail determined by the department to adequately evaluate the proposal for all probable impacts.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. Ecological critical areas include wetlands and all fish and wildlife habitat conservation areas.

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. A wetland, aquatic area, and riparian area delineation report that includes:

a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035, including completed data forms and data point locations to demonstrate the presence or absence of wetland conditions;

b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms;

c. identification of aquatic area locations, typing, and ordinary high water marks;

d. identification of severe channel migration hazard areas and floodplains; and

e. determination of applicable wetland buffers and riparian areas;

2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks;

3. A description of existing onsite and adjacent site conditions that includes:

a. existing development including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established;

b. the extent and dominant species composition of existing vegetative cover;

c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology;

d. functions and values of all critical areas found; and

e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development. The department may require tree locations to be surveyed;

4. If unavoidable impacts to critical areas or buffers are proposed, an impact analysis that includes:

a. demonstration that adverse impacts prioritized avoidance and minimization measures, followed by mitigation sequencing in K.C.C. 21A.24.125.

b. calculation of square footage of direct permanent impacts to each critical area and buffer;

c. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

d. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2

Washington state Department of Ecology, publication number 21-06-003, published April 2021;

e. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

f. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the King County Surface Water Design Manual; and

g. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers;

5. A mitigation plan that includes:

a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required;

b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year;

e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable;

f. plan for installation of wildlife lighting;

g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

h. justification for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equivalent or greater ecological functions will be achieved;

6. A monitoring plan that includes:

a. a monitoring schedule of five years, unless otherwise directed by the department;

b. success criteria for mitigation activities to meet at the end of each monitoring year;

c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area;

d. a maintenance plan to ensure success criteria are met; and

e. a contingency plan if it is determined that mitigation fails to meet success criteria;

7. A site plan depicting:

a. mapped locations of all on-site critical areas and approximated locations of all off-site critical areas within three hundred feet of the site;

b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24;

c. critical area setback lines applied in accordance with K.C.C. 21A.24.200;

d. existing and proposed alterations, including but not limited to structures, impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and

e. all property lines, setbacks, and easements; and

8. Additional information determined by the department to be necessary to comply with this chapter.

SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. If mitigation is required under this chapter to compensate for adverse impacts, ((~~unless otherwise provided, an applicant shall:~~

~~1. Mitigate adverse impacts to:~~

~~a. critical areas and their buffers; and~~

~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~

~~2. Monitor the performance of any required mitigation~~)) the mitigation shall be designed to:

1. Achieve no net loss of critical area ecological functions for the entire scope of the development; and

2. Not create adverse impacts on other critical area functions.

B. When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for

critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area ecological functions as conditions of approval for mitigation measures, which may include conservation easements, financial guarantees, and performance monitoring.

C. The department shall not approve a development proposal until mitigation and monitoring plans are ((~~in place~~)) established ((~~to mitigate for alterations to critical areas and buffers~~)) and financial guarantees have been posted in accordance with K.C.C. Title 27A.

((~~C.~~)) D. Whenever mitigation is required, an applicant shall submit a critical area report ((~~that includes:~~

~~1. An analysis of potential impacts;~~

~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~

~~3. A monitoring plan that includes:~~

~~a. a demonstration of compliance with this title;~~

~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~

~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or~~

~~(2) the mitigation involves the creation of a wetland; and~~

~~c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.~~

~~D.~~)) in accordance with this chapter.

E. Mitigation shall ((~~not~~)) be implemented ((~~until~~)) after the department approves ((~~the~~)) all applicable mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ((~~is~~)) has commenced and shall provide King County with reasonable access to the ((~~mitigation~~)) site for the purpose of inspections during ((~~any~~)) the monitoring period.

((~~E.~~)) F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan and revised financial guarantee requirements.

SECTION 53. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. To the maximum extent practical, ((~~an applicant shall mitigate~~)) and after application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the development site. The department may approve mitigation that is off-site ((~~the development site~~)) if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal site; and

2. The off-site mitigation will achieve equivalent or greater hydrological, water quality, and ((~~wetland or aquatic area~~)) habitat functions.

B. When off-site mitigation is authorized, the department shall give priority to locations within the same drainage subbasin as the development proposal site that meet the following:

1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;

2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ((~~and~~)) or

3. Public mitigation sites that have been ranked in a process ((~~that has been~~)) supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ((~~basin plans or other~~)) watershed plans.

C. The department ((~~may~~)) shall require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but is not limited to, a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

D. The department shall maintain a list of sites available for use for off-site mitigation projects.

E.1. ((~~The department and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.~~)) The department may approve mitigation through the King County mitigation reserve program. The program addresses:

a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and

b. the use of the fees for mitigation on public or private sites that have been ((~~ranked according to ecological criteria through one or more programs that have included a public process~~)) selected using a watershed approach, in accordance with the approved in-lieu fee program instrument.

2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ((~~a paper original and~~)) an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:

a. information on the amount and source of revenues received by the program;

b. a description and rationale for projects selected for funding;

c. an accounting of budgeted and actual expenditures made; and

d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

SECTION 54. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows:

A. Except as otherwise provided in subsection ((~~of~~)) C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development

shall file a notice on title approved by King County with the records and licensing services division. The notice shall inform the public of:

1. The presence of critical areas or buffers or mitigation sites on the property;

2. The application of this chapter to the property; ((~~and~~))

3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and

4. The existence of approved wetland buffer or riparian area averaging on the property.

B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording of the subdivision, short subdivision, or binding site plan.

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility;

2. The development proposal does not require ((~~sensitive~~)) critical area review under K.C.C. 21A.24.100.C; or

3. The property only contains a critical aquifer recharge area or an erosion hazard area.

D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances:

1. The department, as part of a critical area review of a permit application, determines the information contained in an existing notice on title is no longer accurate because information about a critical area has changed, such as in its type or location; or

2. An ordinance adopted an updated critical areas map indicating a reclassification or declassification of the critical area on the subject property.

SECTION 55. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:

A. ((~~The applicant~~)) Critical area tracts established under this section protect with the goal of enhancing critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. Development proposals for subdivisions, short subdivisions, or binding site plans shall establish and identify critical area tracts to delineate and protect ((~~those~~)) critical areas and associated buffers listed ((~~below in development proposals for subdivisions, short subdivisions or binding site plans~~)) in subsection A.1. through 7. of this section, and shall record the tracts on all documents of title of record for all affected lots:

1. ((~~All l~~))Landslide hazard areas and buffers that are one acre or more in size;

2. ((~~All s~~))Steep slope hazard areas and buffers that are one acre or more in size;

3. ((~~All w~~))Wetlands and buffers; ((~~and~~))

4. ((~~All a~~))Aquatic areas ((~~and buffers~~));

5. Riparian areas;

6. Alluvial fan hazard areas that are one acre or more in size; and

7. Wildlife habitat networks.

B. A critical area tract established under subsection A. of this section shall be either:

1. ((~~h~~))Held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot((~~,~~));

2. ((~~shall be h~~))Held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract.

C. ((~~The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.~~)) The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan.

D. For an off-site critical area mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.

E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

((~~E.~~)) F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate:

1. ((~~All f~~))Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;

2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas;

3. Aquatic areas, riparian areas, and wetlands;

4. Wildlife habitat conservation areas and ((~~the~~)) wildlife habitat networks;

5. Critical area ((~~B~~))buffers; and

6. ((~~Building~~)) Critical area setbacks as required by K.C.C. 21A.24.200.

((~~F.~~)) G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows:

Unless otherwise provided, ((~~an applicant shall set buildings and other~~)) structures shall be set back a minimum distance of fifteen feet from the edges of all critical area buffers, or from the edges of all critical areas((~~, if no buffers are required~~)) where buffers are not required. ((~~When the~~)) If site disturbance is within a critical area or an associated buffer, the ((~~building~~)) critical area setback ((~~line~~)) shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance. The following are allowed in the ((~~building~~)) critical area setback area:

A. Landscaping;

B. Uncovered decks less than eighteen inches above grade;

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

D. Impervious ground surfaces, such as driveways and patios((~~, but the~~)); however, improvements are required to meet any special drainage provisions specified in public rules adopted for ((~~the various~~)) critical areas and the King County Surface Water Design Manual;

E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and

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

SECTION 57. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment ((~~prepared in accordance with this chapter~~)), the department shall classify coal mine hazard areas as follows:

A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with

overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((~~,~~))overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 58. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

A. The development standards that apply to the ((~~aquatic area buffers~~)) riparian areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((~~zone~~)) hazard areas and the portion of the moderate channel migration ((~~zone~~)) hazard areas that is within the ((~~aquatic area buffer~~)) riparian areas. The more-restrictive standards apply where there is a conflict;

B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and

C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area:

1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2. New primary dwelling units, accessory dwelling units or accessory living quarters, and required infrastructure, are allowed if:

a. the structure is located on a separate lot in existence on or before February 16, 1995;

b. a feasible alternative location outside of the channel migration hazard area is not available on-site; and

c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:

(1) the least subject to risk; or

(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:

a. a feasible alternative location is not available on-site; and

b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside ((~~an aquatic area buffer~~)) a riparian area if:

a. All lots contain five-thousand square feet or more of buildable land outside of the moderate channel migration hazard area;

b. Access to all lots does not cross the moderate channel migration hazard area; and

c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

SECTION 59. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area with a slope of forty percent or greater;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist~~)).

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ((~~is~~)) shall be fifty feet.

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ((~~building~~)) critical area setback in K. C. C. 21A.24.200 to one-hundred feet.

4. For development permits associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; and

E. Alterations in a landslide hazard area located on a slope less than forty percent are allowed if:

1. The proposed alteration will not decrease slope stability on contiguous properties; and

2. The risk of property damage or injury resulting from landsliding is eliminated or minimized.

SECTION 60. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ((~~containing seismic hazard areas~~)) where potential seismic hazard areas are mapped:

A. The department may approve alterations to mapped seismic hazard areas only if:

1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the proposed development site ((~~is not located in~~)) does not meet the definition of a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. Mobile homes;

2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and

3. One-story buildings with less than two-thousand-five hundred((~~s~~)) square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A geological critical area report is required for development proposals that are on an alluvial fan or within fifty feet of an alluvial fan;

C. Proposed alterations shall not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties;

D. The risk of property damage or injury on the subject property from inundation, sedimentation, channel migration, or erosion as a result of a proposed alteration shall be eliminated or minimized; and

E. The proposed alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.

NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. This section applies to development proposals on sites that are within tsunami hazard areas.

B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation

maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practicable, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 63. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a steep slope hazard area or associated buffer;

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope

instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report prepared by a ((~~geotechnical engineer or geologist~~)) geological professional. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a geological critical area report.

1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer;

b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1. of this section:

a. If a geological critical area report is not submitted to the department, the minimum buffer shall be fifty feet; and

b. For ((~~building~~)) permits ((~~for~~)) associated with single detached dwelling units only, the department may waive the ((~~special study~~)) geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the geological critical area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; and

D. ((~~All~~ a))Alterations ((~~are~~)) may be allowed in the following circumstances:

1. Slopes ((~~which~~)) that are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on King County's review of and concurrence with a ((~~soils~~)) geological critical area report prepared by a ((~~geologist or geotechnical engineer~~)) geological professional; and

2. The approved regrading of any slope ((~~which~~)) that was created through previous legal grading activities. Any slope ((~~which~~)) that remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.

SECTION 64. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, unless a designation is modified by notices of map amendment prepared according to K.C.C. 21A.24.312, in which case the notice of map amendment shall supersede the map.

SECTION 65. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((~~s~~)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of

natural resources and parks, may determine that an area that is or is not classified as a critical aquifer recharge area on the map adopted under K.C.C. 21A.24.311:

((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks to the property owner, the property owner's representative, if applicable, and the county assessor.

SECTION 66. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are:

1. Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system;

B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:

1. Have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area; or

2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island.

SECTION 67. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;

2. Sand and gravel, and hard rock mining unless:

a. the site has mineral zoning as of January 1, 2005; or

b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17;

8. Above-ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

9. Golf courses;

10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington ((~~S~~))state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with requirements of chapter 173-360A WAC and K.C.C. Title 17, ((~~E~~))except for a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17~~)) Vashon-Maury Island; and

b. For a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17;

6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within the urban growth area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management

practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are permitted within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((~~family~~)) detached residence if the requirements of ((~~K.C.C.~~)) King County Board of Health Code BOH 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to ((~~Seattle-King County department of~~)) public health – Seattle & King County and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ((~~Seattle-King County department of~~)) public health - Seattle & King County, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will

not cause an ((~~significant~~)) adverse ((~~environmental~~)) impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state ((~~d~~))Department of ((e))Ecology, in accordance with ((~~90.76.040~~)) RCW 70A.355.030 and WAC ((~~173-360-530~~)) 173-360-0130.

SECTION 68. Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows:

A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035.

B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((~~14-06-029~~)) 23-06-009, published October 2014 and updated July 2023.

C. Wetland rating categories shall not recognize illegal modifications.

SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Bog	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Estuarine	((~~200~~))300 feet	((~~150~~))225 feet	((~~100~~))150 feet
Coastal Lagoon	((~~200~~))300 feet	((~~150~~))225 feet	((~~100~~))150 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet

Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((~~50~~))60 feet	((~~40~~))45 feet	((~~25~~))35 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;

(2) commercial, institutional, or industrial use on a site regardless of the zoning classification;

(3) nonresidential use on a site zoned for residential use, such as telecommunication towers and associated equipment;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ball fields, and similar use;

(5) all sites within the ((U))urban ((G))growth ((A))area; ((or))

(6) Residential zoning greater than one dwelling unit per acre;

(7) railroads; or

(8) federal and state highways, including on ramps and exits, state routes, and other roads associated with high impact land uses;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned rural area, agriculture, or forestry;

(3) agricultural uses without an approved farm management plan;

(4) forest service roads and roads associated with moderate impacts;

(5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(((5))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and

c. Low impact includes:

(1) forestry use on a site regardless of zoning classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning;

(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if:

1. The department determines that:

a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; and

2. The resulting buffer meets the following standards:

a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;

b. the additional buffer is contiguous with the standard buffer;

c. the buffer at its narrowest point is never less than ((~~either~~)) seventy-five percent of the required width ((~~or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater~~));

d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ((~~from a qualified wetland professional; and~~));

e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((~~as demonstrated by a critical area report from a qualified wetland professional~~));

f. buffer averaging cannot be combined with other buffer reductions or modifications allowed in this title; and

g. indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.((~~6~~))5. of this section ((~~and~~)) or the buffer averaging rules in subsection B. of this section((~~;~~)).

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((~~buffer~~)) width ((~~is~~)) shall be the greater of:

a. the buffer width required by the wetland's category in this section; or

b. the buffer width required by the wetland's category in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex located outside the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area established by the King County Comprehensive Plan or located within the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows:

a. the buffer width for each individual wetland in the complex is the same width as the buffer width required for the category of wetland;

b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor;

4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if:

a. the part of the buffer on the other side of the roadway sought to be reduced:

((~~a.~~)) (1) does not provide additional protection of ((~~the proposed development or the~~)) wetland functions and values from the proposed development; and

((~~b.~~)) (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and

b. the applicant provides a written evaluation that includes;

(1) a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway;

(2) an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and

(3) an analysis of how the roadway will fully disconnect the buffer from providing the assessed functions, and whether the disconnection will affect the entirety of the buffer; and

5. ((~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

~~6. The buffer widths required for proposed land uses with~~)) For proposed dwelling units within the urban growth area that have high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate intensity impacts ((~~under the following conditions~~)) if:

a. all the following measures to minimize impacts of the proposed land uses are applied:

(1) plant an area of dense, native vegetation or climate-smart plants within the remaining buffer that is equal to or greater than the area by which the buffer was reduced;

(2) install wildlife lighting and direct all light away from the wetland;

(3) install wildlife passable fencing at the edge of the wetland buffer;

(4) attach critical area signs to wildlife-passable fencing every fifty to seventy-five linear feet;

(5) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

(6) demonstrate how each of the following meets the core requirements in the King County Surface Water Design Manual, including:

(a) stormwater runoff;

(b) change in water regime; and

(c) erosion and dust control; and

b. ((F))for wetlands that score moderate or high for habitat functions((, ~~which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~

~~(1) A~~))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((~~any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list~~)) a legally-protected, relatively undisturbed and vegetated area. The corridor must be protected for the entire distance between the wetland and the ((~~priority habitat~~)) legally protected vegetated area and ((~~legally~~)) recorded via a conservation easement; and

~~(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and~~

~~b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:~~

c. the proposed project does not impact the reduced buffer.

((Disturbance	**Measures to minimize impacts**
~~Lights~~	~~Direct lights away from wetland.~~

~~Noise~~	~~Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.~~
~~Toxic runoff~~	~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.~~
~~Stormwater runoff~~	~~Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.~~
~~Change in water regime~~	~~Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.~~
~~Pets and human disturbance~~	~~Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.~~

~~Dust~~	~~Use best management practices to control dust.~~))

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.

SECTION 70. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or their buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. ((~~The applicant~~)) Applicants may include climate-smart plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and

C. ((~~A category IV wetland less than two-thousand-five-hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and~~

~~D.~~)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045 D.20. and D.52.

SECTION 71. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.125 and 21A.24.130~~)) this chapter, the following applies to mitigation to compensate for ((~~the~~)) adverse impacts ((~~associated with an alteration~~)) to a wetland or wetland buffer:

A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to:

1. Habitat functions such as complexity, connectivity, and other biological functions; and

2. Hydrological functions, such as ((~~S~~))seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual;

B. The following ratios of area of mitigation to area of ((~~alteration~~)) impacts apply to mitigation measures for permanent alterations except as otherwise provided in subsection E. of this section:

1. For ((~~alterations~~)) impacts to a wetland buffer, a ratio of ((~~one to one; and~~)) one-to-one on-site, and two-to-one off-site;

2. For ((~~alterations~~)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

Category and type of	**Wetland reestablishment**	**Wetland rehabilitation**	**1:1 Wetland reestablishment or**	**Wetland enhancement**

wetland	**or creation**		**wetland creation (R/C) and wetland enhancement (E)**	**only**
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and ((~~2~~))4:1 E	8:1
Category II estuarine	Case-by-case	((~~4~~))6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	((~~8~~))6:1	1:1 R/C and ((~~4~~))8:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and ((~~10~~))16:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and ((~~6~~))12:1 E	Case-by-case
Category I wetlands of high	Not allowed	((~~6:1 rehabilitation of a wetland of high~~	((~~Case-by-case~~)) Not allowed	Case-by-case

conservation value		~~conservation value~~)) Case-by-case		
Category I coastal lagoon	Not allowed	((~~6~~))8:1 rehabilitation of a coastal lagoon	((~~Case-by-case~~)) Not allowed	Case-by-case
Category I bog	Not allowed	((~~6:1 rehabilitation of a bog~~)) Case-by-case	((~~Case-by-case~~)) Not allowed	Case-by-case
Category I estuarine	Case-by-case	((~~6~~))8:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to area of impact required by subsection B.2. of this section.

C. The following ratios of area of mitigation to area of ((~~alteration~~)) impact apply to mitigation measures for temporary ((~~alterations~~)) impacts where wetlands will not be impacted by permanent fill material or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023, but where impacted functions are expected to take longer than one year to be restored, except as otherwise provided in subsection E. of this section:

Wetland category	**Permanent conversion of forested and shrub wetlands into emergent wetlands**			**Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities**		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	((~~6~~))8:1	4.5:1	3:1	((~~3~~))4:1	2:1	1.5:1
Category II	((~~3~~))6:1	((~~2~~))3:1	1.5:1	((~~1.5~~))3:1	1.5:1	.75:1
Category III	((~~2~~))4:1	((~~1.5~~))2:1	1:1	((~~1~~))2:1	((~~.75~~))1:1	.5:1
Category IV	((~~1.5~~))3:1	1.5:1	.75:1	((~~Not applicable~~)) 1.5:1	((~~Not applicable~~)) .75:1	((~~Not applicable~~)) .25:1

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((~~or~~))

4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the proposed impacts;

5. The proposed mitigation site differs from the proposed impact area in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;

6. The proposed impact site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or

7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

E. ((~~The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances~~)) When the use of wetland mitigation bank or in lieu fee program credits is approved as off-site compensatory mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:

1. ((~~The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~

~~3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

~~b. the category of the area with a different class is lower than that of the entire wetland; and~~

~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.~~)) For use of wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required for impacts located in the bank service area shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a ratio of one bank credit to one wetland impact acre shall be used;

b. For indirect wetland impacts, one half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, one quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts to wetlands located in the in lieu fee service area, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be one to one; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the altered wetland or buffer; and

G. Mitigation of ((~~an alteration~~)) impacts to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION 72. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ((~~categorized or~~)) "typed" as follows:

1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under King County's ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program((~~, K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW~~));

2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat, including waters diverted for use by a federal, state, or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality((~~;~~)). Type F waters, which may be ephemeral, may be classified by:

a. the presence of fish;

b. a stream segment with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or

c. any stream located within the floodplain of type S or F water.

3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected to type S or F waters by ((~~an above-ground~~)) a channel or piped system, stream, or wetland; and

4. Type O waters include all segments of aquatic areas that are not type S, F, or N waters and that are not physically connected to type S, F, or N waters by a((~~n above-ground~~)) channel or piped system, ((~~pipe or culvert,~~)) stream, or wetland, and which infiltrate water into the ground.

B. For the purposes of the water types in subsection A. of this section, ((~~an above-ground~~)) a channel system is ((~~considered to be~~)) present if the ((~~one-hundred year~~)) floodplains of both the contributing and receiving waters are connected.

((~~C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:~~

~~1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;~~

~~2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~

3. ~~The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~

~~4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.~~))

SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows:

A. ((~~Aquatic area buffers~~)) Riparian areas shall be measured as follows:

1. From the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified;

2. If the adjacent aquatic area is located within a mapped severe channel migration hazard area, the ((~~aquatic area buffer~~)) riparian area width shall be ((~~the greater of the aquatic area buffer width as~~)) measured ((~~consistent with subsection A.1. of this section or~~)) from the outer edge of the severe channel migration hazard area; ((~~and~~))

3. If the ((~~aquatic area buffer~~)) riparian area includes a steep slope hazard area or a landslide hazard area, the ((~~aquatic area buffer~~)) riparian area width is the greater of ((~~either~~))

a. the ((~~aquatic area buffer~~)) riparian area width as required in this section ((~~or the top of the hazard area~~)); or

b. the riparian area width as required in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the riparian area width otherwise required;

4. If the adjacent aquatic area is located within an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as defined in this section; or

b. the extent of the alluvial fan hazard area; and

5. If the adjacent aquatic area is conveyed underground, the riparian area width is measured only from the above-ground portion of the aquatic area. This riparian area extends in all directions from the point at which the aquatic area enters or exits the underground conveyance system.

B. Within the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area, ((~~aquatic area buffers~~)) riparian area widths shall be as follows:

((~~1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;~~

~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;~~

~~3. A type N aquatic area buffer is sixty-five-feet; and~~

~~4. A type O aquatic area buffer is twenty-five-feet.~~))

Adjacent Aquatic Area Type	**Riparian Area Width**
S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map	200 feet
All other S or F	180 feet
N	100 feet
O	50 feet

C. Outside the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area, ((~~aquatic area buffers~~)) riparian areas shall be as follows:

((~~1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;~~

~~2. A type N aquatic area buffer is sixty-five-feet; and~~

~~3. A type O aquatic area buffer is twenty-five-feet.~~))

Adjacent Aquatic Area Type	**Riparian Area Width**
S or F	200 feet
N	100 feet
O	50 feet

D. ((~~Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one-hundred-feet.~~

~~E.~~)) The department may approve a modification of ((~~buffer widths if~~)) a riparian area width required by this section by averaging the riparian area width, if the resulting riparian area meets the following standards:

1.((~~a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:~~

~~(1) the total area of the buffer is not reduced;~~

~~(2) the buffer area is contiguous; and~~

~~(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;~~

~~b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide;~~

~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;~~

~~d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or~~

~~e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and~~

~~2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.~~)) The total land area amount of the riparian area after averaging is equivalent to or greater than the total land area amount of the riparian area before averaging;

2. The additional riparian area is contiguous with the standard riparian area;

3. The riparian area at its narrowest point is never less than seventy-five percent of the standard required width;

4. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to the lower functioning or less sensitive portion, as demonstrated by an ecological critical area report from an ecological professional;

5. No net loss of riparian area or adjacent aquatic area functions and values will occur as a result of the averaging, as demonstrated by an ecological critical area report from an ecological professional;

6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the extent of the hazard areas;

7. If the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and

8. Riparian area averaging cannot be combined with any other riparian area width modifications.

SECTION 74. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or ((~~their buffers~~)) riparian areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ((~~aquatic area buffers~~)) riparian areas;

B. Grading for allowed alterations in ((~~aquatic area buffers~~)) riparian areas is only allowed from May 1 to October 1. This period may be modified when the department determines it is necessary along marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C. 16.82.095;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:

1. Minimizing soil compaction, or

2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within a((~~n aquatic area buffer~~)) riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ((~~and~~))

E. To the maximum extent practical:

1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;

2. A spatial connection should be provided between vegetation within and outside the ((~~aquatic area buffer~~)) riparian area to prevent creation of wind throw hazards; and

3. Hazard trees ((~~should be retained~~)) in ((~~aquatic area buffers~~)) riparian areas ((~~and~~)) should be either topped or pushed over toward the aquatic area, and not taken out of the riparian area; ((~~and~~))

F. Mitigation or restoration projects may include climate-smart plants approved by King County, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into an aquatic area or riparian area unless authorized by state or federal approval; and

G. If a restoration, enhancement, or mitigation project proposes to place large wood ((~~woody debris~~)) waterward of the ordinary high water mark of a ((~~T~~))type S aquatic area, the applicant shall consider the potential for recreational hazards in project design.

SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to an aquatic area or ((~~aquatic area buffer~~)) riparian area:

A. Mitigation measures ((~~must~~)) shall achieve equivalent or greater aquatic or riparian area functions than prealteration conditions including, but not limited to:

1. Habitat complexity, connectivity, and other biological, and ecological functions;

2. Seasonal hydrological dynamics((~~,~~)) and water storage capacity ((~~and water quality~~)); ((~~and~~))

3. ((~~Geomorphic and habitat processes and functions~~)) Shade and temperature control, pollution removal, water purification, and other water quality functions; and

4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions;

B. To the maximum extent practical, permanent ((~~alterations~~)) impacts that require mitigation such as restoration or enhancement of the altered aquatic area((~~, aquatic area buffer~~)) or riparian area, or another aquatic area or ((~~aquatic area buffer must consider~~)) riparian area, shall document in a mitigation plan how the following design factors((~~,~~)) have been considered as applicable to the function being mitigated:

1. The natural channel or shoreline reach dimensions including its depth, width, length, and gradient;

2. The horizontal alignment and sinuosity;

3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;

4. Bank ((~~and buffer~~)) configuration and erosion and sedimentation rates; ((~~and~~))

5. Similar native vegetation or climate-smart plant species diversity, size, and densities in the ((~~channel, sea bed or lake bottom and on the~~)) adjacent riparian ((~~bank or buffer~~)) area with similar configuration, spatial arrangement, and solar aspect;

6. Similar slope and elevation; and

7. Similar soil conditions, including moisture, saturation, and organic content;

C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the following standards:

1. Not located upstream of a barrier to fish passage; and

2. ((~~Is equal or greater in biological function; and~~

~~3.~~)) To the maximum extent practical is:

a. located on the site of the alteration or within one-half mile of the site and in the same aquatic area reach at a ((~~1:1~~)) 2:1 ratio of area of mitigation to area of ((~~alteration~~)) impact; or

((~~4. Is~~)) b. if unable to be located on the site or within one-half mile of the site, located in the same aquatic area drainage subbasin or marine shoreline and attains the following ratios of area of functional mitigation to area of ((~~alteration~~)) impact:

((~~a.~~)) (1) a 3:1 ratio for a type S or F aquatic area; and

((~~b.~~)) (2) a 2:1 ratio for a type N or O aquatic area;

D. For purposes of subsection C. of this section, ((~~a~~)) mitigation ((~~measure~~)) is in the same aquatic area reach if the length of aquatic area ((~~shoreline~~)) or adjacent riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

2. Similar processes including erosion and transport of sediment and ((~~woody debris~~)) large wood;

3. Equivalent or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and

4. Equivalent or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((~~or~~)) and

5. For tributary streams, a distance of no more than one-half mile from the main stem;

E.1. ((~~The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:~~

~~1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;~~

~~2. Financing or funding guarantees for the duration of the monitoring program; and~~

~~3. Experienced, qualified staff to perform the monitoring~~)) On-site mitigation in riparian areas shall use the ratios in subsection E.2. of this section, unless the department establishes an alternative mitigation ratio with supplemental actions in accordance with subsection F. of this section;

2. Ratios of area of mitigation to area of impact for on-site mitigation for riparian areas:

Adjacent Aquatic Area Type	**On-site Compensatory Mitigation Ratio**
Shoreline (S)	3:1
Fish bearing(F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

F.1. The department may approve an alternative on-site area mitigation ratio to subsection E. of this section when the following requirements of subsection F.2. of this section are met.

2. Required actions for alternative on-site riparian area mitigation ratio based on the type of vegetation impacted;

Adjacent Aquatic Area Type	**Impacts to Woody Vegetation**	**Impacts to Non-Woody Vegetation or unvegetated Areas**
Shoreline (S) Fish bearing (F) Non-fish bearing (N)	2:1 ratio with at least one primary action or three secondary actions	1:1 ratio with at least two secondary actions
Other (O)	1:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one secondary action

3. Primary actions:

a. placing large wood in adjacent aquatic areas, if not associated with shoreline stabilization or flood protection facilities;

b. removing a fish passage barrier, if not required by the development permit;

c. removing an aquatic area transportation crossing, such as roads, bridges, or trails, and revegetating as appropriate. Utility crossings are not included under this action, unless the removal is part of an integrated transportation crossing removal project;

d. removing shoreline armoring, revetments, or levees; or

e. other similar actions as determined by the department.

4. Secondary actions:

a. planting native trees, climate-smart plants, and shrubs in areas of riparian area addition lacking native vegetation that are adjacent to and contiguous with existing riparian areas, within an area equal to one-half of the area of impact. This action cannot be applied where the riparian area addition requires enhancement to achieve equal function to the impact area;

b. placing large wood in riparian areas or an adjacent floodplain;

c. installing wildlife snags or similar wildlife nesting or rearing habitat;

d. removing floodplain fill and replating with native vegetation or climate-smart plants as appropriate; or

e. other similar actions as determined by the department;

G.1. If unable to be located on or within one-half mile of the site, off-site mitigation for riparian areas in the same drainage subbasin, may be accepted by the department and shall be in a mitigation banking site, resource mitigation reserve, or conservation easement if on private property. Off-site mitigation shall use the ratios of area of mitigation to area of impact in subsection G.2. of this section.

2. Off-site ratios of area of mitigation to area of impact of riparian areas:

Adjacent Aquatic Area Type	**Off-Site Compensatory Mitigation Ratio**
Shoreline (S)	4:1
Fish bearing (F)	4:1
Non-fish bearing (N)	4:1
Other (O)	3:1; and

H. For rectifying an illegal alteration to any type of aquatic area or ((~~its buffer~~)) riparian area, mitigation measures ((~~must meet the following standards~~)) shall:

1. For an aquatic area, be ((~~L~~))located on the site of the illegal alteration at a ((~~1:1~~))4:1 ratio of area of mitigation to area of ((~~alteration~~)) impact; ((~~and~~))

2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1 ratio for adjacent type O aquatic areas; and

3. To the maximum extent practical, replicates the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((~~; and~~

~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~

~~H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer~~)).

SECTION 76. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

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

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

B. For a bald eagle:

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

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

((~~2~~)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders or other heavy equipment, may not be operated within eight hundred feet of the nest;

C. For a great blue heron:

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

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

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

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

F. For an osprey:

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

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

G. For a peregrine falcon:

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

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

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

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

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

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

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

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

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

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

J. For a Vaux's swift:

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

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

K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((~~not listed in subsections B. through J. of this section~~)). If the Washington state Department of Fish and Wildlife has adopted

management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 77. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the following applies to mitigation to compensate for the adverse impacts associated with wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation to compensate for the adverse impacts to a wildlife habitat conservation area ((~~must~~)) shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the wildlife habitat conservation area;

B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic functions including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:

a. for mitigation on site:

(1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 1.5:1 ratio for enhancement or restoration; and

b. for mitigation off-site:

(1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 3:1 ratio for enhancement or restoration;

C. For temporary alterations, the department may require rectification, restoration, or enhancement of the altered wildlife habitat network;

D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions;

E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including:

1. Soil type, conditions, and physical features;

2. Vegetation diversity and density; and

3. Biologic and habitat functions; and

F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.

SECTION 78. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows:

A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located

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

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

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

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

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

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific

land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program.

B. Shoreline uses.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial								

salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry 1611,	P6							

automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								

Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C.								C15

21A.08.060)								
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C.		P	P	P	P	C22	C22	

21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((~~s~~))Section 148 ((~~of Proposed Ordinance 2023-0442~~)))								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate	P23	P						

residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((~~s~~))Section 148 ((~~of Proposed Ordinance 2023-0442~~))))								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging	P23	P27	P27	C27	C27			

(K.C.C. 21A.08.030)								
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses	P30							

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

C. Development conditions:

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

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

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

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

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

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

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

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

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

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

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

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

c. Nonwater-oriented general service((~~s~~)) land uses shall provide a ((~~significant~~)) public benefit by ((~~helping to achieve~~)) achieving one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

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

(5) protection and restoration of historic properties.

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

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

b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports

a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

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

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

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

(5) protection and restoration of historic properties.

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

a. economic development for water-dependent uses;

b. public access;

c. water-oriented recreation;

d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

e. protection and restoration of historic properties.

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

b. Nonwater-dependent government services in K.C.C. 21A.08.060 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent

government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((~~N~~))natural environment.

10. The following standards apply to government services uses within the ((~~A~~))aquatic environment:

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

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

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

d. ((~~C~~))cable crossings for telecommunications and power lines shall:

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

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

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

(4) use the best available technology;

e. ((~~O~~))oil, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition:

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

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

f. ((~~B~~))breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ((~~A~~))aquatic environment adjacent to the ((~~C~~))conservancy and ((~~N~~))natural shorelines.

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

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

a. ((~~N~~))nonwater-oriented manufacturing uses are allowed only:

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

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

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

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

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

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

d. restoration is required for all new manufacturing uses; and

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

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

(2) topside cleaning, detailing, and bright work;

(3) electronics servicing and maintenance;

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

(5) vessel rigging; and

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

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

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

a. there is no feasible alternate location;

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

c. the use complies with the standards in K.C.C. 21A.25.260.

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

16. Limited to hatchery and fish preserves.

17. Mineral uses:

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

b. shall be dependent upon a shoreline location;

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

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

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

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

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

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

department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

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

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ((~~H~~))high ((~~I~~))intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

19. Water-dependent and water-enjoyment recreational uses are allowed in the ((~~R~~))residential, ((~~R~~))rural, and ((~~F~~))forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ((C))conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the ((~~N~~))natural shoreline environment, only passive and low-impact recreational uses are allowed.

22. Single detached residences shall be located outside of the ((~~aquatic area buffer~~)) riparian area and set back from the ordinary high water mark to the maximum extent practical.

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

24. Residential accessory uses shall meet the following standards:

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

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

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

25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ((~~N~~))natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION 79. Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows:

An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited

to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats.

D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions shall be prohibited.

E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses.

F. Aquaculture facilities shall be designed, located, and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species.

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are:

1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or

3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable ((~~significant~~)) adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates ((~~significant,~~)) adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate.

K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies.

L. If aquaculture activities are authorized to use public facilities, such as boat

launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities.

M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington state Department of Health. This prohibition does not apply to((÷)) Pacific, Olympia, Kumomoto, Belon, or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County.

O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically

approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark.

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:

1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail;

3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program;

5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing; and

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements.

U. The rights of treaty tribes to aquatic resources within their usual and

accustomed areas shall be addressed through direct coordination between the applicant and the affected Indian tribes through the permit review process.

V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23.

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.

Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:

1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the

benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Finfish net pens shall not be located:

a. within three hundred feet of an area containing eelgrass or a kelp bed;

b. within one thousand five hundred feet of an ordinary high water mark; or

c. in a designated Washington state Department of Natural Resources aquatic reserve;

6. A finfish net pen may not be used to mitigate the impact of a development proposal; and

7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated

scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years.

Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

SECTION 80. Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows:

Recreational development must meet the following standards:

A. The recreational development must be permitted in the underlying zone;

B. Recreational uses in the ((~~N~~))natural shoreline environment must be water-oriented;

C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;

D. The development of underwater sites for sport diving shall not:

1. Take place at depths of greater than eighty feet;

2. Constitute a navigational hazard; and

3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site;

E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180;

F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;

G. Campgrounds in the ((~~N~~))natural shoreline environment shall meet the following conditions:

1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((~~s~~)) buffers;

2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

3. Removal of vegetation shall be limited to the maximum extent practical;

H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;

I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches or shelter, consistent with public safety and security;

J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION 81. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on

the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

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

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

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

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High Intensity	**Residential**	**Rural**	**Conservancy**	**Resource**	**Forestry**	**Natural**	**Aquatic**
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3

Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems	P7	P7	P7	P7	P7	P7	P7	P7

enhancement projects								
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

C. Development conditions.

1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170;

2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan, and the Integrated ((~~Stream~~)) Streambank Protection Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and Transportation, 2003). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so as~~)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King ((~~e~~))County Flood ((~~Hazard~~)) Management Plan and consistent with the Washington State Aquatic Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180;

4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

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

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

c. ((F))fill shall not be placed in critical saltwater or critical freshwater habitats except when all ((~~of~~)) the following conditions are met:

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

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

(3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(4) the project is consistent with the state's interest in resource protection and species recovery; and

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

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

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

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

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

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

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

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

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

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

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

6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone.

7.a. If the department determines the primary purpose is restoration of the natural character and ecological functions of the shoreline, a shoreline habitat, and natural systems enhancement project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling.

b. Within the urban growth area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215.

c. A restoration and enhancement plan shall be prepared by an ecological professional. The plan shall include a critical functional analysis that evaluates the existing conditions and the post-project ecological and increase in functions to be achieved by the project.

d. An applicant for a shoreline habitat and natural systems enhancement project shall demonstrate that the proposed project will provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area. If this requirement is satisfied, additional mitigation or restoration beyond the proposed habitat enhancement project itself may not be required. The applicant may be required to comply with the post-project monitoring and reporting conditions in K.C.C. 21A.24.130.

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

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

SECTION 82. Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows:

The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ((~~is subject to the following:~~

~~A.~~)) shall require a shoreline variance ((~~I~~))if the proposed expansion will result in a total cumulative expansion of the dwelling unit and accessory structures of more than one thousand square feet((~~, a shoreline variance is required; and~~

~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~)).

SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows:

A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria:

1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060;

2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows.

3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ((~~salmonid fisheries~~)) fish habitat. Monitoring results shall be available to the King County agriculture program.

B. The livestock management component of a farm management plan shall, at a minimum:

1. ((~~Generally s~~))Seek to achieve a ((~~twenty-five-foot buffer of~~)): forty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows((~~, using buffer averaging where necessary to accommodate existing structures~~)); thirty-five-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows. The livestock management component of a farm management plan((~~s~~)) may vary the width of the grazing area buffer ((~~of an aquatic area or wetland~~)), and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different grazing area

buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O waters. ((~~Forested lands being cleared~~)) Clearing of lands for grazing ((~~areas~~)) shall comply with the riparian area widths and critical area buffers and all applicable regulations in K.C.C. chapter 21A.24;

2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty((~~-foot buffer~~) feet of diverse, mature vegetation downslope of any confinement areas within two hundred feet of type S((~~and~~)), F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan.

D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.

E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.

F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.

SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:

Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a((~~n~~)) livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.

A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options:

1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply.

2. Livestock access to type S((~~and~~)), F, and N waters((~~, including their buffers~~)) and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.

a. Fencing shall be used as necessary to prevent livestock access to type S ((~~and~~)), F, and N waters.

b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits.

B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ((~~vegetative buffer of fifty feet~~)) fifty-foot-wide grazing area buffer from the ((~~wetland~~)) edge of a category I, II((~~or~~)), III, or IV wetland, except those wetlands meeting the definition of grazed wet meadows, or the ordinary high water mark of a type S((~~or~~)), F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a

category IV wetland except those wetlands meeting the definition of grazed wet meadows.

2. ((~~Forested l~~))Lands being cleared for grazing areas shall comply with the riparian area widths and critical area buffers and the associated regulations in K.C.C. chapter 21A.24.

3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((~~forested~~)) lands are being cleared for grazing areas.

4. Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock.

5. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements.

6. Grazing areas within two hundred feet of a type S((~~or~~)), F, or N water or category I, II((~~or~~)), III, or IV wetland shall not be plowed during the rainy season from October 1 through April 30.

7. Grazing areas may extend to the property line, provided that type S((~~or~~)), F, or N waters and category I, II((~~and~~)), III, or IV wetlands that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection B.1., 2., or 3. of this section.

C.1. In addition to the buffers in subsection B.((~~1. and 2.~~)) of this section, confinement areas located within two hundred feet of any type S((~~or~~)), F, or N waters or category I, II((~~or~~)), III, or IV wetlands with the exception of grazed wet meadows shall:

a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover;

b. not be located in ((~~the buffer of~~)) a riparian area adjacent to any type S((~~or~~)), F, or N water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II((~~or~~)), III, or IV wetland or the ordinary high water mark of any type S((~~or~~)), F, or N water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer((~~. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and

c. have roof drains of any buildings in the confinement area diverted away from the confinement area.

2. Confinement areas may extend to the property line((~~,~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section.

D.1. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas;

b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ((~~or~~)), F, or N water or the edge of a category I, II((~~or~~)), III, or IV wetland shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made;

c. Manure shall not be stored in any ((~~aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed or tilled wet meadows unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer than one hundred feet uphill from:

(1) any wetland edge excluding grazed or tilled wet meadows;

(2) the ordinary high water mark of any aquatic area; or

(3) any ditch to which the topography would generally direct runoff from the manure; and

d. The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

E. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

F. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), provided approved fencing is present for all type S and F aquatic areas.

G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

SECTION 85. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ((~~chapter 23.08~~)) Title 23. When feasible, corrective work shall include restoration of the critical area and buffer. Corrective work shall be subject to all permits or approvals required for the type of work

undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ((~~buffer~~)) riparian area is altered in violation of this title, restoration of the ((~~stream and buffer~~)) aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced.

E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law.

F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 86. The following are hereby repealed:

A. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

B. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

C. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;

D. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;

E. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;

F. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and

G. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

SECTION 87.

A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2024-0440).

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

C. The elements of the King County Shoreline Master Program in sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

SECTION 88. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to

the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2023-0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

SECTION 89. The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 90. Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 91. **Severability**. If any provision of this ordinance or its application

to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Girmay Zahilay, Chair

ATTEST:

_____

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Shannon Braddock, County Executive

Attachments: A. Critical Areas Comprehensive Plan Updates

King County

Critical Areas Comprehensive Plan Update

2025 Update to 2024 King County Comprehensive Plan

December 2024

In Chapter 5 Environment, on page 5-51, amend as follows:

~~((E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.))~~

King County

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December 5, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that would, if approved, update King County's critical areas regulations, which were last comprehensively updated in 2004. King County began this update in 2022, consulting with Tribes, state and federal agencies, and community partners. As directed under the Revised Code of Washington 36.70A.060, the proposed updates to key elements of the Critical Areas Ordinance (CAO) would establish limits and requirements for development proposed to occur in and around critical areas.

Washington State's Growth Management Act (GMA) sets requirements for local governments when updating their critical areas regulations. Among these are requirements to use best available science (BAS) to protect the functions and values of critical areas and to give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Where regulations depart from BAS, local governments must provide information and rationale to support the departures, assess the potential risks to critical areas functions and values, and use regulatory and non-regulatory actions to mitigate the risk.

In accordance with Washington Administrative Code 365-195-915, King County has documented our proposed departures from BAS. These departures will help King County to continue to meet the many, sometimes competing, planning goals of the GMA and the King County Comprehensive Plan, such as promoting equity, environmental protection, open space preservation, affordable housing, economic development, property rights, and agriculture.

In developing these proposed regulations, King County staff from the Department of Natural Resources and Parks and Department of Local Services conducted a review of state guidance documents, technical assistance tools, and scientific literature. Inclusion of BAS and an

analysis of proposed departures is documented in the enclosed October 2024 Best Available Science Review and Updates to Critical Areas Protections report.

Key elements of the proposed Ordinance include:

- Increasing riparian area widths for all aquatic areas in rural and urban unincorporated King County.
- Enhancing protections for Category 1 (high conservation value) wetlands, estuarine wetlands, and coastal lagoons.
- Increasing the area required for mitigation when unavoidable impacts are proposed to wetlands, aquatic areas, and riparian areas.
- Establishing new alluvial fan standards that allow flood risk reduction actions in certain circumstances where material has been deposited by rivers.
- Allowing "climate-smart plants" to be used in mitigation and restoration projects, supporting climate resilience.
- Updating provisions for regulatory flexibility for agriculture such as farm field access drives, grazing, and farm-related structures, in portions of critical areas under certain conditions.

Please note that if the King County Council amends Critical Areas Ordinance (CAO) regulations that depart from BAS, the legislative record should be updated or supplemented to identify the departures from BAS, assess risks to critical areas, and provide rationale for departures as required by RCW 36.70A.172 and Washington Administrative Code 365-195-915.

In December 2024, King County completed its statutorily required comprehensive plan update via Proposed Ordinance 2023-0440. Under the reasonable progress exception in RCW 36.70.130(7)(b), the County has until December 2025 to complete the associated updates to critical areas regulations.

State Environmental Policy Act (SEPA) review of these proposals will be completed by the Executive branch in advance of final action by the King County Council, in coordination with Council central staff.

In 2008, the National Marine Fisheries Service issued a Biological Opinion (BiOp) that required changes to the implementation of the National Flood Insurance Program (NFIP) to meet the requirements of the Endangered Species Act in the Puget Sound watershed. The Federal Emergency Management Agency (FEMA) requires that King County demonstrate compliance with the BiOp in order to maintain eligibility of King County residents for the NFIP. Executive staff will stay in communication with FEMA Region 10 and Council staff about the process and schedule for the FEMA review of the CAO, including review of Council amendments, if any.

Thank you for your careful consideration of these proposed critical areas policies and regulations. They will help to ensure that our region continues to manage growth effectively while protecting the environment and ensuring continued compliance with the GMA.

If your staff have questions, please contact Leon Richardson, Director, Department of Local Services, at 206-263-3332.

Sincerely,

for

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Leon Richardson, Director, Department of Local Services
John Taylor, Director, Department of Natural Resources and Parks
Lauren Smith, Director, Regional Planning, Office of Performance, Strategy, and Budget

2023-2024 FISCAL NOTE ATTACHMENT 3

Ordinance:	PO2024-XXXX
Title: Proposed Ordinance Updating King County's Critical Areas Regulations, 2024	
Affected Agency and/or Agencies:	Department of Local Services (DLS)
Note Prepared By:	Robin Proebsting
Date Prepared:	10/9/2024
Note Reviewed By:	Warren Cheney
Date Reviewed:	10/31/2024

Description of request:

Proposed Ordinance updating King County's critical areas regulations.

Revenue to:

Agency	Fund Code	Revenue Source	2023-2024	2025-2026	2027-2028
DLS Permitting	1340	n/a	0	0	0
TOTAL			**0**	**0**	**0**

Expenditures from:

Agency	Fund Code	Department	2023-2024	2025-2026	2027-2028
DLS Permitting	1340	DLS	0	0	0
TOTAL			**0**	**0**	**0**

Expenditures by Categories

	2023-2024	2025-2026	2027-2028
TOTAL	**0**	**0**	**0**

Does this legislation require a budget supplemental? No

Notes and Assumptions:

There are no direct costs associated with this legislation, however, additional requirements may increase the time it takes to process permit applications. DLS Permitting will monitor impacts and may need to adjust staffing in a future budget process.

This proposed ordinance may also impact the cost of some King County capital projects.

Critical Areas Ordinance Review Matrix – LSLU 4/16/25

Note to reader: this matrix is organized topically, rather than the order it would appear in the proposed ordinance.
The table of contents is provided to help locate where topics are.

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Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
FINDINGS			
SECTION 1. **Findings:** A. The Washington state Growth Management Act ("the GMA") requires counties to include the best available science ("BAS") in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and consider critical areas regulations as part of the comprehensive plan review and evaluation required by RCW 36.70A.130. B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance XXXX (Proposed Ordinance 2023-0440). Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations. C. King County reviewed BAS and updated its critical areas policies and development regulations. The county's current BAS review builds on the county's 2004 BAS review and was informed by the GMA and state guidance documents, updated BAS for critical areas developed by state natural resources agencies, supplemental scientific literature, county experience in implementing critical area regulations since 2004, consideration of the county's unique land use context, and the need to meet sometimes competing GMA goals. D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates and non-regulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk. E. Comprehensive Plan policies, land use designations, zoning classifications, and development regulations work in concert with non-regulatory actions, including land conservation and habitat restoration to ensure no-net loss of critical area functions and values. F. The proposed updates to critical areas regulations have the effect of strengthening protections for critical areas functions and values while advancing the goals of GMA, including the designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County. G. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 9.14, 16.82, 21A.06, 21A.16, 21A.22,	Findings	Provides context for the proposed regulatory changes in the ordinance.	*Policy Analysis:* • Generally, the Findings capture the requirements of the Growth Management Act, including critical areas protections, best available science, and meeting different policy goals. • As Councilmembers are reviewing the transmittal and considering amendments to the Executive's transmittal, additional or different Findings may be needed. • This proposed ordinance was transmitted prior to the adoption of the 2024 KCCP and does not reflect changes from that ordinance. This matrix focuses on substantive policy changes and does not call out any specific typographic/grammatical fixes, code citations, and engrossing, although Council staff have noted these.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
and 21A.24, and K.C.C. 17.04.010. For the purposes of RCW 70A.355.030, King County declares critical aquifer recharges areas to be environmentally sensitive areas. H. The adoption of this ordinance completes all the requirements of the update required under RCW 36.70A.130.			
CRITICAL AREA CHAPTER PURPOSE AND APPLICABILITY			
K.C.C. 21A.24.010 - States purpose of chapter 21A.24 K.C.C. SECTION 39. Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010 are hereby amended to read as follows: The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 3670A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by: A. Establishing development and alteration standards to protect functions and values of critical areas; B. Protecting members of the general public and public resources and facilities from injury, loss of life, property damage, or financial loss due to flooding, erosion, avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil subsidence, or steep slope failures; C. Protecting unique, fragile, and valuable elements of the environment including, but not limited to, fish and wildlife and their habitats, ((~~and~~)) while maintaining and promoting countywide native biodiversity; D. Requiring prioritization of avoidance and minimization measures, followed by mitigation of ((~~unavoidable~~)) adverse impacts to critical areas((~~, by regulating alterations in or near critical areas~~)) and associated buffers; E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground water, wetlands, and aquatic areas; F. Measuring the quantity and quality of wetland and aquatic area resources and preventing overall net loss of wetland and aquatic area functions; G. Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat; H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits; I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas; and J. Providing county officials with sufficient information ((~~to protect~~)) at the time of permit application submittal to determine whether proposed land uses, activities, or development could negatively impact critical areas.	(1) Adds subtypes of critical areas (e.g., tsunamis, alluvial fan hazards). (2) Adds clarifying language, as used throughout the chapter, to state that avoidance and minimization measures are prioritized first before going straight to compensatory mitigation. (3) Technical corrections.	(1) - (2) Updated to ensure internal consistency within the CAO. (3) Formatting and grammatical corrections.	*Section Notes:* • This section describes the purpose of the critical area code in K.C.C. Chapter 21A.24. *Policy Analysis:* • "prioritization of avoidance and minimization measures, followed by mitigation" refers to a concept known as "mitigation sequencing", as identified in K.C.C. 21A.24.130 and WAC 365-196-210. This terminology could be made consistent throughout the code. • Council may wish to add "riparian areas" to this subsection. • The code could be updated to reflect state law, which requires "ensuring no net loss", rather than "preventing overall net loss." • Aquatic area functions are not defined in code, whereas wetland function and stream function are defined. Council may wish to replace the stream function definition, as it is not used anywhere in code, with a new definition for aquatic area functions. • Council may wish to add "and values" after "functions," consistent with requirements to protect both functions and values.
K.C.C. 21A.24.020 - States applicability of chapter 21A.24 K.C.C. SECTION 40. Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows: A. This chapter applies to all land uses and activities in King County, and all persons within the county shall comply with this chapter. B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter. C. Approval of a development proposal in accordance with this chapter does not discharge the obligation of the applicant to comply with this chapter. D. If an area or site contains more than one critical area or natural resource land use designation, all designations shall apply. E. When ((~~any other chapter~~)) another provision of the King County Code conflicts with this chapter or when the provisions of this chapter are in conflict, the provision that provides ((~~more~~)) greater environmental protection to ((~~environmentally~~)) critical areas shall apply unless specifically provided otherwise in this chapter or unless the provision conflicts with federal or state laws or regulations.	Adds language stating that if an area contains more than one critical area or natural resource land use designation, all designations apply.	Provided for consistency with WAC 365-190-040(7) and (7)(a), the state codes that describe what local governments must regulate.	*Section Notes:* • Under state law, natural resource lands means agricultural, forest, and mineral resource lands which have long-term commercial significance. *Policy Analysis:* • No issues identified. This provision is consistent with state law concerning overlapping designations.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
((~~E.~~)) F. This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC.			
GENERAL DEFINITIONS			
NOTE: definitions for each critical area can be found under their specific critical area topic area			
K.C.C. 21A.06.254 - Defines "Critical area" SECTION 14. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby amended to read as follows: Critical area: any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas: A. ((~~Aquatic areas;~~ ~~B. Coal mine hazard areas;~~ ~~C.~~)) Critical aquifer recharge areas; ((~~D. Erosion hazard areas;~~ ~~E. Flood hazard areas;~~ ~~F. Landslide hazard areas;~~ ~~G. Seismic hazard areas;~~ ~~H. Steep slope hazard areas;~~ ~~I. Volcanic hazard areas;~~ ~~J.~~)) B. Frequently flooded areas, regulated as Flood Hazard Areas, including; 1. Floodplains; 2. Special flood hazard areas, as shown on the Flood Insurance Rate Map; 3. Zero-rise flood fringe; 4. Zero-rise floodways; 5. FEMA floodways; and 6. Channel migration zones; C. Fish and wildlife habitat conservation areas, including: 1. Aquatic areas; 2. Riparian areas; 3. Wildlife habitat conservation areas; and 4. Wildlife habitat networks; D. Geologically hazardous areas, including; 1. Alluvial fan hazard areas; 2. Channel migration zones; 3. Coal mine hazard areas; 4. Erosion hazard areas; 5. Landslide hazard areas; 6. Seismic hazard areas; 7. Steep slope hazard areas; 8. Tsunami hazard areas; and 9. Volcanic hazard areas; and E. Wetlands((~~;~~ ~~K. Wildlife habitat conservation areas; and~~ ~~L. Wildlife habitat networks~~)).	Reorders listed critical areas.	The list of critical areas in the definition is proposed to be reordered to align with the organization in Chapter 365-190 WAC to make it clear that all of the critical areas in the WAC are addressed by this definition.	*Policy Analysis:* • A channel migration zone is an existing type of flood hazard area under K.C.C. 21A.06.475. This update includes them also as a geologically hazardous area. There appears to be no general geologically hazardous area regulations these areas would be subject to, if they are to be classified as geologically hazardous areas. This is a policy choice. • Alluvial fan hazard areas are designated as a new critical area under this update, but are also classified as a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying the standards for alluvial fans so that conditions that apply to landslide hazard areas also clearly apply to alluvial fan hazard areas. • Tsunami hazard areas are new critical areas under this update. Under state law, they are designated as seismic hazard areas. They are not required to be designated separately as a critical area under state law. This is a policy choice.
K.C.C. 21A.06.122 - Defines "Buffer" SECTION 10. Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122 are hereby amended to read as follows: Buffer: a designated area adjacent and contiguous to a ((~~steep slope or landslide hazard area intended to protect slope stability,~~	Updates definition of "buffer".	Streamlines definition and uses fewer words to express the same	*Policy Analysis:* • "Adjacent" could be removed, as it is intended to mean the same thing as "contiguous"

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
~~attenuation of surface water flows and landslide hazards or a designated area contiguous to and intended to protect and be an integral part of an aquatic area or wetland~~)) critical area that is intended to protect the functions and values of the critical area and reduce impacts from adjacent land uses.		meaning as the existing definition.	
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.400 Enhancement.** Enhancement: for the purposes of critical area regulation, an action that improves the processes, structure and functions of ecosystems and habitats associated with critical areas or their buffers. (Ord. 15051 § 36, 2004: Ord. 10870 § 120, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.06.750 - Defines "Mitigation" SECTION 26. Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows: Mitigation: an action taken to compensate for unavoidable adverse impacts to the environment resulting from a development activity or alteration after all appropriate and practicable avoidance and minimization measures have been accounted for and implemented.	Adds that mitigation sequencing is required.	Clarified to reflect that mitigation sequencing is also required both by the critical area code and SEPA, as well as to mirror the Department of Ecology definition of compensatory mitigation. The additions also align better with the SEPA definition of mitigation in WAC 197-11-768, which incorporates mitigation sequencing.	*Policy Analysis:* • This definition is generally consistent with how the State describes mitigation.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Active nest: a nest or breeding site that is actively being used, built, or repaired by birds.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Active nest."	There are existing critical area code standards regarding active nests, but no definition of this term.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Climate-smart plants: native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as identified by the department of natural resources and parks.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Climate-smart plants."	Climate change impacts are making native plants vulnerable to disease and die-offs. King County is proposing to expand the list of allowable plant species for use in restoration and mitigation projects to improve the success rate of wetland restoration and mitigation work and to improve wetland resilience in	*Policy Analysis:* • Council may wish to make changes to this term for clarity. This could include: 1) calling these "climate-adaptive vegetation" to better reflect the fact that the plants are intended to address changing conditions from climate change and to use the word "vegetation," which is a defined term, 2) remove or modify "native plant species", to avoid overlap with "native vegetation", which is a defined term, below, 3) clarifying surrounding ecoregion, which is intended by Executive staff to mean the ecoregion that the site is in, and/or 4) revise the definition to first list that these plants are identified by DNRP followed the qualifier of where they are endemic.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		the face of climate change. King County will produce a technical report in the second quarter of 2025 that lists King County Department of Natural Resources and Parks' (DNRP) approved "climate-smart plants" for inclusion in permitted projects.	
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.790 Native vegetation.** Native vegetation: plant species indigenous to the Puget Sound region that reasonably could be expected to naturally occur on the site. (Ord. 15051 § 79, 2004; Ord. 10870 § 198, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following: A. Filed IRS Schedule F for a minimum of three years; B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Commercial production of agriculture products."	New definition of Commercial agriculture is proposed to be added to clarify which operations may receive certain allowances intended only for commercial operations (and not, for example, hobby farms). This definition formalizes existing internal guidance developed by DLS Permitting and the DNRP Agriculture and Forestry Team.	*Policy Analysis:* • This definition is only used once in the code as a method to provide additional context in another definition, "agricultural activities". This would narrow the scope of commercial production, which would limit what would be considered an agricultural activity and has implications beyond the critical area regulations. This is a policy choice.
NOT INCLUDED IN PROPOSED ORDINANCE **21A.06.036 Agricultural activities.** Agricultural activities: those agricultural uses and practices that pertain directly to the commercial production of agricultural products, including, but not limited to: A. Tilling, discing, planting, seeding, fertilization, composting and other soil amendments and harvesting; B. Grazing, animal mortality management and on-site animal waste storage, disposal and processing; C. Soil conservation practices including dust control, rotating and changing agricultural crops and allowing agricultural lands to lie fallow under local, state or federal conservation programs; D. Maintenance of farm and stock ponds, agricultural drainage, irrigation systems canals and flood control facilities;	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
E. Normal maintenance, operation and repair of existing serviceable equipment, structures, facilities or improved areas, including, but not limited to, fencing, farm access roads and parking; and F. Processing, promotion, sale, storage, packaging and distribution.			
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within shorelines of the state, and floodplains designated as shorelines of the state in the shoreline master program.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Critical freshwater habitat."	Adds a definition for this term, which is used in proposed new code provisions.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Ecological professional: a person having a degree in ecology, wildlife biology, wetland biology, fisheries, botany, soil science, environmental science, natural resource management, or a closely related field, with a minimum of five years of professional experience related to the subject ecological field. Professional certification in a relevant ecological field can be substituted for two years of work experience.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Ecological professional."	Consolidates and clarifies terms used in the existing code, including "qualified biologist," "ecologist," and "qualified wetland professional." One term, "ecological professional," replacing these, is now proposed for consistency.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.451 - Defines "Farm field access drive" SECTION 19. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows: Farm field access drive: a((~~n~~)) paved or impervious ((~~surface constructed to provide a fixed~~)) route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.	Updates definition to describe more specifically what a farm field drive access is.	The definition is proposed to be updated to align with BAS and intends to reduce risk of unmitigated riparian area impacts by limiting what and where a farm field access drive is.	*Policy Analysis:* • The restriction on where farm field access drives can be located (properties within an Agricultural Production District [APD], enrolled in the Farmland Preservation Program [FPP], or zoned A) is a regulation, rather than what defines a farm field access drive. As proposed, any path that would otherwise meet this definition but is outside of the APD, not enrolled in the FPP, or not zoned A would not be defined or may fall under another term. Council may wish to move the regulation into the standards section.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Fish and wildlife habitat conservation areas: areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with high population density or species richness. Fish and wildlife habitat conservation areas do not include artificial water carrying features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.	Adds a definition for "Fish and wildlife habitat conversation areas."	Added to mirror the terminology used in Chapter 365-190 WAC, which sets the guidelines for classifying critical areas.	*Policy Analysis:* • Fish and wildlife habitat conservation areas are not regulated as their own critical area, and instead are regulated as 1) aquatic areas, 2) riparian areas, 3) wildlife habitat conservation areas, and 4) wildlife habitat networks. This definition does not entirely match the list of areas for consideration under WAC 365-190-130. Executive staff indicate that this was intentional in order to simplify the list, as the missing areas are protected under an existing critical area. The County is obligated to protect the areas

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			in the WAC, regardless of whether they are listed; however, the Council may wish to identify these areas in this new definition for clarity.
21A.06.577 Habitat. Habitat: the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.			*Policy Analysis:* • This definition is not consistent with the definition in the Comprehensive Plan: "Habitat is the area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space." Council may wish to consider whether the definitions could be aligned.
K.C.C. 21A.06.1331 - Recodification SECTION 24. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.	Re-orders section.	Reorganized to reflect alphabetical ordering for clarity and readability.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.1331 - Defines "Tree, hazard". SECTION 25. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are hereby amended to read as follows: ((~~Tree, hazard~~)) Hazard tree: any tree with a structural defect, combination of defects or disease resulting in structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of that tree in a manner that will: A. Damage a residential ((~~structure~~)) building or accessory structure, place of employment or public assembly or approved parking for a residential structure or accessory structure or place of employment or public assembly; B. Damage an approved road or utility facility; or C. Prevent emergency access ((~~in the case of medical hardship~~)).	Updates term to be "Hazard tree."	"Tree, hazard" changed to "Hazard tree" to make it easier to find in the code and to be consistent with the existing naming convention of "Significant tree".	*Policy Analysis:* • Council may wish to consider removing "approved", as parking for the uses listed, a road, or utility facility. The public and users may face the same risk from a hazard tree, regardless of whether the portion of the facility was determined to be approved or not.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Notice of map amendment: a letter issued by the department of natural resources and parks indicating that the classification of a critical area has been changed from the classification shown on a critical areas map adopted by King County. The notice of map amendment may indicate that an area has been reclassified, declassified, or newly classified as a critical area.	Adds definition for "Notice of map amendment."	Added to complement proposed code standards that provide a pathway to document when a critical area has been reclassified or declassified. An example of this would be: If a site-specific study determines that a site mapped as being within a Category I Critical Aquifer Recharge Area (CARA) is actually within a different type of CARA, or not within a CARA at all, a notice of map amendment would	*Policy Analysis:* • Council may wish to identify which maps are adopted and subject to this definition for clarity.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		memorialize this and provide an applicant with documentation of the changed CARA designation.	
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Revegetation: the reestablishment of vegetation within an area that reflects historic natural conditions or native vegetation types that are well suited to thrive in the area.	Adds definition for "revegetation."	Clarifies what is meant when this term is used in code, which is that the ground must not be left bare after an alteration to protect from erosion.	*Policy Analysis:* • Council may wish to consider whether to limit the definition of revegetation to native or historically native plants, as proposed. The requirement to plant native or historically native plants could be included as a standard throughout the code where appropriate, but limiting the definition could potentially conflict with the proposed inclusion of climate-smart plants and may also have unintended consequences for other portions of the code (such as the landscaping code or the grading code) that do not restrict the plants used.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Special flood hazard area or area of special flood hazard: the land subject to inundation by the base flood. Special flood hazard areas (SFHA or area of special flood hazard) are designated on flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and VE.	Adds definition for "Special flood hazard area."	There are existing regulations for special flood hazard areas, but no definition of this term.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Species of local importance: a species designated by the county in the Comprehensive Plan to be of local concern due to their population status, sensitivity to habitat alteration, or that are game species.	Adds definition for "Species of local importance."	There are existing regulations for species of local importance, but no definition of this term.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Wildlife lighting: measures applied to exterior lighting to reduce impacts to wildlife.	Adds definition for "Wildlife lighting."	There are existing regulations for wildlife lighting, but no definition of this term.	*Policy Analysis:* • This definition could be clarified to state wildlife lighting is "exterior lighting designed and installed to reduce impacts to wildlife."
GRADING CODE – PERMIT EXEMPTIONS FOR ALTERATIONS			
K.C.C. 16.82.051 - Specifies activities that are allowed to be done without obtaining a clearing and grading permit. SECTION 2. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are hereby amended to read as follows: A. For the purposes of this section, the definitions in K.C.C. 16.82.020 apply to the activities described in this section. If a term is not defined, then the definition in K.C.C. chapter 21A.06 shall apply ((~~to the activities described in this section, if the terms are not defined in K.C.C. 16.82.020~~)). Where definitions in K.C.C. 16.82.020 differ from the definitions in K.C.C. chapter 21A. 06, the definitions in K.C.C. 16.82.020 shall control. B. The activities in subsection D. of this section are exempted from the requirement of obtaining a clearing or grading permit ((~~before undertaking forest practices or clearing or grading activities, as long as~~)), if those activities conducted in critical areas ((~~are in compliance~~)) comply with the standards in this chapter and in K.C.C. chapter 21A.24, and are legally established. Activities ((~~not~~	(1) Adds clarifying language about which definitions apply to this section and how the exceptions in the table are interpreted when there are multiple conditions	(1) Provides clarity on whether multiple conditions, or just one condition, need to be met for a given activity. (2) Separates alluvial fan hazard areas from landslide hazard areas	*Section Notes:* • This section describes the situations where a clearing and grading permit is or is not required for an activity in an area. Blank cells in the table indicate that a permit is required, and NP indicate that no permit is required when certain conditions are met. *Policy Analysis:*

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
~~requiring~~)) <u>exempt from</u> a clearing and grading permit <u>are not exempt from other code requirements and</u> may require other permits, including, but not limited to, a floodplain development permit. C. Clearing and grading permit requirement exemptions shall be interpreted as follows: 1. The use of "NP" in a cell means that no clearing or grading permit is required if the listed conditions <u>and any applicable conditions in K.C.C. chapter 21A.24</u> are met; 2. A number in a cell means the numbered condition in subsection E. of this section applies, and: a. where a series of numbers separated by commas are in a cell, each of the numbered conditions for that activity applies; and b. if more than one letter-number combination appears in a cell, <u>the conditions of</u> at least one letter-number combination((~~s~~)) shall be met for a given exemption to apply; 3. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required; 4. For activities ((~~involving more than one critical area~~)) <u>where one or more critical areas are present</u>, compliance with the conditions applicable to each critical area is required; and 5. Clearing and grading permits are required when a cell in ((~~this~~)) <u>the</u> table <u>in subsection D. of this section</u> is empty and for activities not listed on the table. D. Clearing and grading permit requirement exemptions.	that apply to a given activity. (2) Adds alluvial fan hazard areas to the clearing and grading exemption table. (3) Combines the landslide hazard area and steep slope hazard area columns. (4) Combines seismic and volcanic hazard areas columns and adds tsunami hazard areas to same column. (5) Adds "NP 13" to newly merged "seismic, volcanic, and tsunami hazard areas" column. (6) Moves "Construction of farm field access drive" and "Maintenance of farm field access drive" activities to Agriculture section of table. (7) Adds "management" to term "farm plan". (8) Updates condition 16 regarding applicability of farm field access roads. Removes condition 16 from applicability to manure storage facilities and applies condition 17. (9) Technical corrections	because area-specific standards based on BAS were developed as part of this update. (3) Consolidates areas into one column because identical standards apply to them. (4) Consolidates areas into one column because identical standards apply to them. (5) Condition 13 is also appropriate for these specific areas. (6) Re-organizes activities by topic, improving usability. (7) Revised to use term "farm management plan" for consistency and to align with term used in Farm Management Plan public rule. (8) Add clarity by providing more precise standards. (9) Formatting and grammatical corrections.	• The Council may wish to consider simplifying this section for ease of reading. This could be accomplished by modifying the table to incorporate the development conditions within the table, simplify the number of columns, or call out critical areas only when specific conditions apply. • Alluvial fans hazard areas are proposed to also be a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying this section so that conditions that apply to landslide hazard areas also clearly apply to alluvial fan hazard areas.

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	Out of Critical Area and Buffer	Coal Mine Hazard <u>Area</u>	Erosion Hazard <u>Area</u>	Flood Hazard <u>Area</u>	Channel Migration <u>Hazard Area</u>	Landslide <u>&</u> <u>Steep Slope</u> Hazard <u>Areas</u> and Buffer	Seismic<u>,</u> <u>Volcanic, and Tsunami Hazard Area</u>	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) <u>Alluvial Fan Hazard Area</u>	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) <u>Riparian Area</u>	((~~Wildlife Area and Buffer~~)) <u>Wildlife Habitat Area and Wildlife Habitat Network</u>
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~NP 1, 2~~))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~NP 3~~))		NP 3	NP 4 ((~~NP 23~~))	NP 4 ((~~NP 23~~))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~NP 5~~))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~NP 6~~))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((~~NP 25~~))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~NP 7~~))	<u>NP 8</u>	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((~~NP 9~~))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((~~NP 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													

- 4: Wetland buffers and riparian areas are typically protected from human activity. Whether to allow firewood cutting without a permit is a policy choice.

- Emergency tree removal: these typically do not occur on an immediate or emergency basis unless there is an immediate risk or danger present. Council may wish to add 6, which allows removal to prevent imminent danger to persons or structures, to areas outside of critical areas.

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~NP 11~~))	((~~NP 11~~))	NP 11			NP 11			
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((~~NP 12~~))	NP 12	NP	NP 12	NP 12	NP 12			
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~NP 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13			
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((~~NP 13, 14, 15~~))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15			
((~~Construction of farm field access drive~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))	((~~NP 16~~))			
((~~Maintenance of farm field access drive~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))	((~~NP 17~~))			
Utilities																
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((~~NP 19~~))	NP 19	NP 18	NP 19	NP 19	NP 19			
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 NP 28		NP 1, 2, 3				NP 1, 2, 3	((~~NP 1, 2, 3~~))		NP 1, 2, 3						
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~NP 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11			
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~NP 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11			
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((~~NP 20~~))	NP 20	NP 20	NP 20	NP 20	NP 20			
Maintenance or repair of existing	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP 11	NP 11	NP			

Code														Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
instream structure																
Recreation areas																
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~NP 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13			
Habitat and science projects																
Habitat ((~~restoration~~)) creation or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((~~NP 21~~))	NP 21	NP	NP 21	NP 21	NP 21			
Drilling and testing for critical areas((~~s~~)) report or monitoring and data collection	NP 1, 2, 22	NP 1, 2, 22	NP 1, 2, 22	NP 22	NP 22	NP 22	NP 1, 2, 22	((~~NP 1, 2~~))	NP 22	NP 1, 2, 22	NP 22	NP 22	NP 22			
Agriculture																
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP			
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP			
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		NP ((~~16~~)) 17	((~~NP 16~~))		NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17				
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15			
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~NP 26~~))	NP 26	NP 26	NP 26	NP 26	NP 26			
Maintenance of farm pond,	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15			

- Drilling and testing for critical area reports or monitoring and data collection: The conditions for this alteration could be made consistent with the critical area alteration table in K.C.C. 21A.24.045, which specifies the limited activities allowed to occur with scientific data collection.
- 2: It is unclear why this condition, which allows up to 2,000 square feet of new or replaced impervious surface would be allowed for critical area testing.
- 17: requires a farm management plan. Council may wish to add a reference or align this standard with the requirements in K.C.C. 21A.24.045, which includes requirements such as preserving native vegetation and installation of best management practices for new or expanded activities.
- Construction of a private drive on a non-agricultural property would require a clearing and grading permit, whereas a permit is not required for a farm field access drive. Allowing new livestock manure storage facilities and farm field access drives, without a clearing and grading permit, in a wetland, wetland buffer, aquatic area, or riparian area could potentially introduce pollutants, new impervious surface or pavement, or environmental degradation in these critical areas. Under Ecology's guidance, agricultural uses are considered to be "high impact." As proposed, these uses would only be allowed when an alternate location is not available to provide less adverse impact.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments

fish pond, livestock watering pond													
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~NP~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~NP~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~NP~~))	NP 13	NP 13	NP 13	NP 13	NP 13

E. The following conditions apply:

1. Excavation less than five feet in vertical depth((~~,~~)) or fill less than three feet in vertical depth that, cumulatively on a single site since January 1, 2005, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing of less than seven thousand square feet on a single site since January 1, 2005, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:
   a. regulated as a Class IV forest practice under chapter 76.09 RCW;
   b. in a critical drainage areas established by administrative rules;
   c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
   d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

4. Not allowed within a wetland, aquatic area, or a tree containing an active nest. Otherwise, allowed for ((~~C~~))cutting firewood for personal use in accordance with a forest management plan ((~~or rural stewardship plan~~)) approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan((~~,~~)) or forest management plan((~~, or rural stewardship plan~~)).

8. Cumulative clearing on a single site since January 1, 2005, of less than seven thousand square feet and either:
   a. conducted in accordance with a farm management plan((~~,~~)) or a forest management plan((~~, or a rural stewardship plan~~)); or
   b. limited to removal with hand labor.

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

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

- 4: Wetland buffers and riparian areas are typically protected from human activity. Whether to allow firewood cutting without a permit is a policy choice.

- The code does not identify a minimum distance or buffer for these uses (for comparison, grazing area buffers limit how close animals can be to an aquatic area or wetland) leaving some discretion to reviewers on how close these uses may be located. Whether or to require a clearing and grading permit, establish a maximum size exemption threshold, allow these uses in certain critical areas, or limit what portion of a critical area they could be located, are policy choices.

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11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection E.11., "new impervious surface" is defined in K.C.C. 9.04.020. 12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve: a. slope stabilization or vegetation removal on slopes; or b. ditches that are used by ((~~salmonids~~)) fish. 13. In conjunction with normal and routine maintenance activities, if: a. there is no alteration of a ditch or aquatic area that is used by ((~~salmonids fish:~~)) fish; b. ((~~the structure, condition, or site maintained was constructed or created in accordance with law; and~~ ~~c.~~)) the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert, or other improved area being maintained; and c. the maintenance does not involve the use of herbicides or other hazardous substances within critical areas or associated buffers, except for the removal of noxious weeds or invasive vegetation. 14. If a culvert is used by ((~~salmonids~~)) fish or conveys water used by ((~~salmonids~~)) fish and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and ((~~its~~)) associated inlet, invert, and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet. 15. If used by salmonids, only in compliance with an adopted farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife. 16. Only on sites with agricultural activities uses if: a. consistent with an adopted farm management plan in accordance with K.C.C. Title 21A((~~,~~)); b. constructed using best management practices approved by the permitting division; c. access is not greater than fourteen feet wide; d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers; e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual; f. located where it is least subject to risk from channel migration; g. a floodplain development permit is obtained for any action within the floodplain; and h. all other required state and federal permits have been obtained and actions comply with these permits. 17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A. 18. In accordance with a right-of-way construction permit. 19. Only within the roadway in accordance with a right-of-way construction permit. 20. When: a. conducted by a public agency; b. the height of the facility is not increased; c. the linear length of the facility is not increased; d. the footprint of the facility is not expanded waterward; e. done in accordance with the Regional Road Maintenance Guidelines; f. done in accordance with the adopted King County Flood Management Plan and the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002); and g. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department. 21. Only if: a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation((~~;~~)), and ((~~b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and the activity is~~)) limited to((~~:~~))			• 16: This condition applies to when farm field access drives are not required to obtain a grading permit. The criteria for this condition are similar, but not identical, to the criteria for farm field access drives in K.C.C. 21A.24.045. These could be made consistent for clarity. • 16: Not requiring a grading permit for constructing a farm field access drives is a policy choice. There are no limitations on impervious surface, length, or area of a farm field access drive in regards to a permit exemption. Farm field access drives are required to meet the King County Surface Water Design Manual, which establishes requirements on surface water dispersion. Farm management plans are created and administered by KCD. DNRP reviews these plans when there are certain benefits (such as PBRS) are sought. Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm

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(((~~1~~))) revegetation of the critical area and ((~~its~~)) associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation using only hand labor; or b. the activity is sponsored or cosponsored by a government agency that has natural resource management as its primary function and limited to: (1) revegetation of the critical area and associated buffer with native vegetation or climate-smart plants, or the removal of noxious weeds or invasive vegetation; (2) placement of weirs, log controls, spawning gravel, ((~~woody debris~~)) large wood, and other specific ((~~salmonid~~)) fish habitat improvements; and (3) hand labor except: (a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or (b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or ((~~its~~)) associated buffer. 22. If done with hand equipment((~~and~~)), does not involve any clearing, and equipment is not left in the critical area or associated buffer when work is concluded. 23. Limited to tree and vegetation clearing for the purposes of wildfire preparedness, except tree and vegetation clearing subject to K.C.C. 16.82.156, ((~~or~~)) K.C.C. Title 21A, or otherwise requiring a permit, including, but not limited to, alterations within critical areas, as follows: a. Within thirty feet of a residential structure containing habitable space, the following is allowed: (1) vegetation removal: (a) within fifteen feet of the furthest attached exterior point of a residential structure containing habitable space or a deck; (b) within ten feet of an installed above ground propane or liquefied petroleum gas tank; and (c) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels; and (2) removal and pruning of trees to provide: (a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height; (b) fifteen feet of clearance over driveways for emergency vehicle access; (c) eighteen feet between tree crowns; and (d) ten feet between tree crowns and decks, chimneys, propane tanks, liquefied petroleum gas tanks, overhead communication cables, overhead electrical wires, or other structures; and b. All activities in subsection E.23.a. of this section are also allowed up to one hundred feet from a residential structure containing habitable space if such clearing is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk, except ((~~as follows:~~)) that (((~~1~~))) removal and pruning of trees to provide clearance between tree crowns is limited to providing: (((~~a~~))) (1) twelve feet between tree crowns((~~, when~~)) located more than thirty feet and up to sixty feet ((~~of~~)) from a residential structure containing habitable space; and (((~~b~~))) (2) six feet between tree crowns((~~, when~~)) located more than sixty feet and up to one hundred feet ((~~of~~)) from a residential structure containing habitable space. 24. Limited to the removal of downed trees. 25. Except on properties that are: a. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or b. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156. 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the: a. King Conservation District; b. department of natural resources and parks; c. department of local services, permitting division; or d. Washington state Department of Fish and Wildlife. 27. Pruning of trees to provide up to ten feet of clearance from overhead communication cables and electrical wire components of utility facilities, if:			management plans in order to receive this grading permit exemption.

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a. ((~~no~~)) all debris is ((~~left~~)) removed following the pruning activity; b. authorized by a right-of-way construction permit; c. pruning activities around overhead electrical facilities do not extend fifteen feet beyond the right-of-way; and d. any work is approved by the property owner. 28. Tree and vegetation clearing, except for overhead facilities in subsection E.27. of this section, and except for tree and vegetation clearing subject to K.C.C. 16.82.156 or K.C.C. Title 21A or otherwise requiring a permit, as follows: a. Up to thirty feet measured horizontally from the utility facility structure, the following is allowed: (1) vegetation removal: (a) within fifteen feet of the furthest attached exterior point of a structure; and (b) underneath a tree crown to provide up to ten feet of clearance from the ground to remove ladder fuels; (2) removal and pruning of trees to provide: (a) ten feet of clearance from the ground to remove ladder fuels, as long as pruning does not exceed one-third of tree height; (b) fifteen feet of clearance over driveways for emergency vehicle access; (c) eighteen feet between tree crowns; and (d) ten feet between tree crowns and structures; and (3) the screening function of any landscaping planted to provide screening in K.C.C. chapter 21A.16 is maintained; and b. All of the activities in subsection E.28.a. of this section are also allowed up to one hundred feet measured horizontally from the utility facility structure if such clearing activity is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest stewardship plan approved by the department of natural resources and parks and that includes best management practices to reduce wildfire risks, except that removal and pruning of trees to provide clearance between tree crowns is limited to providing: (1) twelve feet between tree crowns, when more than thirty feet and up to sixty feet measured horizontally from a utility facility structure; and (2) six feet between tree crowns, when more than sixty feet and up to one hundred feet measured horizontally from a utility facility structure.			
CRITICAL AREAS ALLOWED ALTERATIONS			
K.C.C. 21A.24.045.A., B., and C. - Lists allowed alterations for the different types of critical areas. SECTION 41. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are hereby amended to read as follows: A. Within the following ((~~seven~~)) critical areas and their buffers ((~~all~~)) alterations are allowed if the alteration complies with the development standards, and prioritizes impact avoidance and minimization measures, ((~~and~~)) followed by mitigation requirements and other applicable requirements established in this chapter: 1. Critical aquifer recharge areas; 2. Coal mine hazard areas; 3. Erosion hazard areas; 4. Flood hazard areas except in the severe channel migration hazard areas; 5. Landslide hazard areas under forty percent slope; 6. Seismic hazard areas; ((~~and~~)) 7. Tsunami hazard areas; and 8. Volcanic hazard areas. B. Within the following ((~~seven~~)) critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations ((~~on~~)) in the table in subsection C. of this section are allowed if the alteration complies with conditions in subsection D. of this section and the development standards, and prioritizes impact avoidance and minimization measures, ((~~and~~)) followed by mitigation requirements and other applicable requirements established in this chapter: 1. ((~~Severe channel migration hazard area~~)) Alluvial fan hazard areas; 2. ((~~Landslide hazard area over forty percent slope~~)) Aquatic areas; 3. ((~~Steep slope hazard area~~)) Landslide hazard areas over forty percent slope; 4. ((~~Wetland~~)) Riparian areas; 5. ((~~Aquatic area~~)) Severe channel migration hazard areas;	(1) Adds new subtypes of critical areas designated in the CAO to the section, noting which alterations are allowed for which types of critical areas. (2) Moved some rows in the table to group similar activities together. (3) Alluvial fan hazard area column added to table, with BAS-informed conditions added for each activity. (4) Updated some allowed alterations and conditions.	(1) Ensures clarity regarding the standards that apply to each critical area subtype. (2) Improves reader ability to find the relevant allowed alteration by grouping similar activities together. (3) Adds standards for the Alluvial fan hazard area subtype. (4) Maintains internal consistency.	*Section Notes:* • This section identifies what alterations are permitted in specific critical areas. Generally, all alterations are allowed in critical areas listed under Subsection A. Under Subsection B., only specific alterations in the table are allowed in specific critical areas. *Policy Analysis:* • Subsection A. and B. could be streamlined for clarity. • Tsunami hazard areas are new critical areas under this update. Under state law, they are designated as seismic hazard areas. They are not required to be designated separately as a critical area under state law. This is a policy choice. • Alluvial fan hazard areas are proposed to also be a landslide hazard area, subject to

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6. ((~~Wildlife habitat conservation area; and~~)) Steep slope hazard areas;
7. ((~~Wildlife habitat network~~)) Wetlands;
8. Wildlife habitat conservation areas; and
9. Wildlife habitat networks.

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

A= ((~~alternation~~)) Alteration is allowed. Numbers indicate applicable development condition in subsection D. of this section.	Landslide Hazard Areas Over 40% and Buffer	Alluvial Fan Hazard Areas	Steep Slope Hazard Areas and Buffer	Wetland and Buffer	Aquatic Areas ((~~and Buffer~~)), Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks
Structures						
Construction of new single detached dwelling unit				A 1	((~~A 2~~))	
Construction of a new tree-supported structure				A 64	A 64	A 64
((~~Construction of nonresidential structure~~))				((~~A 3~~))	((~~A 3~~))	((~~A 3, 4~~))
Maintenance or repair of existing structure	A 5	A 5, 6	A 5	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 6, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7, 8
Interior remodeling	A		A	A	A	A
Construction of new dock or pier				A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11	A 4
Grading						
Grading		A 13, 15, 70	A 13		A 14	A 4, ((~~14~~))
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ((~~13~~)) 15, 16	A 16, 17	A 16, 17	A 4
Mineral extraction	A		A			
Clearing						
Clearing	A 18	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, ((~~14,~~)) 18, 20
Cutting firewood		A 21	A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 19	A 4, 19
((~~Removal of vegetation for fire safety~~)) Tree and vegetation clearing for the purposes of wildfire preparedness	A 22	A 22	A 22	A 22	A 22	A 4, 22

- the development standards and allowed alterations of a landslide hazard area. Council may wish to consider clarifying this section so that conditions that apply to landslide hazard areas (for both slopes under and over 40%) also clearly apply to alluvial fan hazard areas.
- "Landslide hazard areas over 40% and buffer" and "steep slope hazard areas and buffer" have nearly identical conditions. These columns could be combined with any specific conditions to those areas narrowed.
- 1 would allow a farm residence to be constructed in a grazed or tilled wet meadow, which is a type of wetland, subject to certain conditions. This is a policy choice to allow these residences in wetlands.
- 5, 6, 7, 8. As written, would be difficult for an applicant to follow what types of activities are allowed in each of these critical areas, as the conditions read as having overlap and nuanced requirements. Council may wish to clarify the conditions.
- 10 and 11 could be combined into one condition, as they only apply to the same areas.
- 12 is in the wetland and buffer column, but the condition only applies to lakes.
- 13, 15, 70: 70 limits work in alluvial fans to emergency situations. However, 13 allows work to regrade and stabilize slopes from legal grading activity and 15 also appears to be more permissive than 70. Executive staff indicate that deleting 13 and 15 would meet the Executive's intent.
- If 14 is repealed as proposed, it should be removed in the table.

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Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 23	A 4, 23			• Vegetation management is not a defined alteration and could fall under the activities listed under clearing ("the removal of vegetation or organic plant material by physical, mechanical, chemical or other similar means"). Executive staff state "It may technically involve some 'clearing' but only what is necessary for the listed goal, and not just to create an area devoid of vegetation." Council staff is unclear about the differences between these two activities. The Council may wish to address the differences between these alterations for clarity. • 26: a new road through a wetland or its buffer, aquatic area, or riparian area for a new subdivision may alter a critical area and result in net loss of environmental function. Executive staff indicate that "avoidance, minimization, and mitigation still must be applied, but linear access impacts are generally limited in scope, and the critical areas impacted are already close to an existing road (i.e. not pristine)." Given the priority on protecting critical areas throughout the code, and the limitations other alterations, Council may wish to consider whether allowing new roads for subdivisions in wetlands and their buffers, aquatic areas, and riparian areas is appropriate to protect against no net loss without requiring a reasonable use or alteration exception. • 26: Within a moderate channel migration hazard area, access to lots in a subdivision cannot cross the moderate channel migration hazard area (page 45 of this matrix). However, private roads for a plat are allowed in a severe channel migration hazard area, which is more susceptible to channel migration. This is a policy choice. • 34 and 35 were erroneously added to this column and could be removed.
Forest Practices									
Forest management activity	A	A	A	A	A	A 25			
Roads									
Construction of new public road right-of-way structure on unimproved right-of-way				A 26	A 26				
Construction of new road in a plat				A 26	A 26				
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16	A 16, 27			
Expansion beyond public road right-of way structure	A	A 26	A	A 26	A 26				
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27			
Construction of driveway or private access road	A 28	A 28, 70	A 28	A 28	A 28	A 28			
((~~Construction of farm field access drive~~))	((~~A 29~~))		((~~A 29~~))	((~~A 29~~))	((~~A 29~~))	((~~A 29~~))			
Maintenance of driveway, private access road, ((~~farm field access drive~~)) or parking lot	A	A 17	A	A 17	A 17	A 17, 27			
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39, 70	A 39	A 39	A 39	A 39			
Bridges or culverts									
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27			
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A16, 39	A 4, 16, 39			
Replacement of bridge or culvert	A 16	A 16	A 16	A 16	A 16, 30	A 16, 27			
Expansion of bridge or culvert	A 16, 17	A 16, 17, 31	A 16, 17	A 16, 17, 31	A 16, 17, 31	A ((4))27			
Utilities and other infrastructure									
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33, 34	A 32, 33, 34, 35	A 32, 34	A 32, 34	A 4, 27, 32, 35			
Construction or maintenance of a hydroelectric ((~~generating~~)) generation facility	A 67	A 66, 67	A 67	A 66	A 66	A 4, 66			
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33, 60	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60			
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37			
Construction of a new on-site sewage disposal system or well	((~~A 24~~))		((~~A 24~~))	A 63	A 63				
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 37	A 4, 37			

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Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24	A 24, 37	A 24, 37	A 4, 24, 37			• 4 is added, and would prohibit clearing, external construction or other disturbances during breeding seasons, whereas 27 would limit this machinery to "the maximum extent practicable." These two notes pose a conflict (one prohibiting work, and one allowing some work if no other option is available). Council may wish to clarify what is allowed. • 38 is allowed for the construction of new systems. Council may wish to apply the same conditions to maintenance. • 16 refers to regional road construction and maintenance guidelines. This note could be removed to match the Executive's intent. • Alluvial fans are considered as a type of geologically hazardous area. Although they are adjacent to stream channels at the base of slopes, they are not the same as a riparian area, aquatic area, or severe channel migration hazard area. Where an alluvial fan overlaps with another critical area, all applicable conditions would apply. Council may wish to consider removing notes that do not specifically cover alluvial fans to reduce confusion. • The proposed ordinance would allow livestock activities to occur outside of native vegetated areas in wetlands, wetland buffers, riparian areas, aquatic areas, severe channel migration zones, wildlife habitat networks, and wildlife conservation areas, subject to limitations and conditions summarized below. New and expanded grazing areas would be subject to grazing area buffers between 0 and 50 feet (see the discussion on these on page 86). Livestock manure management facilities and livestock heavy use areas do not appear to have a numeric buffer, except that 20 feet of vegetation is required downslope of a Type S, F and N aquatic area. Whether to allow these activities in critical areas or buffers
Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, 33	A 32, 38	A 32, 38	A 4			
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68				
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 32, 33	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37			
Construction of new surface water flow control or surface water quality treatment facility		A 32		A 32	A 32	A 4, 32			
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16			
Construction of new flood protection facility		A 16, 42		A 42	A 42	A 27, 42			
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A 33, 43	A 43	A 43	A 27, 43			
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61			
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45			
Maintenance or repair of existing instream structure	A 16	A 16	A	A	A	A 4			
Recreation									
Construction of new trail	A 46	A 46, 47	A 46	A 47	A 47	A 4, 47			
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48			
Habitat, education, and science projects									
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49			
Scientific sampling for salmonids		A 50		A 50	A 50	A 50			
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51, 52	A 51, 52	A 4			
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62			
Agriculture									
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54			
Grazing livestock	A 53	A 53	A 53	A 53, 54	A 53, 54	A 53, 54			

Code							Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Construction or maintenance of a commercial fish farm				A 53, 54	A 53, 54	A 53, 54			and to what extent they may be in a critical area is a policy choice. • 53: Generally speaking, activities in existence since 1/1/2005 would be permitted to continue with no expansion. • 54: New and expansion of livestock in these areas would be permitted on properties predominately used for agricultural activities, on areas without predominantly native vegetation, subject to grazing area buffers (0 to 50 feet), a farm management plan, and other requirements. Agricultural activities includes the growing of crops and livestock, but also includes activities such as processing, warehousing, or storage. It is unclear if this is consistent with the BAS report, which indicates that the full buffer widths in K.C.C. 21A.24.358, ranging from 50 to 200 feet, "would apply if new grazing areas were proposed in critical areas that haven't previously been converted for agricultural use" (page 97, BAS). Executive staff indicate that the code is intended to support the GMA goals around agriculture. • 55: Allows the construction of a livestock manure storage facility or livestock heavy use area in grazed or tilled wet meadow wetlands, provided a farm management plan is provided, there is no other alternative elsewhere on the site, and it is located as far away from the wetland as possible. There is no minimum buffer requirement. • 56: Allows the construction of a livestock manure storage facility or livestock heavy use area in a severe channel migration hazard area outside of the shoreline jurisdiction or in a grazed or tilled riparian area, provided adverse impacts are minimized, there is no other feasible location, a farm management plan is
Construction or maintenance of livestock manure storage facility				A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54			
Construction of a livestock heavy use area				A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54			
Construction or maintenance of a farm pad				A 56	A 56				
Construction of agricultural drainage				A 57	A 57	A 4, 57			
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 53, 54, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58			
Maintenance of agricultural waterway		A 69		A 69	A 69				
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((~~A 53~~))	A 53, 54	((~~A 53~~))	A 53, 54	A 53, 54	A 53, 54			
Construction or maintenance of farm field access drive	A 29	A 29	A 29	A 29	A 29	A 29			
Construction of nonresidential structure		A 3		A 3	A 3	A 3, 4			
Other									
Shoreline water dependent or shoreline water oriented use					A 65				
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A			
Maintenance of cemetery graves	A	A	A	A	A	A			
Maintenance of lawn, landscaping, or garden for personal consumption	A 59	A 59	A 59	A 59	A 59	A 59			
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17			

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			provided, and it is located where it is least subject to channel migration.
K.C.C. 21A.24.045.D - Lists conditions for each of allowed alterations. D. The following alteration conditions apply: 1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section. 2. ((~~Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:~~ ~~a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;~~ ~~b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;~~ ~~c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;~~ ~~d. access is located to have the least adverse impact on the critical area and critical area buffer;~~ ~~e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;~~ ~~f. the alteration is no closer than:~~ ~~(1) on a site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;~~ ~~(2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~ ~~(3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~ ~~g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.~~))Repealed. 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows, ((~~or~~)) wetland buffers ((~~of wetlands~~)), or ((~~aquatic~~)) riparian areas where: a. the site is predominantly used for the practice of ((~~agriculture~~)) agricultural activities; b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; c. the structure is either: (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production; (2) higher in elevation and no closer to the critical area than its existing position; or (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan; d. all best management practices associated with the structure specified in the farm management plan are installed and maintained; e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and f. in an alluvial fan hazard area or a severe channel migration hazard area ((~~portion of an aquatic buffer only~~)) if: (1) there is no feasible alternative location on-site; (2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration; (3) the structure is not used to house animals or store hazardous substances; and (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site. 4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 5. Allowed for structures when:	(1) Adds Alluvial fan hazard area to condition language where appropriate. (2) Updates allowance for expansion or replacement of existing structure to be in a critical area, buffer, or critical area setback, not just grazed wet meadows or critical area setbacks. (3) Provides more specific conditions under which tree and vegetation clearing for the purposes of wildfire preparedness is allowed. (4) Clarifies conditions under which construction or maintenance of farm field access drives is allowed. (5) Expands the construction of a new trail allowance to allow impervious materials for public trails constructed for access by persons with disabilities. Limits the construction of a new trail allowance to allow private trails to be a maximum of three feet wide. Requires that trail routes	(1) Added Alluvial fan hazard area standards specific to these areas instead of regulating them the same way as landslide hazard areas to provide critical area-appropriate standards. (2) "Grazed wet meadows" is proposed to be replaced with "critical area" to reflect that this is an existing allowed alteration for all critical areas, as shown in the allowed alterations table and to align with current practice. (3) Tree and vegetation clearing for the purposes of wildfire preparedness updated to provide more specific conditions than "best management practices," as used in existing code. Updated, more specific conditions provide clarity to code users and align standards with policy intent. (4) Farm field access drive conditions are proposed to be	*Section Notes:* • The numbers in this section correspond to the table above. These numbers are conditions that limit, restrict, or place conditions on alterations in specific critical areas. *Policy Analysis: see following pages. The location of the policy analysis in this column align with the location of the condition.* • 3: Changing "agriculture", which is limited to growing crops, livestock, or agricultural products, to "agricultural activities" would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. This is a policy choice.

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a. the landslide hazard, steep slope hazard, or alluvial fan hazard poses little ((~~or~~)) to no risk of injury; b. the hazard risks ((of ~~landsliding is~~)) from landslides, steep slopes, or alluvial fans are low; and c. there is no((~~t an~~)) expansion of the structure. 6. Within an alluvial fan hazard area or severe channel migration hazard area allowed for: a. existing legally established primary structures if: (1) there is not an increase of the footprint of any existing structure; and (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and b. existing legally established accessory structures if: (1) additions to the footprint will not make the total footprint of all existing structures more than one((-)) thousand square feet; and (2) there is no((~~t an~~)) expansion of the footprint towards any source of alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area. 7. Allowed only in ((~~grazed wet meadows or the~~)) a critical area, associated buffer, or ((~~building~~)) critical area setback outside a severe channel migration hazard area if: a. the expansion or replacement does not increase the footprint of a nonresidential structure; b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and ((~~its~~)) associated buffer; (2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not result in a cumulative increase in the footprint of the accessory structure and the dwelling unit by more than one thousand square feet; (3) the location of the expansion has the least adverse impact on the critical area; and (4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative plants and replacement with native vegetation or climate-smart plants in accordance with an approved ((~~landscaping~~)) mitigation plan; c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception; d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area; and e. The expansion of a residential structure in ((~~the buffer of~~)) a riparian area adjacent to a ((~~T~~))type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if: (1) the expansion is within thirty-five feet of the ordinary high water mark; or (2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet. 8. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if: a. except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area; b. except as otherwise allowed under subsection D.7. of this section, the existing impervious surface within the critical area or buffer is not expanded; and c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation or climate-smart plants in accordance with an approved ((~~landscaping~~)) mitigation plan. 9. Limited to piers or seasonal floating docks in a category II, III, or IV wetland or ((~~its~~)) associated buffer or along a lake shoreline or ((~~its buffer~~)) the adjacent riparian area where: a. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law; b. the wetland or lake shoreline is not a salmonid spawning area; c. hazardous substances or toxic materials are not used; and d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C. 21A.25.180. 10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.	minimize impacts to riparian areas and wildlife habitat networks. Limits the methods by which trails may be maintained in aquatic areas, riparian areas, or wetlands or their buffers. (6) Expands the types of organizations that may do construction of new instream structure or instream work. (7) Allows use of climate-smart plants for revegetation where native vegetation is allowed. (8) Adds conditions for 1) construction of driveway or private access road, 2) construction of a bridge or culvert as part of a driveway or private access road, and 3) grading when proposed in an alluvial fan hazard area. (9) Changes references of "aquatic area buffers" to "riparian areas." (10) Removes reference to rural stewardship plans. (11) Removes Condition 2. (12) Removes Condition 14.	updated as part of Riparian BAS review to reduce ambiguity about where this condition applies as well as limit how/when the County allows an unmitigated impact to riparian areas and other critical areas. (5) New trail conditions updated to acknowledge that public trails are commonly located in riparian areas for water access, visual enjoyment, and connection to other recreational amenities. These conditions were also updated to acknowledge the County's responsibility to provide equitable access in addition to protecting critical areas. Private trail limit applied for clarity and consistency with shoreline code. Public trails do not have a specific limit. (6) Expanding the types of organizations allowed to conduct instream work was intended to facilitate restoration work that will result in a gain in ecological function.	• 7: The allowance to expand or replace existing buildings would be broadened from only grazed wet meadows or the critical area setback outside a severe channel migration zone to any critical area, associated buffer, or critical area setback, subject to conditions. This would provide more flexibility to property owners to make changes on their property but would support the ongoing use of structures in critical areas and buffers. This is a policy choice. • 7.c.: A structure that receives an alteration exception, variance, reasonable use exception, or buffer averaging would not be allowed to be replaced or expanded. ○ Council may wish to consider if there are instances where small expansions or replacements may be appropriate, such as those that do not change a building footprint, those less than a certain size, and/or those located away from a critical area or buffer. ○ Council may wish to consider if there is a policy difference for replacing structures in critical areas or buffers that were permitted with or without buffer averaging. If a buffer width was increased in the future and an existing structure fell within that new buffer, that structure 1) could be replaced or expanded subject to conditions if it previously did not have buffer averaging, or 2) prohibited from replacement or expansion if it was established using buffer averaging. • 9 could be clarified to say that the condition itself only applies to lake shorelines, not that piers and docks are allowed only in the lake shoreline. • 10 could be modified to also prohibit hazardous substances and toxic materials.

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11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180. 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180. 13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity. 14. ((~~The following are allowed in the severe channel migration hazard area if conducted more than one hundred sixty-five feet from the ordinary high water mark in the rural area and natural resource lands and one-hundred fifteen feet from the ordinary high water mark in the urban area:~~ ~~a. grading of up to fifty cubic yards on lot less than five acres; and~~ ~~b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.~~)) Repealed. 15. Only where erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, ((~~aquatic area or wetland if,~~)) and to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas. 16. Allowed ((~~when~~)) for projects performed by, at the direction of, or authorized by a government agency in accordance with regional road construction and maintenance guidelines. 17. Allowed ((~~when~~)) for projects not performed under the direction of a government agency only if: a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((~~their~~)) associated buffers; and b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids: (1) the work ((~~is in compliance~~)) complies with ditch standards in public rule; and (2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet. 18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes. 19. The limited trimming, pruning, or removal of vegetation under a vegetation management plan approved by the department: a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and b. in all critical areas for habitat enhancement, invasive species control, or forest management activities. 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or fruits, for restoration and enhancement projects is allowed. 21. Cutting of firewood is subject to the following: a. not allowed within a wildlife habitat conservation area, wetland, aquatic area, steep slope hazard area, or on a tree containing an active nest ((~~cutting firewood is not allowed~~)); b. within a wildlife habitat network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386; and c. when firewood is for personal use, cutting is allowed within ((~~a~~)) critical areas and critical area buffers((~~, cutting shall be for personal use and~~)) when done in accordance with an approved forest management plan ((~~or rural stewardship plan~~)). 22. ((~~Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal~~)) Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas, or severe channel migration hazard areas. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23. 23. Allowed as follows: a. if conducted in accordance with an approved forest management plan((,)) or farm management plan((~~, or rural stewardship plan~~)); or b. without an approved forest management plan((,)) or farm management plan((~~, or rural stewardship plan~~)), only if: (1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods; (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds; (3) the cleared area is revegetated with native vegetation or climate-smart plants and stabilized against erosion; and (4) herbicide use is in accordance with federal and state law((;)).	(13) Technical corrections.	(7) Allowing the use of climate-smart plants for site restoration and mitigation encourages the long-term success of these projects. (8) Adding conditions for construction within alluvial fan hazard areas establishes a permitting pathway for emergency work in alluvial fan hazard areas and sets standards to protect ecological functions and values. Currently, there is no permitting pathway for this type of work, meaning that property owners cannot legally do this work and the impacts of any work done in violation of code go unmitigated. (9) Changes are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (10) References to rural stewardship plans are proposed to be removed as the	• 14: The proposed ordinance clarifies that the severe channel migration hazard area would be included as part of the riparian area. Removing this grading allowance in the severe channel migration hazard area would be consistent with the grading limitations in riparian area. This is a policy choice. • 22: Tree and vegetation clearing for the purposes of wildfire preparedness would be allowed in wetland buffers and riparian areas (outside of severe channel migration hazard areas). Council may wish to consider how to meet wildfire protection goals and environmental protection goals.

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24. Allowed to repair or replace existing on site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by ((~~the P~~))public ((~~H~~))health – Seattle & King County and: a. there is no alternative location available with less impact on the critical area; b. impacts to the critical area are minimized to the maximum extent practicable; c. the alterations will not subject the critical area to increased risk of landslide or erosion; d. vegetation removal is the minimum necessary to accommodate the septic system; and e. significant risk of personal injury is eliminated or minimized in the landslide hazard area. 25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science. 26. Allowed only if: a. there is no((~~t~~)) ((~~an~~))other feasible location with less adverse impact on the critical area and ((~~its~~)) associated buffer; b. the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site((~~,~~)); c. the corridor width is minimized to the maximum extent practical; d. the construction occurs during approved periods for instream work; e. the corridor will not change or diminish the overall aquatic area flow peaks, duration, or volume or the flood storage capacity; and f. no new public right-of-way is established within a severe channel migration hazard area. 27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy equipment are not operated within a wildlife habitat conservation area. 28. Allowed only if: a. an alternative access is not available; b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary; c. the risk associated with landslide and erosion is minimized; d. access is located where it is least subject to risk from channel migration; and e. construction occurs during approved periods for instream work. 29. Allowed ((~~O~~))only on sites currently involved in the practice of agricultural activities if: a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division; b. there is no other feasible location with less adverse impact on critical areas and associated buffers; c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual; d. access is located where it is least subject to risk from channel migration; e. a floodplain development permit is obtained for any action within the floodplain; and f. all other required state and federal permits have been obtained and actions comply with such permits. 30. Allowed only if: a. the new construction or replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and b. the site is restored with appropriate native vegetation or climate-smart plants in accordance with an approved mitigation plan. 31. Allowed if necessary to bring the bridge or culvert up to current standards and if: a. there is no((~~t an~~)) other feasible alternative available with less impact on the aquatic area and ((~~its buffer~~)) adjacent riparian area; and b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and ((~~its buffers~~)) adjacent riparian area. 32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines. 33. Allowed outside the roadway if: a. the alterations will not subject the critical area to an increased risk ((~~of~~)) from landslide, alluvial fan, or erosion hazards; b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and		code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (11) Condition 2 is proposed for removal because it is an obsolete provision held over from the Sensitive Area Ordinance from the early 1990s, before there were much more protective requirements in both the CAO and the SMP. At the time, it was intended to provide better protection along some shoreline/lakefront properties before we had aquatic area buffers along lakes. Current buffer requirements require much more protections now. (12) Condition 14 is proposed for removal because now that riparian areas extend beyond the edge of severe CMZs (rather than overlapping with severe CMZs), a change made to better align with BAS, this condition describes an area that no longer exists	• 29: As noted in the grading table (page 11), a grading permit is not required to construct a farm field access drive if it is constructed in compliance with a farm field access drive. Executive staff state "The King Conservation District (KCD) works with farmland owners/operators to understand management objectives and then creates a plan that supports those objectives while minimizing potential impacts to critical areas and critical area buffers. If plans will provide landowners/operators with certain benefits (e.g., regulatory flexibility, PBRS credit for agricultural land), the plans are reviewed and approved by DNRP. Implementation is generally KCD's responsibility, but if the landowner/operator received cost-share support from DNRP, then DNRP ensures the practices were implemented as designed." Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans.

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c. significant risk of personal injury is eliminated or minimized in the landslide or alluvial fan hazard area. 34. Limited to the pipelines, cables, wires, and support structures of utility facilities within utility corridors if: a. there is no alternative location with less adverse impact on the critical area and critical area buffer; b. new utility corridors meet ((~~all of~~)) the following to the maximum extent practical: (1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site; (2) the mean annual flow rate is less than twenty cubic feet per second; and (3) paralleling the channel or following a down-valley route near the channel is avoided; c. to the maximum extent practical utility corridors are located so that: (1) the width is the minimized; (2) the removal of trees greater than twelve inches diameter at breast height is minimized; (3) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area; d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met: (1) to the maximum extent practical, the width of the maintenance road is minimized and in no event greater than fifteen feet; and (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area; e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity; f. the construction occurs during approved periods for instream work; g. the utility corridor serves multiple purposes and properties to the maximum extent practical; h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical; i. bored, drilled, or other trenchless crossings ((~~is~~)) are laterally constructed at least four feet below the maximum depth of scour for the base flood; j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark; k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and l. minor communication facilities may collocate on existing utility facilities if: (1) no new transmission support structure is required; and (2) equipment cabinets are located on the transmission support structure. 35. Allowed only for new utility facilities in existing utility corridors. 36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied. 37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical, and no hazardous substances, pesticides, or fertilizers are applied. 38. Allowed if: a. conveying the surface water into the wetland buffer or ((~~aquatic area buffer~~)) riparian area, and discharging into the wetland buffer or ((~~aquatic area buffer~~)) riparian area or at the wetland or aquatic area edge, has less adverse impact upon the wetland ((~~or~~)), wetland buffer, aquatic area, or riparian area ((~~or wetland or aquatic area buffer~~)) than if the surface water were discharged at the buffer((~~'s~~)) or riparian area edge and allowed to naturally drain through the buffer or riparian area; b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the King County Surface Water Design Manual; c. the conveyance and outfall are installed with hand equipment where feasible; d. the outfall shall include bioengineering techniques where feasible; and e. the outfall is designed to minimize adverse impacts to critical areas. 39. Allowed only if: a. there is no feasible alternative with less impact on the critical area and ((~~its~~)) associated buffer;		under the proposed code. (13) Correcting formatting and grammatical errors.	

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b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and ((~~its~~)) associated buffer; c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site; d. construction occurs during approved periods for in-stream work; and e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area, or waterward of the ordinary high water mark. 40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if: a. fish habitat features necessary for feeding, cover, and reproduction are included when appropriate; b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments, or shade the water; and c. bioengineering techniques are used to the maximum extent practical. 41. Allowed for a closed, tightlined conveyance system and outfall structure if: a. necessary to avoid erosion of slopes; and b. bioengineering techniques are used to the maximum extent practical. 42. Allowed in a severe channel migration hazard area, riparian area, or an ((~~aquatic area buffer~~)) alluvial fan hazard area to prevent bank erosion only: a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function; b. based on a critical area((~~s~~)) report, the department determines that the new flood protection facility will not cause ((~~significant~~)) adverse impacts to upstream or downstream properties; and c. to prevent bank erosion for the protection of: (1) public roadways; (2) sole access routes in existence before February 16, 1995; (3) new primary dwelling units, accessory dwelling units, or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if: (a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes, or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and (b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures on abutting or adjacent properties; or (4) existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures if: (a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists; (b) the structure is in imminent danger, as determined by a ((~~geologist, engineering geologist or geotechnical engineer~~)) geological professional; (c) the applicant has demonstrated that the existing structure is at risk, and the structure and supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and (d) nonstructural measures are not feasible. 43. Applies to lawfully established existing structures if: a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process; b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process; c. the footprint of the facility is not expanded waterward; d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;			• 43: "Applies to lawfully established" could be changed to "Allowed for legally established" for clarity/consistency.

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e. the site is restored with appropriate native vegetation, or climate-smart plants and erosion protection materials according to an approved mitigation plan; and f. based on a critical area((s)) report, the department determines that the maintenance, repair, replacement, or construction will not cause ((significant)) adverse impacts to upstream or downstream properties. 44. Allowed in type N and O aquatic areas if done in the least impacting way at the least impacting time of year, in conformance with applicable best management practices, and all affected instream and ((buffer)) riparian area features are restored. 45. Allowed in a type S or F water when such work is: a. included as part of a project to evaluate, restore, mitigate, or ((improve)) enhance habitat((, and)); b. sponsored or cosponsored by an Indian tribe, ((public)) government agency, nonprofit organization that has natural resource management as a function, or ((by a federally recognized tribe)) a higher education institution; and c. in compliance with the criteria of subsection D.49. of this section. 46. Allowed ((as long as)) if the trail is not constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to ((handicapped)) persons with disabilities. 47. ((Not allowed in a wildlife habitat conservation area. Otherwise, a))Allowed only in ((the buffer)) a riparian area or wetland buffer, or for crossing a category II, III, or IV wetland or a type F, N, or O aquatic area((,)); or a wildlife habitat network, if: a. the trail surface is made of pervious materials, except that public multipurpose trails and public trails constructed for access by persons with disabilities may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge; b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat network areas are expanded equal to the width of the trail corridor including disturbed areas; c. there is not another feasible location with less adverse impact on the critical area and ((its)) associated buffer; d. the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site; e. the trail width is minimized to the maximum extent practical and private foot trails are limited to three feet in width; f. the construction occurs during approved periods for instream work; ((and)) g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity((.)); h. the trail shall minimize impacts within a wetland buffer, riparian area, or wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to the maximum extent practical; i. trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands or associated buffers; j. the trail may be ((located across a critical area buffer)) allowed to cross a riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform or to a permitted dock or pier; and ((i. A)) k. a private viewing platform may be allowed if it is: (1) located upland from the wetland edge or the ordinary high water mark of an aquatic area; (2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or ((its)) associated buffer; (3) limited to fifty square feet in size; (4) constructed of materials that are nontoxic; and (5) on footings located outside of the wetland or aquatic area. 48. Only if the maintenance: a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation; b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope, or other improved area being maintained. 49. Limited to alterations to create, restore, or enhance aquatic or wetland habitat forming processes or ((directly restore)) habitat functions and values, including access for construction, as follows:			• Proposed changes to 49 limit habitat enhancement projects from those that affect *any* habitat to only those that affect

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a. ((~~projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;~~ ~~b.~~)) creation, restoration, and enhancement plans shall be prepared by an ((~~qualified biologist~~)) ecological professional; ((~~or c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan~~)) and b. the applicant provides an ecological critical area report that includes the following: (1) an evaluation of the anticipated net change in ecological functions from pre-project to post project; (2) a mitigation plan for impacts to critical areas and associated buffers, unless the applicant demonstrates to the satisfaction of the department that the proposed project will provide a net ecological benefit and increase in function over the existing conditions of the project area; and (3) a monitoring and reporting plan to demonstrate the gain of ecological function. 50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act. 51. Allowed for the minimal clearing and grading, including site access, necessary to prepare critical area reports. 52. The following are allowed if associated spoils are contained: a. data collection and research if carried out to the maximum extent practical by nonmechanical or hand-held equipment; b. survey monument placement; c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment ((~~and~~)); or d. similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act. 53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: a. the site is predominantly involved in the practice of ((~~agriculture~~)) agricultural activities; b. there is no expansion into an area that: (1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or (2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height~~)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and d. all best management practices associated with the activities specified in the farm management plan are installed and maintained. 55. Only allowed in grazed or tilled wet meadows or ((~~their~~)) associated buffers if: a. the facilities are designed to the standards of an approved farm management plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ((~~or an approved livestock management plan in accordance with K.C.C. chapter 21A.30~~)); b. there is not a feasible alternative location available on the site; and c. the facilities are located close to the outside edge of the buffer to the maximum extent practical. 56. Only allowed in: a.(1) a severe channel migration hazard area located outside of the shoreline((~~s~~)) jurisdiction area; (2) grazed or tilled wet meadow or wet meadow buffer; or (3) ((~~aquatic area buffer~~)) grazed or tilled riparian area; and only if: b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized; (2) there is ((~~not another~~)) no other feasible location available on the site that is located outside of the critical area or critical area buffer; (3) the farm pad, livestock manure storage facility, or livestock heavy use area is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and (4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, or livestock heavy use area is located where it is least subject to risk from channel migration.			*aquatic or wetland habitats*. Council may wish to consider moving and revising this language into a subsection as criteria to state "alterations proposed within aquatic areas, riparian areas, wetlands, and associated buffers will not result in adverse impacts to aquatic or wetland functions and values." • Under the shoreline modification table (page 107) in K.C.C. 21A.25.160, "habitat and natural systems enhancement projects" are subject to certain standards that differ from these standards. Because there is overlap between critical areas and the shoreline jurisdiction, Council may wish to make these standards consistent where applicable. • 53: As written, this condition appears to limit agricultural activities to only those established *since* January 1, 2005, not those in continuous existence *prior*. This could be clarified. • 54: Changing "agriculture", which is limited to growing crops, livestock, or agricultural products, to "agricultural activities" would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. This is a policy choice. • 54: Council may wish to include "aquatic area" to this list to clarify that livestock is not permitted in aquatic areas. • 54: As proposed, new or expanded agricultural activities would not be limited to 10,000 sf in treed areas, and instead would not be allowed in wetland, wetland buffers, or riparian areas that contain native forestry overstory, shrub, or herbaceous layer. Executive staff indicate that this change would result in greater protections, as the existing code would allow clearing of native shrubs or

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57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained. 58. If the agricultural drainage is used by salmonids, maintenance shall ((~~be in compliance~~)) comply with an approved farm management plan in accordance with K.C.C. 21A.24.051. 59. Allowed within existing landscaped areas or other previously disturbed areas. 60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if: a. there is no alternative location with less adverse impact on the critical area or the critical area buffer; b. the residential utility service distribution lines meet ((~~all of~~)) the following, to the maximum extent practical: (1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site; (2) not located over a type S aquatic area; (3) paralleling the channel or following a down-valley route near the channel is avoided; (4) the width of clearing is minimized; (5) the removal of trees greater than twelve inches diameter at breast height is minimized; (6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area; (7) access for maintenance is at limited access points into the critical area buffer. (8) the construction occurs during approved periods for instream work; (9) bored, drilled, or other trenchless crossings are ((~~is~~)) encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and (10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry. 61. Allowed if sponsored or cosponsored by the countywide flood control zone district, or the department of natural resources and parks and the department of local services, permitting division, determines that the project and its location: a. is the best flood risk reduction alternative practicable; b. is part of a comprehensive, long-term flood management strategy; c. is consistent with the King County Flood Management Plan policies; d. will have the least adverse impact on the ecological functions of the critical area or ((~~its~~)) associated buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and e. has been subject to public notice in accordance with K.C.C. 20.44.060. 62.a. Not allowed in wildlife habitat conservation areas; b. Only allowed if: (1) the project is sponsored or cosponsored by a public agency whose primary function deals with natural resources management; (2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function deals with natural resources management; (3) there is not a feasible alternative location available on the site with less impact to the critical area or ((~~its~~)) associated buffer; (4) the aquatic area or wetland is not for salmonid rearing or spawning; (5) the project minimizes the footprint of structures and the number of access points to any critical areas; and (6) the project meets the following design criteria: (a) to the maximum extent practical size of platform shall not exceed one hundred square feet; (b) all construction materials for any structures, including the platform, pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an adverse impact on water quality; (c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;			herbaceous species without a farm management plan or grading permit. This change would connect protection to specific critical areas, consistent with the County's BAS, and limit new expansion into these critical areas. However, Council may note that these changes still would allow some livestock activities in critical areas that do not meet the native vegetation criteria, which represents a high-risk approach. This is a policy choice.

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(d) structures shall be located outside of the wetland or aquatic area landward of the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark or open water component, ((~~(~~))if applicable((~~)~~)), to the maximum extent practical on the site; (e) construction occurs during approved periods for work inside the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark; (f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons; (g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code; (h) trail access is designed in accordance with public rules adopted by the department; (i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is allowed; and (j) disturbed bare ground areas around the structure must be ((~~replanted~~)) revegetated with native vegetation or climate-smart plants approved by the department. 63. Not allowed in the severe channel migration ((~~zone,~~)) hazard area. Otherwise allowed if there is no alternative location with less adverse impact on the critical area and buffer, and clearing is minimized to the maximum extent practical. 64. Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following: a. not allowed in wildlife habitat conservation areas, wetlands, aquatic areas, or severe channel migration hazard areas; b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure; c. the structure shall be located as far from ((~~the critical area~~)) wetlands or aquatic areas as practical, but in no case closer than seventy-five feet from ((~~the critical area~~)) a wetland or an aquatic area; d. only one tree-supported structure within a critical area buffer or riparian area is allowed on a lot; e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an adverse impact on water quality; f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness; g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following: (1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure; (2) the attachments shall be constructed using the best available tree anchor bolt technology; and (3) an ((~~ISA~~)) International Society of Arboriculture Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure; h. exterior lighting shall meet the following criteria: (1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and (2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment; i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons; j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section; k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-smart plants according to a ((~~vegetation management~~)) mitigation plan approved by the department.			

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65. Shoreline water dependent and shoreline water oriented uses are allowed in ((~~the aquatic area and aquatic area buffer of a~~)) ((~~T~~))type S aquatic area and adjacent riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the King County Comprehensive Plan. 66. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100B.14., and only as follows: a. there is ((~~not another~~)) no other feasible location within the aquatic area with less adverse impact on the critical area and ((~~its~~)) associated buffer; b. the facility and corridor ((~~is~~)) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location; c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ((~~8~~)) eight points or greater; d. the corridor width is minimized to the maximum extent practical; e. paralleling the channel or following a down-valley route within ((~~an aquatic area buffer~~)) riparian area is avoided to the maximum extent practical; f. the construction occurs during approved periods for instream work; g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity; h. the facility and corridor ((~~is~~)) are not located within a severe channel migration hazard area; i. to the maximum extent practical, buildings will be located outside the wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~)); j. to the maximum extent practical, access for maintenance is at limited access points into the critical area or associated buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met: (1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area; k. the facility does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility, or other infrastructure owned or operated by a public utility. 67. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows: a. there is no((~~t an~~))other feasible location with less adverse impact on the critical area and ((~~its~~)) associated buffer; b. the alterations will not subject the critical area to an increased risk of landslide or erosion; c. the corridor width is minimized to the maximum extent practical; d. vegetation removal is the minimum necessary to locate the utility or construct the corridor; e. the facility and corridor do not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and ((~~is~~)) are consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury ((~~is~~)) are eliminated or minimized in the landslide hazard area; and f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility. 68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows: a. the heat exchanger must be a closed loop system that does not draw water from or discharge to the lake; b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger; c. the in-water portion of system is only allowed where water depth exceeds six feet; and d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180. 69. Only for maintenance of agricultural waterways if: a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;			

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b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife ((~~pursuant to~~)) in accordance with chapter 77.55 RCW; c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology; d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and e. the maintenance project complies with K.C.C. chapter 16.82. 70. Only allowed within an alluvial fan hazard area, and overlapping critical areas if: a. in response to an emergency event where channel avulsion or migration is imminent or has occurred as a result of a pulse of in-channel sediment or debris deposition; b. to prevent an imminent threat to: (1) public roadways, utilities, and other infrastructure; (2) sole access driveways and roads; (3) primary dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures; (4) agricultural activities structures necessary to store equipment, produce, or livestock; c. conducted under an approved emergency authorization request per K.C.C. 16.082.065; d. the emergency work is completed within thrity days of receiving a written emergency authorization; e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat; f. proposed in-stream work is minimized or results in the least adverse impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area; g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event; h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary; i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to: (1) mitigate any adverse ecological impacts of the emergency actions; (2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and (3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.			
CRITICAL AREA ALTERATION AND REASONABLE USE EXECEPTIONS			
K.C.C. 21A.24.070 - Sets standards for Critical Area Alteration Exceptions and Reasonable Use Exceptions. SECTION 44. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows: A. The director may approve exceptions to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration areas, not otherwise allowed by this chapter as follows: 1. For linear alterations, ((~~E~~))except as otherwise provided in subsection A.2. of this section((~~, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only~~)) when all of the following criteria are met: a. there is no feasible alternative to the development proposal with less adverse impact on the critical area; b. the development proposal minimizes the adverse impact on critical areas to the maximum extent practical; c. the ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter; d. the development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and	(1) Technical corrections. (2) Clarifies that reasonable use exceptions are not allowed within alluvial fan hazard areas and severe channel hazard migration hazard areas. (3) Clarifies that a reasonable use exception cannot be	(1) Updated wording to clarify existing intent. (2) Updated wording to clarify existing intent. (3) Aligns code with case law and ensures the code functions as intended.	*Section Notes:* • This section provides an alternative for property owners to make alterations on their property that would otherwise not comply with the critical area regulations. The two methods are a 1) critical area alteration exception (CAAE), and 2) a reasonable use exception (RUE). RUEs are for instances where the critical area regulations would deprive a property of any reasonable use and requires a higher set of standards to meet. CAAEs are more limited in scope, allowing for flexibility for highly constrained sites where reasonable use is not

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e. the linear alteration: (1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility, or other public infrastructure owned or operated by a public utility; or (2) is required to overcome limitations due to gravity; 2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers, and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and ((~~its~~)) associated buffer; and 3. For nonlinear alterations, except as otherwise provided in subsection A.3.h. of this section, the director may approve exceptions to allow alterations to critical areas except aquatic areas, wildlife habitat conservation areas, and wetlands, ((~~unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas,~~)) and may approve alteration((~~s~~)) exceptions to critical area buffers and critical area setbacks, when all of the following criteria are met: a. there is no feasible alternative to the development proposal with less adverse impact on the critical area; b. the alteration is the minimum necessary to accommodate the development proposal; c. the ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter; d. the development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. When the site disturbance is within a critical area or associated buffer, the ((~~building~~)) critical area setback line shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance; f. to the maximum extent practical, access is designed and located to have the least adverse impact on the critical area and critical area buffer; g. the critical area is not ((~~used as a~~)) potential salmonid spawning ((~~area~~)) habitat; and h. the director may approve an alteration in a category II, III, and IV wetland for development of a public school facility. B. The director may approve a reasonable use exception to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration hazard areas, if the application of this chapter would deny all reasonable use of the property as follow: 1. If the critical area, critical area buffer, or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all ((~~of~~)) the following criteria are met: a. there is no other reasonable use with less adverse impact on the critical area; b. development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping but not including the area used for a driveway or for an on-site sewage disposal system; and 2. If the critical area, critical area buffer, or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090. C. For the purpose of this section: 1. "Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric ((~~generating~~)) generation facilities, utility corridors, and utility facilities; and 2. ((~~For purposes of subsections A. and B. of this section, a~~))Areas located ((~~within the shoreline jurisdiction that are~~)) below the ordinary high water mark shall not be included in calculating the site area. D. ((~~Alteration e~~)) Exceptions approved under this section shall meet the mitigation requirements of this chapter.	obtained if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.		completely eliminated. Executive staff indicate that on average, there have been fewer than 10 CAAE and RUE applications combined per year since 2015. *Policy Analysis:* • It is possible that the changes to the critical area regulations in this proposed ordinance would increase the number of CAAEs or RUEs due to increased buffers, new critical areas, and changes to allowed alterations or development standards. This is a policy choice. • As proposed, a property owner would not be able to obtain an exception for development in an alluvial fan hazard area and severe channel migration hazard area. Executive staff indicate that this is existing exclusion and that building in these areas poses an unreasonable threat to public health, safety, and welfare. This is a policy choice. • King County currently allows private property owners to modify critical areas and buffers through a CAAE or a RUE. RUEs must demonstrate that reasonable use of the property would be denied, whereas CAAEs are subject to other criteria such as feasibility and the minimum necessary. Council may wish to consider whether two sets of standards for allowing deviations from critical areas is necessary. Council may also wish to clarify what a "critical area development standard" refers to. These are policy choices. • The code provides a higher level of protection to salmonid spawning habitats rather than all fish spawning habitats. This is a policy choice. • Whether to allow an alteration for any public school facility in a Category II, III, or IV wetland without dimensional limitation is a policy choice. Executive staff state that this code is "supported by policy E-109, which

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E. An applicant for an ((~~alteration~~)) exception shall submit a critical area report, as required by K.C.C. 21A.24.110. F. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.			speaks to allowing the efficient provision of public services by exempting minor activities from critical area regulations, under certain conditions." It appears that this provision has not been utilized but is to "be included in the code to allow a school to impact a wetland by using a CAAE instead of a RUE, so an applicant wouldn't have to prove that there is no other reasonable use of the site than a school." The Council may wish to consider whether limitations, such as size, scale, or location, should be added for public school facilities in wetlands. • Subsection F. clarifies that a property owner cannot create a need for an exception, which can occur by creating a constrained site. This is consistent with existing practice and the Department of Commerce's guidance. • This section could be restructured for clarity and ease of reading. There are two types of exceptions identified in this section with specific allowances within each exception type.
K.C.C. 21A.24.072 Alteration exception – alternative. A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows: 1. There is no feasible alternative to the development proposal with less adverse impact on the critical area; 2. The alteration is the minimum necessary to accommodate residential use of the property; 3. The approval does not require the modification of a critical area development standard established by this chapter; 4. The development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; 5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area; 6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and 7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130. B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting. C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. 20.20.060.H.	Repealed.	This section is duplicative to other sections in the code and pertains to processes that are addressed in K.C.C. Chapter 20.20 land use application procedures.	*Section Notes:* • This section was intended to provide an alternative to a critical area exception or reasonable use exception in K.C.C. 21A.24.070 for single detached residences. *Policy Analysis:* • No issues identified.

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D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions. (Ord. 19146 § 67, 2020: Ord. 17539 § 47, 2013).			
CRITICAL AREA REVIEW AND REPORT REQUIREMENTS			
K.C.C. 21A.24.090 - Sets requirements for the disclosure of critical areas by permit applicants. SECTION 45. Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows: ((~~If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether~~)) An applicant for a permit for a development proposal or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide the following: A. Disclosure of critical areas on the development proposal site or sites, including mapped or identifiable critical areas within the distance equal to the largest potential required critical area buffer applicable to the development proposal; and B. An affidavit indicating whether: 1. The applicant has knowledge of any illegal alteration to ((~~any or all~~)) the critical areas or associated buffers on the development proposal site or sites; and ((~~B.~~)) 2. The applicant previously has been found in violation of this chapter for any property in King County, in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant ((~~shall~~)) must declare whether the violation has been corrected to the satisfaction of King County.	(1) Requires applicants for permits and critical area designations to disclose the presence of critical areas and buffers on the development proposal site.	(1) Clarifies that the applicant is the party responsible for providing complete, accurate information about critical areas on a given property.	*Section Notes:* • This section describes when an applicant is required to disclose a critical area on a property. *Policy Analysis:* • No issues identified.
K.C.C. 21A.24.500 - Sets critical area designation standards. SECTION 46. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.	(1) Reordered to be located after the code section on requirements for the disclosure of critical areas by permit applicants.	(1) Improves code usability by grouping similar topics together, keeping related information in one place.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.24.500 - Sets critical area designation standards. SECTION 47. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows: A.1. A property owner or the property owner's agent may request a critical area designation for a site consisting of part or all of a ((~~site~~)) parcel, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department. 2. ((~~If the request is for review of a portion of a site, t~~)The application shall include a map identifying ((~~the portion~~)) all areas of the ((~~site~~)) parcel for which the designation is sought. The designation shall not apply to any areas of the parcel other than those identified in the application and approved by the department. ((~~2. The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.~~)) 3. If deemed necessary by the department, supporting critical area reports, prepared in accordance with K.C.C. 21A.24.110, may be required. 4. The review by the department shall evaluate, determine, and document the existence, location, and classification of the critical areas within the areas indicated on the application. B. ((~~In preparing the critical area designation, the department shall perform a critical area review to:~~ ~~1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;~~ ~~2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;~~ ~~3. Evaluate the critical area report, if required; and~~ ~~4. Document the existence, location and classification of any critical area.~~	(1) States that critical area designations (CADs) apply only to areas of the parcel identified and approved by the department and not elsewhere. (2) Updates applicability of written determination to only critical areas, not critical area buffers. (3) Removes section describing appeal procedures.	(1) Clarifies that just because a portion of a parcel is not addressed by a CAD does not mean that the County has verified that critical areas are not present on that portion. (2) Clarifies that the CAD determination applies to the existence, location, and classification of critical areas on a site. Existing code was unclear whether buffers were part of CAD determination. Because buffer	*Section Notes:* • This section establishes the scope and applicability of a critical area designation. *Policy Analysis:* • Executive staff indicate that DLS' current practice is to limit critical area designations to one parcel, rather than a development site and that each parcel requires its own designation, and the proposed changes reflect that practice. This is a policy choice. • This provision appears to be part of the critical area regulations prior to 2004 (previously called sensitive areas) and references to these special studies were repealed in 2004. Executive staff indicate that there are no resources to develop reports for property owners and this is not a current practice for DLS.

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~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~ ~~D.~~)) The department shall ((~~make the determination of~~)) issue a critical area designation in writing within one-hundred-twenty-days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. ((~~If the determination applies to less than an entire site, t~~))The determination shall clearly identify the portion of the ((~~site~~)) parcel to which the determination applies. ((~~E.1.~~)) C. The written determination made under this section is final and effective for five years from the date of issuance as to the existence, location, classification of any critical area ((~~and critical area buffers~~)) on the site, unless: ((~~a.~~)) 1. ((~~t~~))There is a change in site conditions; ((~~b.~~)) 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration, or the adoption of revised methods for critical area classification; or 3. A county, state, or federal agency adopts critical area maps that conflict with the department's written determination. ((2. ~~As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective~~. ~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.~~))		widths are defined in code relative to the scope of a development proposal, and may be altered with a development proposal, and a CAD is not associated with a development proposal, this avoids the code conflicts that could occur if buffer locations were vested prior to review of a development proposal. (3) CADs are now a Type 1 decision in K.C.C. 20.20.020; so, the appeal period and process for a CAD is provided under Land Use Petition Act (LUPA), and this section is no longer needed to explain the appeal process.	• Changes to permitting timelines were made under Ordinance 19872 to comply with SB 5290. Council may wish to remove this text for consistency with that ordinance. • The County adopts maps for some critical areas including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, and flood hazard areas. These maps serve as sources of information during the critical area determination and review processes. Because not all critical area maps are officially adopted (such as wetlands), Council may wish to clarify which maps are included here to avoid potential conflicts regarding which maps take precedent over a written determination. • Executive staff indicate that this provision does not address the preparation of determinations and that this intent is established in K.C.C. 21A.24.100. No issues identified.
K.C.C. 21A.24.100 - Sets critical area review standards. SECTION 48. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows: A. ((~~Before any~~)) Prior to clearing, grading, or site preparation, the department shall perform a critical area review ((~~for any~~)) of development proposal permit applications or other request for permission to alter a site to determine ((~~whether there is~~)): 1. The existence, location, and classification of ((~~A~~)) critical areas on the ((~~development proposal site~~)) parcel; 2. ((~~An active breeding site of a protected species on the development proposal site; or~~ ~~3. A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible from the boundaries of the site~~)) The existence, location, and classification of critical areas within three hundred feet of the site that can be identified by use of available data and methods including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, critical area determinations for other permits, and available critical area reports; 3. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and 4. Compliance with all other standards and regulations of this chapter. B. As part of the critical area review, the department shall review ((~~the critical area reports and determine~~)) whether:	(1) Provides examples of how off-site critical area information may be obtained. (2) Adds cross-references to code and streamlines code language. (3) Adds explanation of how appeals of critical area reviews function.	(1) Improves code usability by helping users to understand how to meet code requirements. (2) Supports internal consistency of code and reduces unnecessary wordiness. (3) Because critical area reviews can be a component of either a development	*Section Notes:* • This section establishes DLS' process for conducting a critical area review. Executive staff indicate that subsection A. describes how the process is performed and subsection B. describes when the review occurs and what it entails. *Policy Analysis:* • This section could be restructured for clarity and ease of reading. • Alluvial fan hazard areas are not included in this list. These critical areas may pose a potential hazard and should be reviewed for

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1. ((~~There has been an accurate identification of all critical areas~~)) Critical area designation or designations for the parcel are effective pursuant to K.C.C. 21A.24.500, as recodified by this ordinance; 2. ((~~An alteration will occur to a critical area or a critical area buffer~~)) Critical area report or reports are required with the application under K.C.C. 21A.110; 3. ((~~The development proposal is consistent with this chapter~~)) Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified within the application documents; 4. ((~~The sequence~~)) Proposed alterations prioritize avoidance and minimization measures, followed by mitigation requirements in K.C.C. 21A.24.125 ((~~has been followed to avoid impacts to critical areas and critical area buffers~~)); ((~~and~~)) 5. Proposed ((~~M~~))mitigation measures required to compensate for unavoidable adverse impacts to critical areas ((~~is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,~~)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable mitigation requirements of this chapter; and 6. Proposed alterations are consistent with the goals, purposes, objectives, and requirements of this chapter. C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a: 1. Flood hazard area; 2. Critical aquifer recharge area; or 3. Landslide hazard area, steep slope hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure. D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an independent decision under K.C.C. 20.20.020.		proposal or a critical area designation, this section proposes to clarify that the critical area review is part of the appeal of the underlying approval.	consistency with the code. Council may wish to add this type of critical area to the list. • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as "critical area report or reports are required with the application under K.C.C. 21A.24.xxx". However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require a report where site conditions warrant.
K.C.C. 21A.24.110 - Sets critical area report standards. SECTION 49. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows: A. An ((~~applicant~~)) application for a development proposal that requires critical area review under K.C.C. 21A.24.100 or K.C.C. 21A.24.500, as recodified by this ordinance, shall submit a critical area report at a level determined by the department to adequately evaluate the proposal and all probable impacts in accordance with the applicable critical area report criteria of this chapter. B. The applicant may combine a critical area report with ((~~any~~)) additional studies required by other laws and regulations. C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal. D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be: a. ((~~A~~))a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act; b. ((~~D~~))documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act; c. ((~~D~~))documentation that the activity fits within Section 4(d) of the Endangered Species Act; d. ((~~A~~))an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((~~2010~~)) April 2011. The assessment shall determine if the project ((~~would~~)) adversely affects any ((~~one or more~~)) of the following: (1) the primary constituent elements identified when a species is listed as threatened or endangered; (2) Essential Fish Habitat designated by the National Marine Fisheries Service; (3) fish and wildlife habitat conservation areas; (4) vegetation communities and habitat structures; (5) water quality; (6) water quantity, including flood and low flow depths, volumes, and velocities;	(1) Updates document version of Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X referenced in code. (2) Clarifies that the impacts that must be avoided, minimized, and mitigated are to critical areas and associated buffers.	(1) Updates document version to be the current, correct version. (2) Requires mitigation sequencing in accordance with state law.	*Section Notes:* • This section describes the size and scale of critical area reports. *Policy Analysis:* • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as "An application for a development proposal that requires a critical area review under K.C.C. 21A.24.xxx". However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require a report where site conditions warrant. • Under Subsection D.1., a property only needs to provide one assessment, rather than all of the items listed. "or" could be added to D.1.c. for clarity.

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(7) the river or stream channel's natural planform pattern and migration process; (8) spawning substrate, if applicable; and (9) floodplain refugia, if applicable. 2. The department ((~~must~~)) shall require ((~~a~~)) projects with adverse ((~~effects~~)) impacts on critical areas or associated buffers to ((~~comply with the impact~~)) prioritize avoidance((~~,~~)) and minimization ((~~and~~)) measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.			• It is unclear why mitigation sequencing requirements are under the critical area report requirements. Council may wish to consider revising this subsection to be an analysis that is a report submittal requirement or remove the subsection.
K.C.C. 21A.24.XXX - New Section NEW SECTION. SECTION 50. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. An applicant for a development proposal that requires geological critical area review under K.C.C. 21A.24.100 shall submit a geological critical area report at a level of detail determined by the department to adequately evaluate the proposal and all probable impacts. B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. C. The geological critical area report shall be prepared, stamped, and signed by a geological professional. D. The geological critical area report shall contain, at a minimum, the following information: 1. A description of site conditions that includes: a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on the site; b. the quantity and type of existing vegetation cover; c. a description of the ground surface inclination in percent gradient; and d. the location or evidence of any springs, seeps, or other expressions of groundwater. 2. A evaluation of the geological conditions of the site that includes: a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines; b. available geotechnical reports, well logs, or other data sources within the vicinity of the site; c. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours; d. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site; e. engineering properties of the subsurface soils or bedrock or both on site and adjacent properties; and f. identification of all existing fill areas; 3. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property including, but not limited to: a. slope stability; b. liquefaction hazard; c. debris runout; d. channel migration; e. erosion rates, slope recession rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization; and f. additional information required by K.C.C. 21A.25.170, if applicable; 4. An evaluation of proposed development which includes; a. location and description of proposed development activity; b. method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the King County Surface Water Design Manual; c. locations and methods for temporary and permanent erosion control; d. recommendations for structure siting limitations, including buffers and setbacks, in accordance with the development standards of geologically hazardous areas in this chapter;	Establishes criteria for geological critical area reports.	Provides clearer, more explicit requirements for reports, reducing the risk of important information being omitted from reports because the requirements were unclear.	*Section Notes:* • This new section would provide the submittal requirements for a geological critical area report. *Policy Analysis:* • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as "An application for a development proposal that requires geological critical area review under K.C.C. 21A.24.xxx". However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require report where site conditions warrant. • It is unclear why mitigation sequencing requirements are under the critical area report requirements. Council may wish to consider revising this subsection to be an analysis that is a report submittal requirement or remove the subsection.

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e. recommendations for engineering mitigation of hazards; and f. recommendations for vegetation management to mitigate hazards; 5. A determination stating whether the proposed alterations minimize risks to people and development on and off the site in accordance with the development standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice; 6. A site plan that includes: a. the topography with vertical contour intervals of five feet or less unless the underlying project permit requires a smaller interval; b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site; c. all identified geologically hazardous areas, buffers, and critical area setbacks; d. exploration locations; e. locations of proposed development and clearing limits, if known, and f. transects of any provided cross-sections; 7. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and 8. Any other information determined by the department to be necessary to determine compliance with this chapter including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, and models for estimating how far landslide materials will travel. E. The department shall require a project with adverse impacts to prioritize avoidance and minimization measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.			
K.C.C. 21A.24.XXX - New Section NEW SECTION. SECTION 51. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. An applicant for a development proposal that requires ecological critical area review under K.C.C. 21A.24.100 shall submit an ecological critical area report at a level of detail determined by the department to adequately evaluate the proposal for all probable impacts. B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. Ecological critical areas include wetlands and all fish and wildlife habitat conservation areas. C. The ecological critical area report shall be prepared and signed by an ecological professional. D. The ecological critical area report shall contain, at a minimum, the following information: 1. A wetland, aquatic area, and riparian area delineation report that includes: a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035, including completed data forms and data point locations to demonstrate the presence or absence of wetland conditions; b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms; c. identification of aquatic area locations, typing, and ordinary high water marks; d. identification of severe channel migration hazard areas and floodplains; and e. determination of applicable wetland buffers and riparian areas; 2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks; 3. A description of existing onsite and adjacent site conditions that includes: a. existing development including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established; b. the extent and dominant species composition of existing vegetative cover; c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology; d. functions and values of all critical areas found; and	Establishes criteria for ecological critical area reports.	Provides clearer, more explicit requirements for reports, reducing the risk of important information being omitted from reports because the requirements were unclear.	*Section Notes:* • This new section would provide the submittal requirements for an ecological critical area report. *Policy Analysis:* • This section could be restructured for clarity. This could include clarifying what items are expected to be shown on a site plan or a report, using consistent terminology, and streamlining. • K.C.C. 21A.24.100, 21A.24.110, and the new sections under Sections 50 and 51 of the proposed ordinance reference each other with phrasing such as "An application for a development proposal that requires ecological area review under K.C.C. 21A.24.xxx". However, none of the sections clearly identify a threshold of when critical area reports are actually required. Council may wish to clarify this language or provide a minimum threshold for applicants, allowing flexibility for DLS to waive or require report where site conditions warrant. • The proposed code requires all trees of at least 3" diameter at breast height (DBH)

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e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development. The department may require tree locations to be surveyed; 4. If unavoidable impacts to critical areas or buffers are proposed, an impact analysis that includes: a. demonstration that adverse impacts prioritized avoidance and minimization measures, followed by mitigation sequencing in K.C.C. 21A.24.125. b. calculation of square footage of direct permanent impacts to each critical area and buffer; c. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored; d. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021; e. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts; f. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the King County Surface Water Design Manual; and g. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers; 5. A mitigation plan that includes: a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required; b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates; c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24; d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year; e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable; f. plan for installation of wildlife lighting; g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and h. justification for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equivalent or greater ecological functions will be achieved; 6. A monitoring plan that includes: a. a monitoring schedule of five years, unless otherwise directed by the department; b. success criteria for mitigation activities to meet at the end of each monitoring year; c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area; d. a maintenance plan to ensure success criteria are met; and e. a contingency plan if it is determined that mitigation fails to meet success criteria; 7. A site plan depicting: a. mapped locations of all on-site critical areas and approximated locations of all off-site critical areas within three hundred feet of the site; b. widths of all buffers applied in accordance with K.C.C. chapter 21A.24; c. critical area setback lines applied in accordance with K.C.C. 21A.24.200; d. existing and proposed alterations, including but not limited to structures, impervious surfaces, utilities, clearing, nonnative landscaping, and grading; and e. all property lines, setbacks, and easements; and 8. Additional information determined by the department to be necessary to comply with this chapter.			within a clearing limit or within striking distance to be identified. This could encompass young trees (for example, the landscaping code specifies 1.75" DBH for new plantings). This would ensure that the largest number of trees are identified within a clearing limit or an area close to proposed development; however, this could require more extensive documentation. Executive staff indicate that native trees can reach 15 feet tall with a 3" DBH typically at 5 years old for trees such as cottonwoods and 10-20 years old for conifers. Executive staff indicate that 3" DBH was chosen based on the US Army Corps of Engineers methodology and WSDOT uses 4" DBH as their minimum. This is a policy choice. • Council may wish to clarify "proposed development." Executive staff indicate that this would be based on the definition of hazard tree and include proposed structures and access routes, however this connection is not clear and this standard does not apply to hazard trees. This could be revised to either say structures and roads, or include a specified number instead of striking distance. • "Nonnative" could be removed so that a site plan shows all landscaping, whether it is native or nonnative.
CRITICAL AREA MITIGATION			

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NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.24.125 - Avoiding impacts to critical areas.** A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority, to avoid impacts to critical areas and critical area buffers: 1. Avoiding the impact or hazard by not taking a certain action; 2. Minimizing the impact or hazard by: a. limiting the degree or magnitude of the action with appropriate technology; or b. taking affirmative steps, such as project redesign, relocation or timing; 3. Rectifying the impact to critical areas by repairing, rehabilitating or restoring the affected critical area or its buffer; 4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods; 5. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal or alteration; 6. Compensating for the adverse impact by enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and 7. Monitoring the impact, hazard or success of required mitigation and taking remedial action. B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This existing code section describes mitigation sequencing, which is a set of measures that must be taken to avoid impacts to a critical area. *Policy Analysis:* • This section could be updated to name this "mitigation sequencing" and cross references could be updated throughout the code for consistency and to reduce unnecessary duplication.
K.C.C. 21A.24.130 - Mitigation requirements for adverse impacts to critical areas. SECTION 52. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows: A. If mitigation is required under this chapter to compensate for adverse impacts, ((~~unless otherwise provided, an applicant shall:~~ ~~1. Mitigate adverse impacts to:~~ ~~a. critical areas and their buffers; and~~ ~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~ ~~2. Monitor the performance of any required mitigation~~)) the mitigation shall be designed to: 1. Achieve no net loss of critical area ecological functions for the entire scope of the development; and 2. Not create adverse impacts on other critical area functions. B. When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area ecological functions as conditions of approval for mitigation measures, which may include conservation easements, financial guarantees, and performance monitoring. C. The department shall not approve a development proposal until mitigation and monitoring plans are ((~~in place~~)) established ((~~to mitigate for alterations to critical areas and buffers~~)) and financial guarantees have been posted in accordance with K.C.C. Title 27A. ((~~C.~~)) D. Whenever mitigation is required, an applicant shall submit a critical area report ((~~that includes:~~ ~~1. An analysis of potential impacts;~~ ~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~ ~~3. A monitoring plan that includes:~~ ~~a. a demonstration of compliance with this title;~~ ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~ ~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or~~ ~~(2) the mitigation involves the creation of a wetland; and~~	(1) Adds that no net loss of ecological function must be achieved by mitigation. (2) Removes requirements for critical area reports.	(1) Updated to align with current version of WAC 365-196-830. (2) Requirements for critical area reports are proposed to be moved to Sections 50 and 51 and expanded.	*Section Notes:* • This section describes mitigation requirements when alterations impact critical areas. *Policy Analysis:* • This sentence could be streamlined to state that "Mitigation under this chapter shall be designed to:" • This section combines mitigation sequencing, on-site mitigation, off-site mitigation criteria, and departmental requirements into one paragraph. This section could benefit from being broken into several sections and including cross references to other sections. • Executive staff indicate that comprehensive resource management plans refer to wildlife or species management plans, water quality plans, and other similar plans that identify management priorities that can supported by certain mitigation actions. Council may wish to add a definition or provide examples in code.

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~~c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.~~ ~~D.~~)) in accordance with this chapter. E. Mitigation shall ((~~not~~)) be implemented ((~~until~~)) after the department approves ((~~the~~)) all applicable mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ((~~is~~)) has commenced and shall provide King County with reasonable access to the ((~~mitigation~~)) site for the purpose of inspections during ((~~any~~)) the monitoring period. ((~~E.~~)) F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan and revised financial guarantee requirements.			
K.C.C. 21A.24.133 - Offsite mitigation standards. SECTION 53. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows: A. To the maximum extent practical, ((~~an applicant shall mitigate~~)) and after application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat conservation area, or wildlife habitat network, shall be mitigated on or contiguous to the development site. The department may approve mitigation that is off-site ((~~the development site~~)) if an applicant demonstrates that: 1. It is not practical to mitigate on or contiguous to the development proposal site; and 2. The off-site mitigation will achieve equivalent or greater hydrological, water quality, and ((~~wetland or aquatic area~~)) habitat functions. B. When off-site mitigation is authorized, the department shall give priority to locations within the same drainage subbasin as the development proposal site that meet the following: 1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter; 2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ((~~and~~)) or 3. Public mitigation sites that have been ranked in a process ((~~that has been~~)) supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ((~~basin plans or other~~)) watershed plans. C. The department ((~~may~~)) shall require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but is not limited to, a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition. D. The department shall maintain a list of sites available for use for off-site mitigation projects. E.1. ((~~The department and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.~~)) The department may approve mitigation through the King County mitigation reserve program. The program addresses: a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and b. the use of the fees for mitigation on public or private sites that have been ((~~ranked according to ecological criteria through one or more programs that have included a public process~~)) selected using a watershed approach, in accordance with the approved in-lieu fee program instrument. 2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ((~~a paper original and~~)) an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation economy and environment committee or its successor. The report should address the following: a. information on the amount and source of revenues received by the program; b. a description and rationale for projects selected for funding; c. an accounting of budgeted and actual expenditures made; and d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.	Replaces reference to a DNRP program to allow payment of a fee in lieu of providing mitigation on site with the King County mitigation reserve program.	Clarifying update; instead of describing the program, the code proposes to name it.	*Section Notes:* • This section describes off-site mitigation requirements when allowed in lieu of on-site mitigation. • For off-site mitigation projects, sites that are within the same subbasin are preferred, as they can provide similar ecological, habitat, and hydrological features as the area impacted. • There are different agencies and organizations that operate mitigation programs. Applicants may pay in-lieu fees to offset unavoidable impacts. King County manages the mitigation reserve program, which mitigates wetlands and their buffers, aquatic areas, and riparian areas through restoration, establishment, enhancement, and preservation. • Off-site mitigation standards for specific critical areas can be found in the following sections: ○ K.C.C. 21A.24.340 (page 67) – wetlands ○ K.C.C. 21A.24.380 (page 77) – aquatic areas and riparian areas ○ K.C.C. 21A.24.386 (page 82) – wildlife habitat network *Policy Analysis:* • This section repeats the language from K.C.C. 21A.24.130 (the row immediately above) and could be streamlined.

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21A.24.137 - Approval of mitigation through mitigation reserves program. The department may approve mitigation to compensate for the adverse impacts of a development proposal to critical areas through [and through use of an in-lieu fee program]*. [or in-lieu fee program]* the King County mitigation reserves program. (Ord. 17539 § 49, 2013: Ord. 17254 § 5, 2012: Ord. 15051 § 152, 2004).	Repealed.	This section is proposed to be incorporated with K.C.C. 21A.24.133.	*Policy Analysis:* • No issues identified.
21A.24.140 - Financial guarantees. Financial guarantees shall be required consistent with the provisions of Title 27A. (Ord. 12020 § 54, 1995: Ord. 10870 § 461, 1993).	Repealed.	Requirements for financial guarantees have been expanded in K.C.C. 21A.24.130, making this section unnecessary.	*Policy Analysis:* • No issues identified.
NOTICE ON TITLE AND CRITICAL AREAS TRACTS			
K.C.C. 21A.24.170 - Requirements for Notice of Title on properties which mitigation has been established. SECTION 54. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows: A. Except as otherwise provided in subsection ((~~of~~)) C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development shall file a notice on title approved by King County with the records and licensing services division. The notice shall inform the public of: 1. The presence of critical areas or buffers or mitigation sites on the property; 2. The application of this chapter to the property; ((~~and~~)) 3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and 4. The existence of approved wetland buffer or riparian area averaging on the property. B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording of the subdivision, short subdivision, or binding site plan. C. The notice required under subsection A. of this section is not required if: 1. The property is a public right-of-way or the site of a permanent public facility; 2. The development proposal does not require ((~~sensitive~~)) critical area review under K.C.C. 21A.24.100.C; or 3. The property only contains a critical aquifer recharge area or an erosion hazard area. D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances: 1. The department, as part of a critical area review of a permit application, determines the information contained in an existing notice on title is no longer accurate because information about a critical area has changed, such as in its type or location; or 2. An ordinance adopted an updated critical areas map indicating a reclassification or declassification of the critical area on the subject property.	(1) Adds the requirement for approved wetland buffers or riparian area averaging information to be included on notices on title. (2) Sets standards by which the department may remove or amend information on notices on title.	(1) Added to allow prospective property buyers to know if the buffers or riparian areas have been modified from their standard application, as it affects where they may be able to alter the property. (2) This section is proposed to provide a process for landowners to amend or update an existing notice on title.	*Section Notes:* • This section describes when a notice on title must be recorded on a property. *Policy Analysis:* • The Council may also wish to add "buffer reductions" to this list, as they may affect a property's ability to redevelop in the future. • As drafted, it appears that a critical area review must be part of a permit application to determine that information on a notice on title is no longer accurate. Executive staff indicate that property owners could submit for a critical area determination to revise or remove a notice on title. Council may wish to clarify this provision. • The County adopts maps for some critical areas including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, and flood hazard areas. These maps serve as sources of information during the critical area determination and review processes. Because not all critical area maps are officially adopted (such as wetlands), Council may wish to clarify which maps are included here to avoid conflict on which maps take precedent over a written determination.
K.C.C. 21A.24.180 - Criteria for establishing critical area tracts. SECTION 55. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:	(1) Adds Riparian areas, alluvial fan hazard areas that are one acre or	(1) Riparian areas are proposed to be added to reflect the update in	*Section Notes:* • This section describes what critical areas must be placed in a tract when a

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A. ((~~The applicant~~)) Critical area tracts established under this section protect with the goal of enhancing critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. Development proposals for subdivisions, short subdivisions, or binding site plans shall establish and identify critical area tracts to delineate and protect ((~~those~~)) critical areas and associated buffers listed ((~~below in development proposals for subdivisions, short subdivisions or binding site plans~~)) in subsection A.1. through 7. of this section, and shall record the tracts on all documents of title of record for all affected lots: 1. ((~~All l~~))Landslide hazard areas and buffers that are one acre or more in size; 2. ((~~All s~~))Steep slope hazard areas and buffers that are one acre or more in size; 3. ((~~All w~~))Wetlands and buffers; ((~~and~~)) 4. ((~~All a~~))Aquatic areas ((~~and buffers~~)); 5. Riparian areas; 6. Alluvial fan hazard areas that are one acre or more in size; and 7. Wildlife habitat networks. B. A critical area tract established under subsection A. of this section shall be either: 1. ((~~h~~))Held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot((~~,~~)); or 2. ((~~shall be h~~))Held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract. C. ((~~The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.~~)) The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan. D. For an off-site critical area mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director. E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff. ((~~E.~~)) F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate: 1. ((~~All f~~))Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230; 2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas; 3. Aquatic areas, riparian areas, and wetlands; 4. Wildlife habitat conservation areas and ((~~the~~)) wildlife habitat networks; 5. Critical area ((~~B~~))buffers; and 6. ((~~Building~~)) Critical area setbacks as required by K.C.C. 21A.24.200. ((~~F.~~)) G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.	more in size, and wildlife habitat networks to the list of areas that must be protected by critical area tracts. (2) Requires off-site critical area mitigation areas to either be placed in a critical area tract or perpetual conservation easement.	terminology to "riparian area" from "aquatic area buffer," which were already included in this list. Alluvial fan hazard areas are proposed to be added to reflect that they are defined as a type of Geologically Hazardous Area now, and no longer under the umbrella of Landslide Hazard Areas, which were already included in this list. Given their unsuitability for new buildable lots, they should be included in this list of areas that should be kept in a tract. Wildlife habitat networks are proposed to be added to match current practice and existing intent. (2) Ensures long-term protection of mitigation and provides options for protecting off-site mitigation areas that reflect their varying circumstances, e.g., ownership by private individual, conservation group, public property etc.	subdivision, short subdivision, or binding site plan occurs. • Critical area tracts are only required when certain critical areas are present on land that is being divided (subdivision, short subdivision, binding site plans). Commercial developments or single detached dwelling units may be required to record an easement consistent with other sections of code, but separate tracts are not required. *Policy Analysis:* • Landslide, steep slope, and alluvial fan hazard areas and their buffers are only required to be placed in a tract when the area is 1 acre or larger. This is a policy choice. • Riparian areas are proposed to be increased in other sections of this proposed ordinance through wider buffer widths and the inclusion of the severe channel migration hazard area. Subdivisions, short subdivisions, and binding site plans on sites with riparian areas are likely to have more of the site placed in a tract under the proposed ordinance. This is a policy choice. • Wildlife habitat networks are added as a critical area that would require a tract. Existing code allows wildlife habitat networks to be in a setback area or in a tract. This is a policy choice. • "Resource tract management plan" is not a term used elsewhere in code. It refers to farm management or forest stewardship plans. Council may wish to clarify this. • Subsection F. discusses site plan requirements that are not part of a critical area tract and is repeated in other sections. Council may wish to remove this subsection or simplify it to only those relevant to a tract.

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K.C.C. 21A.24.200 - Establishes building setbacks from critical area buffers. SECTION 56. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows: Unless otherwise provided, ((~~an applicant shall set buildings and other~~)) structures shall be set back a minimum distance of fifteen feet from the edges of all critical area buffers, or from the edges of all critical areas((~~, if no buffers are required~~)) where buffers are not required. ((~~When the~~)) If site disturbance is within a critical area or an associated buffer, the ((~~building~~)) critical area setback ((~~line~~)) shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance. The following are allowed in the ((~~building~~)) critical area setback area: A. Landscaping; B. Uncovered decks less than eighteen inches above grade; C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area; D. Impervious ground surfaces, such as driveways and patios((~~, but the~~)); however, improvements are required to meet any special drainage provisions specified in public rules adopted for ((~~the various~~)) critical areas and the King County Surface Water Design Manual; E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and F. Minor encroachments if adequate protection of the buffer will be maintained.	(1) Changes the term "building setback" to "critical area setback." (2) Specifies that uncovered decks within critical area setback may only be less than 18 inches above grade.	(1) Updating the term to "critical area setback" reduces the risk of confusion with the setbacks required by zoning standards in K.C.C. Chapter 21A.12, to which different standards apply. (2) Uncovered deck standard proposed to be revised for consistency with zoning requirements regarding encroachment into setbacks, and to allow for additional area to build and maintain "uncovered decks less than eighteen inches." Low decks function more like a patio (already allowed by subsection D. of this section) but high decks typically require a construction/ maintenance perimeter like a house would.	• Critical area setbacks are required in addition to buffers. This serves as an area where some site improvements can occur as well as an area for maintenance of structures without a property owner having to enter a buffer to complete the work. How the County chooses to apply a critical area setback, its width (currently 15 feet), and what is permitted in the setback is a policy choice.
CHANNEL MIGRATION ZONES			
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.181E Channel migration hazard area, moderate.** Channel migration hazard area, moderate: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, that lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone. (Ord. 15051 § 17, 2004). **K.C.C. 21A.06.181G Channel migration hazard area, severe.** Channel migration hazard area, severe: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, in which there is a higher level of channel migration hazard due to a high likelihood of continued, progressive bank erosion, rapid shifting of channel location or other imminent channel changes. (Ord. 17485 § 14, 2012: Ord. 15051 § 18, 2004).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference. • Channel migration zones can either be classified as "moderate" or "severe".

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K.C.C. 21A.06.182 Channel migration zone. Channel migration zone: the area along a river channel within which the channel can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings, as follows: A. In areas located outside King County's shoreline jurisdiction, channel migration zones are as shown on King County's Channel Migration Zone maps. In those areas, "channel migration zone" means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area; B. In areas located in King County's shoreline jurisdiction, the channel migration zone include: 1. Areas shown on King County's Channel Migration zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area; and 2. Areas not shown on King County's Channel Migration Zone maps but located within the floodplain. (Ord. 17485 § 15, 2012: Ord. 16985 § 130, 2010: Ord. 15051 § 19, 2004: Ord. 11621 § 20, 1994).			• Channel migration zones are classified as both a flood hazard area and a geologically hazardous area. • DNRP and DLS issued public rules for channel migration designation and mapping.
K.C.C. 21A.24.275 - Establishes standards for channel migration zones. SECTION 58. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule: A. The development standards that apply to the ((~~aquatic area buffers~~)) riparian areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((~~zone~~)) hazard areas and the portion of the moderate channel migration ((~~zone~~)) hazard areas that is within the ((~~aquatic area buffer~~)) riparian areas. The more-restrictive standards apply where there is a conflict; B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area: 1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk; 2. New primary dwelling units, accessory dwelling units or accessory living quarters, and required infrastructure, are allowed if: a. the structure is located on a separate lot in existence on or before February 16, 1995; b. a feasible alternative location outside of the channel migration hazard area is not available on-site; and c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is: (1) the least subject to risk; or (2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel; 3. New accessory structures are allowed if: a. a feasible alternative location is not available on-site; and b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and 4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside ((~~an aquatic area buffer~~)) a riparian area if: a. All lots contain five-thousand square feet or more of buildable land outside of the moderate channel migration hazard area; b. Access to all lots does not cross the moderate channel migration hazard area; and c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if: (1) a feasible alternative location is not available on-site; and (2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.	Replaces term "aquatic area buffer" with "riparian area."	Technical change to use consistent terminology throughout code.	*Section Notes:* • This section establishes specific standards in channel migration zones. *Policy Analysis:* • "separate lot" could be changed to "legally established lot" for clarity. • "buildable land" could be changed to "net buildable area" for clarity. • Access to lots in a subdivision cannot cross the moderate channel migration hazard area. However, private roads are allowed in a severe channel migration hazard area, which is more susceptible to channel migration in the next 25 to 50 years. Council may wish to consider whether the same protections should be applied to severe channel migration hazard areas. This is a policy choice.
GEOLOGICALLY HAZARDOUS AREAS			
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or other geological events. Areas classified as geologically hazardous areas include one or more of the following:	Adds definition for "Geologically hazardous area."	Added to mirror the terminology used in Chapter 365-190 WAC, which sets the guidelines for	*Policy Analysis:* • Alluvial fan and tsunami hazard areas are new critical areas under this update. Under state law, they are designated as a landslide hazard area and seismic hazard area,

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
A. Alluvial fan hazard areas; B. Channel migration zones; C. Coal mine hazard areas; D. Erosion hazard areas; E. Landslide hazard areas; F. Seismic hazard areas; G. Steep slope hazard areas; H. Tsunami hazard areas; and I. Volcanic hazard areas.		classifying critical areas.	respectively. They are not required to be designated separately as a critical area under state law. This is a policy choice.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a sudden change in sediment transport capacity, such as a significant change in slope or confinement.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Alluvial fan."	There are existing and proposed code standards regulating alluvial fans, but no definition of this term.	• No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan hazard areas are a type of geological hazard area.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Alluvial fan hazard area."	There are proposed code standards regulating alluvial fans, but no definition of this term.	*Policy Analysis:* • Alluvial fan hazard areas are designated as a new critical area under this update, but are also classified as a landslide hazard area, subject to the development standards and allowed alterations of a landslide hazard area. Council may wish to clarify how both sets of regulations apply to alluvial fan hazard areas by: 1) separating landslide hazard areas from alluvial fan hazard areas, which could be accomplished by adding any landslide hazard regulation into the alluvial fan hazard regulations and modifying any necessary sections, 2) clarifying cross references between both hazard areas in the definitions and regulations, or 3) deleting alluvial fans as a separate critical area, classifying them as a landslide hazard area, and moving any proposed regulations under the appropriate critical area.
K.C.C. 21A.06.200 - Defines "Coal mine hazard area" SECTION 12. Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows: Coal mine hazard area: an area directly underlain, adjacent to, or ((~~directly~~)) affected by operative or abandoned subsurface coal mine workings such as adits, tunnels, drifts, or air shafts.	Updates definition to specify the locations where this definition applies and provides examples.	Updated to align with WAC 365-190-030(12) - Definition of mine hazard area.	• No issues identified.
K.C.C. 21A.06.415 - Defines "Erosion hazard area" SECTION 18. Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows: Erosion hazard area: ((~~an~~)) a geologically hazardous area underlain by soils that ((~~is~~)) are subject to severe erosion when disturbed. ((~~These~~)) Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according	(1) Updates definition to note that erosion hazard areas are a type of geologic hazard area and to	(1) Clarifies language to reflect existing intent. (2) The definition is updated to clarify	• This sentence could be revised to more clearly differentiate how erosion hazard areas are classified, either through soil surveys or instances of specific soil types.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
to the United States Department of Agriculture ((~~Soil~~)) Natural Resources Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources such as any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on slopes inclined at fifteen percent or more: A. The Alderwood gravely sandy loam ("AgD"); B. The Alderwood and Kitsap soils ("AkF"); C. The Beausite gravely sandy loam ("BeD" and "BeF"); D. The Kitsap silt loam ("KpD"); E. The Ovall gravely loam ("OvD" and "OvF"); F. The Ragnar fine sandy loam ("RaD"); and G. The Ragnar-Indianola Association ("RdE").	make technical updates.	the relationship between erosion hazard areas and geologic hazard areas. (3) The USDA Natural Resource Conversation Service agency name is updated to reflect its current name.	
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.680 - Landslide hazard area.** Landslide hazard area: an area subject to severe risk of landslide, such as: A. An area with a combination of: 1. Slopes steeper than fifteen percent of inclination; 2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and 3. Springs or ground water seepage; B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch; C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action; D. An area that shows evidence of or is at risk from snow avalanches; or E. An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.	Not included in proposed ordinance	Not included in proposed ordinance	*Policy Analysis:* • Alluvial fan hazard area is a new critical area under this update. This definition includes alluvial fan hazard areas as a landslide hazard, with slightly different terminology. This would mean that alluvial fan hazard areas are also subject to their own regulations as well as the landslide hazard area regulations. Refer to the alluvial fan hazard area definition (page 46) for a discussion on policy options. How to address alluvial fans is a policy choice – see the alluvial fan definition for discussion.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.1045 Seismic hazard area.** Seismic hazard area: an area subject to severe risk of earthquake damage from seismically induced settlement or lateral spreading as a result of soil liquefaction in an area underlain by cohesionless soils of low density and usually in association with a shallow groundwater table. (Ord. 15051 § 95, 2004: Ord. 10870 § 249, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.1230 Steep slope hazard area.** Steep slope hazard area: an area on a slope of forty percent inclination or more within a vertical elevation change of at least ten feet. For the purpose of this definition, a slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten feet of vertical relief. Also for the purpose of this definition: A. The "toe" of a slope means a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "toe" of a slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty five feet; and B. The "top" of a slope is a distinct topographic break in slope that separates slopes inclined at less than forty percent from slopes inclined at forty percent or more. Where no distinct break exists, the "top" of a slope is the upper-most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of twenty-five feet. (Ord. 15051 § 101, 2004: Ord. 10870 § 286, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.

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K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas including, but not limited to, those areas shown on the Washington Geological Survey Digital Data Series 22, version 2.0, December 2023, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.	Adds definition for "Tsunami hazard area."	The CAO Update scope included adding standards for tsunami hazard areas, identified by BAS as needing protection. This definition is added to make clear where protective standards should apply and is responsive to changes made to WAC 365-190-030 since the County's last CAO update.	*Policy Analysis:* This definition could be clarified to: • Identify what "those areas" refers to on the Geological Survey. • The tsunami hazard area standards in Section 62 of the ordinance identifies maps for designating these areas but does not reference the same maps. That section could be modified to refer to this definition for consistency. • The latest version as of March 2025 is October 2024, version 2.1.
K.C.C. 21A.06.1370 - Defines "Volcanic hazard area" SECTION 35. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows: Volcanic hazard area: ((~~an~~)) a geologically hazardous area subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars, or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.	(1) Notes that Volcanic hazard areas are types of Geologically hazardous areas. (2) Adds additional descriptions of what is included in a Volcanic hazard area, such as areas subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows.	Language expanded for consistency with WAC 365-190-030 and WAC 365-190-120(8)(a).	• No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Geological professional: a geotechnical engineer or geologist, licensed in Washington state and experience in analyzing geologic, hydrologic, and ground water flow systems, as well as, preparing reports for the relevant geological subdisciplines.	Adds definition for "Geological professional".	Added to explain the relationship between the terms "geotechnical engineer" and "geologist", which are currently used and defined in existing code.	• No issues identified.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Debris flow: a moving mass of rock fragments, soil, and mud, with more than half of the particles being larger than sand size.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Debris flow."	Adds a definition for this term, which is used in existing and proposed code provisions.	• No issues identified.
K.C.C. 21A.24.205 - Establishes standards for coal mine hazard areas. SECTION 57. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:	Updates terminology to specify that a geological critical area	Technical change to use consistent	*Policy Analysis:*

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Based upon a geological critical area report containing a coal mine hazard assessment ((~~prepared in accordance with this chapter~~)), the department shall classify coal mine hazard areas as follows: A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface; B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((~~,~~))overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.	report is the basis on which the department classifies coal mines.	terminology throughout code.	• This section and K.C.C. 21A.24.210 could be recodified to be located with other geologically hazardous area standards.
K.C.C. 21A.24.280 - Establishes standards for landslide hazard areas. SECTION 59. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing landslide hazard areas: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area with a slope of forty percent or greater; B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist~~)). 2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ((~~is~~)) shall be fifty feet. 3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ((~~building~~)) critical area setback in K. C. C. 21A.24.200 to one-hundred feet. 4. For development permits associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area; C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited; D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; and E. Alterations in a landslide hazard area located on a slope less than forty percent are allowed if: 1. The proposed alteration will not decrease slope stability on contiguous properties; and 2. The risk of property damage or injury resulting from landsliding is eliminated or minimized.	(1) Updates terminology to specify that a geological critical area report is needed to determine the size of a required buffer. (2) Adds option for the department to waive the requirement for a geological critical area report for single detached dwelling units.	(1) Technical change to use consistent terminology throughout code. (2) The option to waive a geological critical area report would align the code with current practice and provide clarity on department authority to alter buffers without requiring a report when it can conclude the alteration will provide adequate protection without a report as a relief to property owners.	*Policy Analysis:* • It is unclear why the 100-foot width is a critical area setback instead of a buffer. Critical area setbacks typically allow some landscaping and other activities, whereas buffers are preserved as native vegetation. This code is existing language and when asked, Executive staff were not familiar with the original rationale for this language. This is a policy choice. • Executive staff indicate that this waiver of the critical area report is consistent with the steep slope hazard area waiver and would provide relief for minor residential projects. Executive staff indicate that a waiver could be used in areas with no evidence of ongoing instability and on slope heights less than 50 feet. Staff would review publicly available data to determine that a buffer reduction is appropriate. The code does not set a maximum reduction, meaning that buffers could be 0 feet; however, Executive staff indicate that DLS has only provided minor reductions supported by soil and slope data. Whether to prescribe additional parameters is a policy choice. • These standards could be applied to all alterations in a landslide hazard area, regardless of whether slopes are less than 40 percent. This is a policy choice.

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K.C.C. 21A.24.290 - Establishes standards for seismic hazard areas. SECTION 60. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites ((~~containing seismic hazard areas~~)) where potential seismic hazard areas are mapped: A. The department may approve alterations to mapped seismic hazard areas only if: 1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the proposed development site ((~~is not located in~~)) does not meet the definition of a seismic hazard area; or 2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for: 1. Mobile homes; 2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and 3. One-story buildings with less than two-thousand-five hundred((~~s~~)) square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.	(1) Updates terminology to specify that a geological critical area report is needed to verify that a site does not meet the definition of a seismic hazard area. (2) Updates section to apply to mapped seismic hazard areas.	(1) Technical change to use consistent terminology throughout code. (2) Corrects logic error in code, which previously said that alterations to seismic hazard areas could be approved if site-specific study showed that the site was not located in a seismic hazard area. Updates section to clarify distinction between mapped seismic hazard areas, and areas confirmed to qualify as seismic hazard areas after site-specific investigation.	*Section Notes:* • The last update to the potential seismic hazard area was in 1990. The state developed countywide mapping identifying liquefaction susceptibility and earthquake hazard site class maps; however, these are not intended to be used at scales greater than the source data, which is at a countywide scale rather than at a parcel scale. *Policy Analysis:* • This phrase is duplicative to the sentence to the added language above ("where potential seismic hazard areas are mapped") and could be deleted.
K.C.C. 21A.24.XXX - New Section NEW SECTION. SECTION 61. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas: A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas; B. A geological critical area report is required for development proposals that are on an alluvial fan or within fifty feet of an alluvial fan; C. Proposed alterations shall not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties; D. The risk of property damage or injury on the subject property from inundation, sedimentation, channel migration, or erosion as a result of a proposed alteration shall be eliminated or minimized; and E. The proposed alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.	Adds standards for alluvial fan hazard areas (AFHA).	Adds new section on AFHAs to enable regulation to protect public health and safety as required by WAC 365-196-830. AFHAs are currently regulated under the umbrella of landslide hazard areas; the new standards are proposed to be modeled on the format of other geologically hazard area code sections and are tailored to the specific risks of AFHAs, using the best available science.	*Section Notes:* • This section would establish new standards for alluvial fan hazard areas. *Policy Analysis:* • Under the proposed ordinance, alluvial fan hazard areas are called out separately as a critical area but are also a type of landslide hazard area. This would mean that they are required to meet both the alluvial fan and landslide hazard area requirements. Under state law, it is designated as a landslide hazard area, and it is not required to be designated as a separate critical area. Council may wish to create clarity between these regulations, such as 1) creating cross-references to clarify that alluvial fan hazard areas must also meet the standards for landslide hazard areas, 2) adding landslide hazard regulations into this section, or 3) consolidating this section into the landslide hazard area standards.

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			• Geological critical area report is required when a development is in an alluvial fan or within 50 feet of an alluvial fan. This number is carried over from the landslide hazard area regulations. Council may wish to consider whether this number is appropriate, if it should be widened, or if language should be added to provide DLS the discretion to expand the width.
K.C.C. 21A.24.XXX - New Section NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows: A. This section applies to development proposals on sites that are within tsunami hazard areas. B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16. C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible. D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practicable, which may include, but is not limited to, preparation of a tsunami evacuation plan.	Adds standards for tsunami hazard areas.	Tsunami hazard area standards are proposed to be added code in order to align with changes made to WAC 365-190-030 since the County's last CAO update. The proposed tsunami hazard area standards incorporate the Department of Commerce guidance by promoting an avoidance-first approach and by requiring development to be outside of harm's way if feasible, before it can be allowed in the tsunami hazard area. Tsunamis arrive unpredictably and can be extremely forceful, and engineering is limited in its ability to mitigate harm. Therefore, local governments typically regulate by promoting avoidance as the first and preferred option. New critical facilities also are required to take an avoidance first approach, but these have the added	*Section Notes:* • This section would establish new standards for tsunami hazard areas. Tsunami hazard areas are identified on the flood insurance rate maps or tsunami inundation maps. *Policy Analysis:* • Tsunami hazard area is a new critical area under this update. with specific alteration allowances. Inclusion of these new critical areas is a policy choice. • The definition of tsunami hazard area identifies maps for designating these areas but does not use the same set of maps. This sentence could be deleted, as it is covered under the definition, or it should be updated to be consistent. • This building code reference refers to DNR maps adopted in the state building code. Council could consider clarify what "relevant requirements" refers to for applicants. • Whether new critical facilities (such as schools, personal care facilities, bridges, or storage of hazardous waste) can be built inside a tsunami hazard area is a policy call. • Executive staff indicate that a tsunami evacuation plan would be developed by the applicant, similar to a fire evacuation plan.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		requirement of being designed to minimize risk and danger to public health and safety. These types of facilities are required to meet a higher standard because of their unique role in providing services.	
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.24.300 Volcanic hazard areas - development standards and alterations.** The following development standards apply to development proposal and alterations on sites containing volcanic hazard areas: A. Within volcanic hazard areas located along the White river upstream from Mud Mountain dam: 1. Critical facilities, apartments, townhouses or commercial structures are not allowed; 2. all new lots created by subdivision, short subdivision or binding site plan shall designate building areas and building setbacks outside of the volcanic hazard area; and 3. The notice of critical areas required under this chapter is required for new single detached dwellings on existing lots; B. Within volcanic hazard areas located along the White river downstream from Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate development proposals for critical facilities for risk of inundation or flooding resulting from mudflows originating on Mount Rainier. The applicant shall design critical facilities to withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric Electron mudflow; and C. This section does not apply until King County has refined the mapping of volcanic hazard areas in cooperation with the United State Geological Survey and adopted volcanic hazard area maps by public rule. (Ord. 17539 § 55, 2013: Ord. 15051 § 169, 2004: Ord. 10870 § 477, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.310 - Establishes standards for steep slope hazard areas. SECTION 63. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas: A. Except as provided in subsection D. of this section, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a steep slope hazard area or associated buffer; B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report prepared by a ((~~geotechnical engineer or geologist~~)) geological professional. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a geological critical area report. 1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area: a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer; b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet; 2. For all other development not identified in subsection B.1. of this section: a. If a geological critical area report is not submitted to the department, the minimum buffer shall be fifty feet; and b. For ((~~building~~)) permits ((~~for~~)) associated with single detached dwelling units only, the department may waive the ((~~special study~~)) geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the geological critical area;	(1) Updates terminology to specify that a geological critical area report is needed to determine buffer size. (2) Clarifies that this code section applies to associated buffers, not just steep slope hazard areas.	(1) Technical change to use consistent terminology throughout code. (2) Maintains internal consistency with K.C.C. 21A.24.045, which lists allowed alterations to steep slope hazard areas and buffers, and with internal practice.	*Section Notes:* • This section establishes standards for steep slope hazard areas. Steep slopes are areas with 40% or more grade with a vertical height of at least 10 feet. *Policy Analysis:* • Where there is overlap, this section could be made consistent with the language in K.C.C. 21A.24.280, which concerns standards for landslide hazard areas. • The public rule is in progress. Executive staff indicate that DLS intends to provide guidance documents for addressing each geologically hazardous area and that this information may be adopted by public rule. DLS currently implements standard practices that may be incorporated into the public rule. These standards are typically

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C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; and D. ((~~All~~ a))Alterations ((~~are~~)) may be allowed in the following circumstances: 1. Slopes ((~~which~~)) that are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on King County's review of and concurrence with a ((~~soils~~)) geological critical area report prepared by a ((~~geologist or geotechnical engineer~~)) geological professional; and 2. The approved regrading of any slope ((~~which~~)) that was created through previous legal grading activities. Any slope ((~~which~~)) that remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.			codified by other jurisdictions but are not codified by the County. It is a policy choice whether to require the implementation through a public rule, or to do so through the code. • Executive staff indicate that 50 years is a reasonable timeframe for assessing risk, given the confidence in sea level projections through the middle of the century. Executive staff also indicate that work is underway to complete a coastal hazards vulnerability assessment based on sea level rise projections on a 50+ year time horizon. • Subsection D. allows other alterations besides those identified in Subsections A. and C. Council may wish to restructure this section for clarity, so alterations are in one location. • Executive staff indicate that this waiver of the critical area report provides relief for minor residential projects. Executive staff indicate that a waiver could be used in areas with no evidence of ongoing instability and on slope heights less than 50 feet. Staff would review publicly available data to determine that a buffer reduction is appropriate. The code does not set a maximum reduction, meaning that buffers could be 0 feet; however, Executive staff indicate that DLS has only provided minor reductions supported by soil and slope data. Whether to include specific considerations or criteria for reductions are a policy choice.
CRITICAL AQUIFER RECHARGE AREAS (CARAs)			
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.253C Critical aquifer recharge area**. Critical aquifer recharge area: an area designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 that has a high susceptibility to ground water contamination or an area of medium susceptibility to ground water contamination that is located within a sole source aquifer or within an area approved in accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or district drinking water system, or an area over a sole source aquifer and located on an island surrounded by saltwater. Susceptibility to ground water contamination occurs where there is a combination of permeable soils, permeable subsurface geology and ground water close to the ground surface.	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • Critical aquifer recharge areas (CARAs) are areas within a sole source aquifer or a wellhead protection area for potable water systems and are susceptible to groundwater contamination. *Policy Analysis:*

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			• The definition could be updated in the proposed ordinance to change "an island surrounded by saltwater" to "Vashon-Maury Island" for clarity and consistency throughout the code.
K.C.C. 21A.24.311 - Adopts King County's Critical Aquifer Recharge Area map. SECTION 64. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows: The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, unless a designation is modified by notices of map amendment prepared according to K.C.C. 21A.24.312, in which case the notice of map amendment shall supersede the map.	Adds that the CARA map is superseded by approved notices of map amendments prepared according to K.C.C. 21A.24.312.	Because the adopted CARA map is not updated after the issuance of every notice of map amendment (which are based on field-verified information), this code proposed update clarifies that the latest available information on CARAs be used, incorporating notices of map amendment. This ensures the latest, most accurate available information is used on the official adopted map.	*Section Notes:* • Ordinance 17485 was the 2012 update to the critical area regulations, which adopted the most current CARA map. Executive staff state that they anticipate updating the maps in the 2026-2027 biennium, subject to funding and staffing. • Notice of map amendments would provide more granular site-specific information, which would be more accurate than an area-wide map. • The BAS report indicates that the County's existing methodology from 2004 for delineating CARAs matches Ecology guidance and that no updates are proposed (page 156). *Policy Analysis:* • It may be clearer to state "as modified by notices of map amendments in accordance with K.C.C. 21A.24.312."
K.C.C. 21A.24.312 - Establishes processes for classifying, reclassifying, and declassifying areas on CARA maps if a site-specific study concludes a different classification is appropriate for the site. SECTION 65. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows: A. Upon application supported by a critical area((s)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area that is or is not classified as a critical aquifer recharge area on the map adopted under K.C.C. 21A.24.311: ((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area; ((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or ((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313. B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks to the property owner, the property owner's representative, if applicable, and the county assessor.	Adds a provision requiring that a notice of map amendment for the affected parcels be sent by DNRP to the property owner.	Ensures that reclassification information is conveyed to the correct parties, so that the latest, most accurate available information is used.	*Section Notes:* • This section describes how a CARA designation could be changed on a site. *Policy Analysis:* • Subsection A. does not fully connect with A.1. through A.3. The portion highlighted in blue could be deleted, or additional text could be added for clarity.
K.C.C. 21A.24.313 - Describes the categorization of CARAs. SECTION 66. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows: Critical aquifer recharge areas are categorized as follows:	Replaces the term "an island that is surrounded by	Clarifies the geography that is intended to be addressed in this code section.	*Section Notes:* • There are three categories of CARAs based on groundwater contamination

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are: 1. Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or 2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system; B. Category II critical aquifer recharge areas include those mapped areas that King County has determined: 1. Have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area; or 2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island.	saltwater" with "Vashon-Maury Island."		susceptibility and location over an aquifer or wellhead protection area. This section describes the different categories of CARAs. *Policy Analysis:* • The County is required by state law to classify CARAS based on aquifer vulnerability. Vulnerability is the combination of hydrogeological susceptibility to contamination and the contamination loading potential. Vulnerability can be classified as "high" or "low." • The CARA classifications in this proposed ordinance are not updated to include aquifer vulnerability designations. At the time of the public review draft in March 2024, the Executive proposed changes to this code section that would classify CARA categories by the vulnerability levels shown on the adopted CARA maps. Council staff noted that adopted CARA maps did not actually identify vulnerability, which may pose issues for implementation. Executive staff indicated that CARA maps are anticipated to be updated, but they are not part of this proposed ordinance. • The BAS report states "King County is making minor changes to the K.C.C. to clarify that CARA is classified according to aquifer vulnerability as required by the state. Updates to the K.C.C. are not expected to meaningfully change critical area protections for CARA or effect County permit processing. Updates clarify that CARA is classified according to aquifer vulnerability, bringing the K.C.C. up to date with state requirements. The BAS report continues to support the County's methodology for delineating CARA" (page 158). Council staff note that this proposed ordinance does not actually include these changes and is not consistent with the BAS report. County protections for CARAs are

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			not anticipated to be substantially affected without the update. This is a policy choice.
21A.24.314 - Critical aquifer recharge areas - King County Code provisions adopted - Washington state underground tank provisions implemented. To protect critical aquifer recharge areas, in accordance with chapter 36.70A RCW, the following provisions of the King County Code are determined to protect critical aquifer recharge areas: K.C.C. chapters 9.04, 9.12, 16.82, 21A.06, 21A.16, 21A.22 and 21A.24 and K.C.C. 17.04.010. For the purposes of RCW 90.76.040, King County declares critical aquifer recharge areas to be environmentally sensitive areas. (Ord. 16852 § 2, 2010: Ord. 15051 § 176, 2004: Ord. 11481 §§ 3, 5, 1994. Formerly K.C.C. 20.70.030).	Repealed.	Proposed for removal because this section is more appropriate as a finding rather than codified. This section has been added as a finding in this ordinance.	*Section Notes:* • This section is proposed for repeal. This information is now in a finding of this proposed ordinance (which itself may not be needed). *Policy Analysis.* • No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.24.315 Board of Health regulations adopted.** The following Titles of the Code of King County Board of Health are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Title 10 "King County Solid Waste Regulations", Title 12 "King County Public Water System Rules and Regulations", and Title 13 "On-Site Sewage Disposal Systems." (Ord. 15051 § 177, 2004: Ord. 11481 § 4, 1994. Formerly K.C.C. 20.70.040).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.316 - Establishes development standards for CARAs. SECTION 67. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas: A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area: 1. Transmission pipelines carrying petroleum or petroleum products; 2. Sand and gravel, and hard rock mining unless: a. the site has mineral zoning as of January 1, 2005; or b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department; 3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply; 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW; 5. Hydrocarbon extraction; 6. Commercial wood treatment facilities on permeable surfaces; 7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17; 8. Above-ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan; 9. Golf courses; 10. Cemeteries; 11. Wrecking yards; 12. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and 13. On lots smaller than one acre, an on-site septic system, unless: a. the system is approved by the Washington state Department of Health and has been listed by the Washington ((~~S~~))state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection A.13.a. of this section will not function on the site.	(1) Updates WAC sections cited by the code. (2) Updates the name of "public health – Seattle & King County." (3) Replaces the term "an island that is surrounded by saltwater" with "Vashon-Maury Island."	(1) WAC sections cited in this K.C.C. section have been recodified; this code update cites the correct WAC sections. (2) Updated to use the current, correct agency name. (3) Clarifies the geography that is intended to be addressed in this code section.	*Section Notes:* • This section describes what activities are allowed in CARAs. *Policy Analysis:* • Mining is not identified as an allowed use in K.C.C. 21A.08. This could be changed to mineral extraction.

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B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area: 1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply; 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW; 3. Hydrocarbon extraction; 4. Commercial wood treatment facilities located on permeable surfaces; 5.a. Underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with requirements of chapter 173-360A WAC and K.C.C. Title 17, ((~~E~~))except for a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17~~)) Vashon-Maury Island; and b. For a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17; 6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan; 7. Wrecking yards; 8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and 9. On lots smaller than one acre, an on-site septic systems, unless: a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site. C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area: 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW; 2. Hydrocarbon extraction; 3. Commercial wood treatment facilities located on permeable surfaces; 4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17; 5. Above ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan; 6. Wrecking yards; and 7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04. D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area: 1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and 2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank. E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well. F. On a site located in a critical aquifer recharge area within the urban growth area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical. G. For critical aquifer recharge areas on Vashon-Maury Island:			• This RCW does not exist, and the code should be updated to chapter 70A.300 RCW. • This RCW does not exist, and the code should be updated to chapter 70A.384 RCW.

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1. No new groundwater wells are permitted within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((~~family~~)) detached residence if the requirements of ((~~K.C.C.~~)) King County Board of Health Code BOH 13.04.070 are met; 2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and 3. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to ((~~Seattle-King County department of~~)) public health – Seattle & King County and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ((~~Seattle-King County department of~~)) public health - Seattle & King County, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion. H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause an ((~~significant~~)) adverse ((~~environmental~~)) impact to the critical aquifer recharge area. I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state ((~~d~~))Department of ((~~e~~))Ecology, in accordance with ((~~90.76.040~~)) RCW 70A.355.030 and WAC ((~~173-360-530~~)) 173-360-0130.			• Executive staff indicate that 50 years is a typical timeframe for assessing sea level rise. This is a policy choice. • As written, the code language does not indicate what happens after recommendations are made. Executive staff indicate that a property owner is required to take the appropriate measures, maintain the system, and place a notice on title. Council may wish to clarify the owner responsibilities. • This RCW does not exist, and the code should be updated to WAC 173-360A-0130.
WETLANDS AND WETLAND BUFFERS			
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.1391 Wetland. Wetland:** A. An area that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. B. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands. C. Wetlands do not include those artificially created wetlands intentionally created from nonwetlands sites, including, but not limited to: 1. Surface water conveyances for drainage or irrigation; 2. Grass-lined swales; 3. Canals; 4. [A]* flow control facilities or wetponds; 5. Wastewater treatment facilities; 6. Farm ponds; 7. Landscape amenities; or 9. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. **K.C.C. 21A.06.1392 Wetland complex.** Wetland complex: a grouping of two or more wetlands, not including grazed wet meadows, that meet the following criteria: A. Each wetland included in the complex is within five hundred feet of the delineated edge of at least one other wetland in the complex; B. The complex includes at least: 1. one wetland classified category I or II; 2. three wetlands classified category III; or 3. four wetlands classified category IV; C. The area between each wetland and at least one other wetland in the complex is predominately vegetated with shrubs and trees; and	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • These sections are not part of the proposed ordinance – they are included in this matrix for reference.

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D. There are not any barriers to migration or dispersal of amphibian, reptile or mammal species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding. (Ord. 15051 § 112, 2004). **K.C.C. 21A.06.1393 Wetland creation. Wetland creation:** For purposes of wetland mitigation, the manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities to create a wetland typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils and support the growth of hydrophytic plant species. Wetland creation results in a gain in wetland acres. (Ord. 15051 § 113, 2004). **K.C.C. 21A.06.1395 Wetland edge.** Wetland edge: the line delineating the outer edge of a wetland, consistent with the wetland delineation manual required by RCW 90.58.380. (Ord. 19034 § 22, 2019: Ord. 15051 § 114, 2004: Ord. 11977 § 1, 1995: Ord. 10870 § 319, 1993). **K.C.C. 21A.06.1397 Wetland enhancement.** Wetland enhancement: The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify or improve specific functions or to change the growth state or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Wetland enhancement activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods or some combination of these. Wetland enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. (Ord. 15051 § 115, 2004). **K.C.C. 21A.06.1400 Wetland, forested.** Wetland, forested: a wetland that is dominated by mature woody vegetation or a wetland vegetation class that is characterized by woody vegetation at least twenty feet tall. (Ord. 15051 § 116, 2004: Ord. 10870 § 320, 1993). **K.C.C. 21A.06.1414 Wetland reestablishment.** Wetland reestablishment: For purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities to reestablish a wetland include removing fill material, plugging ditches, or breaking drain tiles. Wetland reestablishment results in a gain in wetland acres. (Ord. 15051 § 120, 2004). **K.C.C. 21A.06.1416 Wetland rehabilitation.** Wetland rehabilitation: For purposes of wetland mitigation, the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities to rehabilitate a wetland include breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Wetland rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. (Ord. 15051 § 121, 2004). **K.C.C. 21A.06.1418 Wetland vegetation class.** Wetland vegetation class: a wetland community classified by its vegetation including aquatic bed, emergent, forested and shrub-scrub. To constitute a separate wetland vegetation class, the vegetation must be at least partially rooted within the wetland and must occupy the uppermost stratum of a contiguous area or comprise at least thirty percent areal coverage of the entire wetland. (Ord. 15051 § 122, 2004).			
K.C.C. 21A.06.1405 - Defines "Wetland functions" SECTION 36. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are hereby amended to read as follows: Wetland functions: ((~~natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as~~	Updates definition to provide a different description and examples of wetland functions.	Revised definition for consistency with relevant state guidance in Wetlands in Washington State Volume 1.	*Policy Analysis:* • This definition does not exactly match the definition in the Glossary in the Comprehensive Plan. Council may wish to consider making this definition consistent with the one in the Comprehensive Plan.

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~~well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988~~)) the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.			• In the KCCP: "Wetland Functions: The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform functions that are grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals."
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Wetland values: wetland processes, characteristics, or attributes that are considered to benefit society.	Adds definition for "Wetland values."	Added for clarity. Current code uses the term "wetland functions and values." "Wetland functions" is defined, but "wetland values" was not.	*Policy Analysis:* • This definition does not match the definition in the Glossary in the Comprehensive Plan. Council may wish to consider making this definition consistent with the one in the Comprehensive Plan. • In the KCCP: "Wetland Values: Values are estimates, usually subjective, of the worth, merit, quality, or importance of wetland attributes that are valuable and beneficial to society. Values vary by watershed or human community. Education, research, aesthetics, and recreation are examples of other wetland attributes that may be considered values in that they are beneficial to society."
K.C.C. 21A.24.318 - Sets standards for how wetlands are delineated and typed. SECTION 68. Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows: A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035. B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((~~14-06-029~~)) 23-06-009, published October 2014 and updated July 2023. C. Wetland rating categories shall not recognize illegal modifications.	Updated to refer to a more recent version of the relevant state Department of Ecology publication.	Updated to use the current, correct publication for determining wetland delineation and type.	*Section Notes:* • Wetland boundaries are delineated using the federal wetland delineation manual and regional supplements. • Wetlands are rated (Category I through IV) using the Washington State Wetland Rating System for Western Washington. *Policy Analysis:* • No issues identified.
K.C.C. 21A.24.325.A.1. - Sets standards for determining the correct buffer size for wetlands. SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows: A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows: 1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:	(1) Updates buffer sizes. (2) Adds railroads and highways as examples of high impact uses, for the purpose of	(1) – (3) Buffer sizes and impact of land uses have been updated to include the best available science.	*Section Notes:* • Wetlands are rated from Category I (highest quality) to Category IV (lowest quality). Buffers are determined based on the wetland category and the intensity of the adjacent land use. Buffers provide protection for wetlands by preventing or

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Bog	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Estuarine	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Coastal Lagoon	((~~250~~))300 feet	((~~190~~))225 feet	((~~125~~))150 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((~~50~~))60 feet	((~~40~~))45 feet	((~~25~~))35 feet

determining wetland buffer size.
(3) Adds forest service roads and roads associated with moderate impacts as examples of medium impact uses, for the purpose of determining wetland buffer size.
(4) Clarifies that buffer averaging cannot be combined with other buffer reductions or modifications.
(5) Limits the distance a buffer is extended when it overlaps with a steep slope hazard area or landslide hazard area.
(6) Updates the standards that apply when a buffer is transected by a roadway.

(4) Clarifies that code flexibilities cannot be combined in a way that would allow for a potential loss of ecological function.
(5) Resolves the potential issue of having an extremely large extended buffer where a wetland was below a large slope, which would trigger the need for a critical areas alteration exception in order to develop. This would add a great deal of process without improving environmental outcomes. This proposed change removes potential procedural hurdles for areas distant from wetlands while maintaining ecological protection.
(6) Provides clarity consistent with existing intent.

limiting development or human activity and providing functions such as filtering contaminants.

- Buffers may be modified in several ways, such as averaging, reductions based on certain criteria, increases for wetland complexes, or when roads transect buffers.

- The Department of Ecology provides guidance on recommended wetland buffers, examples of land uses and impacts, mitigation measures, and protections.

Policy Analysis:
- The Council may wish to consider Ecology guidance in regards to buffer widths, as further discussed in the bullets below. Ecology's guidance on recommended buffer widths is the starting point for the County's wetland buffers. These buffer widths are based on certain assumptions, including that the buffer area is well vegetated with native species appropriate to the ecoregion. Where a buffer is not well vegetated, the buffer area should be planted or the buffer width increased. It does not appear that the code has a vegetated buffer requirement and the BAS report states that while "BAS indicates that restoring dense, native vegetation where little or none exists will generally be more effective than widening the buffer, this presents an additional cost to permit applicants and creates additional needs for County monitoring and code enforcement" (page 44). Council staff would note that this requirement is an industry standard and is not unique to King County.

- Buffers for Category I wetlands with special characteristics are proposed to increase between 20% and 50%. These buffer widths are generally consistent with BAS and Ecology guidance, presuming the buffers are vegetated (see above). These wetlands are considered to be high quality, rare, or irreplaceable. Executive staff roughly

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			estimate that of Category I wetlands, fewer than 100 are bog wetlands, fewer than 10 are estuarine, fewer than 5 are coastal lagoon, and approximately 200 are wetlands of high conservation value. • No changes are proposed to Category I wetlands without special characteristics, Category II wetlands, and Category III wetlands. It appears that these widths are based on Ecology's assumptions that the buffers are fully vegetated. See discussion above on assumptions. This is a policy choice. • Buffer widths for Category I wetlands with special characteristics and IV wetlands are larger than Ecology guidance, which could account for the native vegetation assumption. Council may wish to consider whether to allow buffers that are lower, but match Ecology's guidance, in exchange for planting native vegetation. • Buffers for Category IV wetlands are proposed to increase between 20% and 40%. The BAS report indicates that the widths "address Ecology's recommendation…that wetland buffers with limited native vegetation be planted with native species or widened. This change better aligns King County with Ecology guidance for a moderate-risk approach to wetland management without introducing the need for permit applicants to plant and maintain Category IV wetland buffers with native plant species." (page 48). The BAS report and Ecology guidance do not discuss how much the buffer should be increased and it is unclear whether the proposed increased widths are sufficient to address the assumptions. Executive staff roughly estimate that a quarter of wetlands in unincorporated King County would be classified as Category IV.
K.C.C. 21A.24.325.A.2. through D - Sets standards for determining the correct buffer size for wetlands.			• Industrial uses are not defined in the zoning code. Executive staff indicate that there

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows: a. High impact includes: (1) sites zoned commercial or industrial; (2) commercial, institutional, or industrial use on a site regardless of the zoning classification; (3) nonresidential use on a site zoned for residential use, such as telecommunication towers and associated equipment; (4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ball fields, and similar use; (5) all sites within the ((U))urban ((G))growth ((A))area; ((or)) (6) Residential zoning greater than one dwelling unit per acre; (7) railroads; or (8) federal and state highways, including on ramps and exits, state routes, and other roads associated with high impact land uses; b. Moderate impact includes: (1) residential uses on sites zoned residential one dwelling unit per acre or less; (2) residential use on a site zoned rural area, agriculture, or forestry; (3) agricultural uses without an approved farm management plan; (4) forest service roads and roads associated with moderate impacts; (5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or (((5))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and c. Low impact includes: (1) forestry use on a site regardless of zoning classification; (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning; (3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or (4) utility corridors without a maintenance road and little or no vegetation maintenance. B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if: 1. The department determines that: a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or b. averaging includes the corridors of a wetland complex; and 2. The resulting buffer meets the following standards: a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging; b. the additional buffer is contiguous with the standard buffer; c. the buffer at its narrowest point is never less than ((either)) seventy-five percent of the required width ((or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater)); d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ((from a qualified wetland professional; and)); e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((as demonstrated by a critical area report from a qualified wetland professional)); f. buffer averaging cannot be combined with other buffer reductions or modifications allowed in this title; and g. indirect impacts are assessed and mitigated. C. Wetland buffer widths shall also be subject to modifications under the following special circumstances: 1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:			historically has not been an issue in determining what uses fall under which categories. Work Plan Action Item 7 of the Comprehensive Plan directs the Executive to review industrial uses as part of the midpoint update to the KCCP, which will be adopted in 2029. Whether to wait for the midpoint update is a policy choice. • Executive staff indicate that RA zoning would be classified as "a site zoned for residential use" where RA zoning allows residential uses. This could be clarified. • Cellular towers are identified in Ecology's guidance as "low impact," whereas DLS has previously administered these as "high impact." This is a policy choice. • Council may wish to consider using "sports fields", which is a defined term in the zoning code, instead of "ball fields." • All sites within the UGA would include passive recreation parks and natural areas. Ecology guidance appears to designate these as moderate or low intensity uses. This is a policy choice. • The proposed changes match Ecology's guidance. • Ecology's guidance identifies agricultural uses as either a high impact (dairies, nurseries, greenhouses, crops requiring annual tilling, etc.) or moderate impact (orchards, hay fields, light or rotational grazing, etc.). Identifying these uses as a lower impact a policy choice. • As proposed, the smallest width with buffer averaging would decrease for wetlands with lower habitat scores and adjacent lower intensity land uses. This could provide additional development flexibility for properties encumbered with wetland buffers. The proposal maintains the 75%

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and b. the department may apply the buffer reduction rules in subsection C.((~~6~~))5. of this section ((~~and~~)) or the buffer averaging rules in subsection B. of this section((~~;~~)). 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((~~buffer~~)) width ((~~is~~)) shall be the greater of: a. the buffer width required by the wetland's category in this section; or b. the buffer width required by the wetland's category in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required; 3. For a wetland complex located outside the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area established by the King County Comprehensive Plan or located within the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows: a. the buffer width for each individual wetland in the complex is the same width as the buffer width required for the category of wetland; b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors: (1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; (2) the corridor minimizes fragmentation of the wetlands; (3) higher category wetlands are connected through corridors before lower category wetlands; and (4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and (5) shorter corridors are preferred over longer corridors; c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor; d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor; 4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if: a. the part of the buffer on the other side of the roadway sought to be reduced: ((~~a.~~)) (1) does not provide additional protection of ((~~the proposed development or the~~)) wetland functions and values from the proposed development; and ((~~b.~~)) (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and b. the applicant provides a written evaluation that includes; (1) a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway; (2) an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and (3) an analysis of how the roadway will fully disconnect the buffer from providing the assessed functions, and whether the disconnection will affect the entirety of the buffer; and 5. ((~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~			required width, which is consistent with Ecology's guidance. This is a policy choice. • Removing an allowance for combining buffer averaging with other reductions is consistent with Ecology's guidance. This is a policy choice. • The previous code did not have an upper limit of the buffer width for steep slopes, which could lead to wide buffers that are hundreds or thousands of feet long. Executive staff indicate that slopes provide large wood and sediment to wetlands and aquatic areas, most frequently through small slope instability, rather than large infrequent events, meaning that the ecological benefit is diminished over longer distances. The buffer width limit is a policy choice. • Basins designated as "high" on the Basin and Shoreline Condition Map are a relatively small portion of areas inside the UGA. Executive staff indicate that these are higher quality habitats and corridors, warranting grater protections. Whether to have different buffers for "high" basins is a policy choice. • This provision is intended to say that each wetland maintains its own categorical buffers. Council may wish to streamline this provision for clarity. • This provision applies to an existing roadway, rather than new or future roadways. Council may wish to make the criteria present tense to address how current conditions affect the buffer. • This provision would allow residential developments in the urban growth area to go from a "high" intensity impact buffer to a "moderate" intensity impact buffer. Ecology guidance provides an option to reduce buffer widths for land uses with high

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
6. ~~The buffer widths required for proposed land uses with~~)) For proposed dwelling units within the urban growth area that have high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate intensity impacts ((~~under the following conditions~~)) if: a. all the following measures to minimize impacts of the proposed land uses are applied: (1) plant an area of dense, native vegetation or climate-smart plants within the remaining buffer that is equal to or greater than the area by which the buffer was reduced; (2) install wildlife lighting and direct all light away from the wetland; (3) install wildlife passable fencing at the edge of the wetland buffer; (4) attach critical area signs to wildlife-passable fencing every fifty to seventy-five linear feet; (5) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and (6) demonstrate how each of the following meets the core requirements in the King County Surface Water Design Manual, including: (a) stormwater runoff; (b) change in water regime; and (c) erosion and dust control; and b. ((~~F~~))for wetlands that score moderate or high for habitat functions((~~, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~ (~~1) A~~))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((~~any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list~~)) a legally-protected, relatively undisturbed and vegetated area. The corridor must be protected for the entire distance between the wetland and the ((~~priority habitat~~)) legally protected vegetated area and ((~~legally~~)) recorded via a conservation easement; and ~~(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and~~ ~~b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:~~ c. the proposed project does not impact the reduced buffer. **((~~Disturbance~~** | **~~Measures to minimize impacts~~** ~~Lights~~ | ~~Direct lights away from wetland.~~ ~~Noise~~ | ~~Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.~~ ~~Toxic runoff~~ | ~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.~~ ~~Stormwater runoff~~ | ~~Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.~~ ~~Change in water regime~~ | ~~Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.~~ ~~Pets and human disturbance~~ | ~~Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.~~ ~~Dust~~ | ~~Use best management practices to control dust.~~))			intensity impacts provided certain conditions are met. The guidance recommends widths based on the assumption that buffers are well vegetated with native species (see discussion above) or increased above recommended widths. • The BAS report does not indicate whether partially planting a buffer would be sufficient to meet the native vegetation assumption to warrant a reduction that meets Ecology's guidance and BAS. Council may wish to consider whether to expand this planting requirement to the entire width of the reduced buffer as a trade-off for more developable area. This is a policy choice. • Other development, such as commercial uses or those in the rural area, were not proposed to be included in the buffer width reduction allowance, which would be allowed under Ecology's guidance if the buffers are fully vegetated. This is a policy choice. • Council may wish to clarify whether mixed-use developments could qualify under the lower buffer provisions for housing.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project. E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.			
K.C.C. 21A.24.335 - Development standards for proposals and alterations for sites with wetlands and associated buffers present. SECTION 70. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing wetlands or their buffers: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers; B. ((~~The applicant~~)) Applicants may include climate-smart plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and C. ((~~A category IV wetland less than two thousand five hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and~~ ~~D.~~)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045 D.20. and D.52.	(1) Adds climate smart plants to approved list for mitigation or restoration projects. (2) Removes alteration allowance for category IV wetlands less than 2,500 square feet.	(1) Climate change impacts are making native plants vulnerable to disease and die-offs. King County is expanding the list of allowable plant species for use in restoration and mitigation projects to improve the success rate of wetland restoration and mitigation work and to improve wetland resilience in the face of climate change. King County will produce a technical report in early 2024 that lists DNRP's approved "climate-smart plants" for inclusion in permitted projects. (2) BAS is clear that small wetlands especially in urban areas are important. The research indicates that a broader approach to protecting wildlife such as mammals, birds, and amphibians is needed, as buffers alone may not prevent the populations of many species from	*Section Notes:* • This section establishes specific standards in wetlands and their buffers. *Policy Analysis:* • This section could be clarified, as prioritizing native vegetation in the Puget Sound region. Climate-smart plants are broader than those in the Puget Sound lowland. • This proposed change would remove an allowance to alter Category IV wetlands less than 2,500 sf in size. BAS and Ecology guidance does not support blanket allowances for alterations of wetlands, regardless of size and rating. Executive staff estimate that a very small proportion (1%) of wetlands currently fall under this provision. Affected properties may be able to pursue a reasonable use exception if the property is unbuildable. This is a policy choice.

<table>
<tr><th>Code</th><th>Executive's Proposed Change</th><th>Executive's Intent/Rationale</th><th>Policy Staff Comments</th></tr>
<tr><td></td><td></td><td>declining. Wetlands located in urban areas are generally less common and are more impacted by adjacent light and noise pollution, often contain non-native and invasive plant species, and lack intact vegetated corridors or habitat patches connecting adjacent habitat. Conserving wetland habitats, habitat patches, and vegetated corridors networks in urban areas and throughout the watershed is critical for certain species and provides refuge from drought and increasing temperatures due to climate change.</td><td></td></tr>
<tr><td>K.C.C. 21A.24.340 - Wetland mitigation ratios.

SECTION 71. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:
In addition to the requirements in ((~~K.C.C. 21A.24.125 and 21A.24.130~~)) this chapter, the following applies to mitigation to compensate for ((~~the~~)) adverse impacts ((~~associated with an alteration~~)) to a wetland or wetland buffer:
A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to:
1. Habitat functions such as complexity, connectivity, and other biological functions; and
2. Hydrological functions, such as ((~~S~~))seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual;
B. The following ratios of area of mitigation to area of ((~~alteration~~)) impacts apply to mitigation measures for permanent alterations except as otherwise provided in subsection E. of this section:
1. For ((~~alterations~~)) impacts to a wetland buffer, a ratio of ((~~one to one; and~~)) one-to-one on-site, and two-to-one off-site;
2. For ((~~alterations~~)) direct impacts to a wetland that result in permanent, direct loss of wetland area:
<table>
<tr><th>Category and type of wetland</th><th>Wetland reestablishment or creation</th><th>Wetland rehabilitation</th><th>1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)</th><th>Wetland enhancement only</th></tr>
<tr><td>Category IV</td><td>1.5:1</td><td>3:1</td><td>1:1 R/C and 2:1 E</td><td>6:1</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Category III</td><td>2:1</td><td>4:1</td><td>1:1 R/C and ((~~2~~))4:1 E</td><td>8:1</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td></tr>
</table>
</td><td>(1) Updates wetland impact mitigation ratios.
(2) Adds table for mitigation ratios for temporary impacts to wetlands.
(3) Updates and adds details to the standards that apply to off-site compensatory mitigation.</td><td>(1) – (2) Updated to match Department of Ecology mitigation guidance.
(3) Proposed changes provide predictability and transparency for how mitigation bank and in-lieu fee credits are calculated, consistent with Department of Ecology guidance.</td><td>Section Notes:
• When unavoidable impacts occur in wetlands or their buffers, mitigation is required to compensate for impacts.

• Mitigation is required when alterations cause unavoidable impacts. It is expressed as a ratio of mitigation area to impact area. The ratio of mitigation is based on the category of wetland impacted and type of proposed mitigation:
○ Reestablishment: restores processes and functions to an area that was formerly a wetland.
○ Creation: develop a wetland on an upland where a wetland did not previously exist.</td></tr>
</table>

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments

Category II estuarine	Case-by-case	((4))6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	((~~8~~))6:1	1:1 R/C and ((4))8:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and ((~~10~~))16:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and ((~~6~~))12:1 E	Case-by-case
Category I wetlands of high conservation value	Not allowed	((~~6:1 rehabilitation of a wetland of high conservation value~~)) Case-by-case	((~~Case-by-case~~)) Not allowed	Case-by-case
Category I coastal lagoon	Not allowed	((~~6~~))8:1 rehabilitation of a coastal lagoon	((~~Case-by-case~~)) Not allowed	Case-by-case
Category I bog	Not allowed	((~~6:1 rehabilitation of a bog~~)) Case-by-case	((~~Case-by-case~~)) Not allowed	Case-by-case
Category I estuarine	Case-by-case	((~~6~~))8:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3. For indirect impacts to a wetland, one half of the ratio of area of mitigation to area of impact required by subsection B.2. of this section.

C. The following ratios of area of mitigation to area of ((~~alteration~~)) impact apply to mitigation measures for temporary ((~~alterations~~)) impacts where wetlands will not be impacted by permanent fill material or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023, but where impacted functions are expected to take longer than one year to be restored, except as otherwise provided in subsection E. of this section:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	((~~6~~))8:1	4.5:1	3:1	((~~3~~))4:1	2:1	1.5:1
Category II	((~~3~~))6:1	((~~2~~))3:1	1.5:1	((~~1.5~~))3:1	1.5:1	.75:1
Category III	((~~2~~))4:1	((~~1.5~~))2:1	1:1	((~~1~~))2:1	((~~.75~~))1:1	.5:1
Category IV	((~~1.5~~))3:1	1.5:1	.75:1	((~~Not applicable~~)) 1.5:1	((~~Not applicable~~)) .75:1	((~~Not applicable~~)) .25:1

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;
2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;
3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((~~or~~))
4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the proposed impacts;
5. The proposed mitigation site differs from the proposed impact area in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;
6. The proposed impact site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or
7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

E. ((~~The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances~~)) When the use of wetland mitigation bank or in lieu fee program credits is approved as off-site compensatory mitigation under K.C.C. 21A.24.133, wetland mitigation ratios are as follows:

- **Rehabilitation:** improves or repairs the environmental processes and functions of a wetland.
- **Enhancement**: improve specific wetland function(s). Enhancement results in a net loss of wetland area.

Policy Analysis:

- "wetland values" could be added as a consideration for mitigation measures. This is a policy choice.
- Category I forested wetlands may take more than 100 years to establish. Ecology guidance recommends higher ratios for this type of wetland, including 1:1 R/C and 20:1 E for wetland reestablishment or creation and wetland enhancement. This is a policy choice.
- Proposed changes to mitigation ratios are highlighted in pink. These ratios align with the recommended ratios in Ecology guidance. In instances where the mitigation is listed as "case-by-case" or "not allowed", wetlands with these special characteristics are considered unique, rare, and/or irreplaceable. Impacts could create a net loss no matter what compensation is proposed or must be considered in conjunction with specific mitigation proposals.
- The existing code does not address mitigation for indirect impacts. Indirect impacts are those that have adverse effects on wetlands that results in a reduction of wetland function but are outside the footprint of direct impact. Adding this provision is consistent with Ecology guidance, which supports mitigating indirect impacts at half of the amount of direct impacts. This is a policy choice.
- This mitigation could be changed to "creation or reestablishment" for consistency.

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1. ((~~The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~ ~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~ ~~3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~ ~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~ ~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~ ~~b. the category of the area with a different class is lower than that of the entire wetland; and~~ ~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.~~)) For use of wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required for impacts located in the bank service area shall be as follows: a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a ratio of one bank credit to one wetland impact acre shall be used; b. For indirect wetland impacts, one half of the ratio recommended in the approved mitigation banking instrument; and c. For long-term temporary impacts, one quarter of the ratio recommended in the approved mitigation banking instrument; 2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program: a. For direct, indirect, and long-term temporary impacts to wetlands located in the in lieu fee service area, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and b. For impacts to wetland buffers, the ratio shall be one to one; and 3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section. F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the altered wetland or buffer; and G. Mitigation of ((~~an alteration~~)) impacts to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.			• Executive staff indicate that this ratio should be based off of forested Category I wetlands, and therefore the ratio should be 6:1. • Ecology guidance states that most agencies accept one-half of the recommended ratios for permanent conversions. The changes highlighted in green identify changes in ratios. These are consistent with this guidance. • The proposed ordinance includes new criteria for when mitigation ratios can be increased. These changes would support replacing functions to the area closest to where the impacts occur and where there is a similar ecosystem type. • The proposed ordinance would remove options for mitigation ratio reductions and replace it with established ratios. Executive staff indicate that the existing language was written when mitigation banking was newly implemented and has been rarely used since. Executive staff also indicate that the proposed changes would provide greater transparency and create consistency with Ecology guidance. • In practice, wetland mitigation banks are wetland restoration projects that are constructed prior to wetland impacts for the primary purpose of creating and selling mitigation credit for future projects. In-lieu fee programs sell mitigation credits to fund future wetland restoration projects. Both types may be publicly owned or nonprofit and undergo review by tribal, state, and federal agencies. The County operates the only approved in-lieu fee program in King County. The mitigation ratios can differ based on the instrument. The proposed language adds new language to reflect these existing programs.

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21A.24.342 - Wetlands - agreement to modify mitigation ratios. A. The department may enter into an agreement with an applicant to establish mitigation ratios to compensate for the adverse impacts to wetlands of the applicant's development proposals that differ from the ratios required by K.C.C. 21A.24.340.B. The agreement shall require that the applicant: 1. Demonstrate with scientifically-valid data that the program implemented by the applicant has achieved long-term success in reducing the risk of failure and temporal loss of function of the applicant's wetland mitigation projects; and 2. Implement a scientifically rigorous mitigation, monitoring and adaptive management program that includes the following elements: a. a mitigation planning process that requires mitigation plans to be prepared and signed by a qualified wetland specialist. The mitigation planning process shall use the guidelines contained in Washington State Department of Ecology - U.S. Army Corps of Engineers Publication 04-06-013b "Guidance on Wetland Mitigation in Washington State" or an alternative approach acceptable to the department; b. construction oversight by a qualified wetland specialist; c. postconstruction monitoring and reporting by experienced and qualified personnel using scientifically rigorous and accepted methodologies to assess whether the mitigation has been installed and whether it meets the approved goals, objectives and performance standards identified in the mitigation plan; d. ongoing mitigation site maintenance to facilitate the achievement of the approved goals, objectives and performance standards identified in the mitigation plan. Maintenance includes, but not limited to, the removal and control of nonnative vegetation, replacement of dead or dying planted vegetation and trash and debris removal; e. financing or funding guarantees for the duration of the mitigation and monitoring program. At a minimum, funding guarantees must be in place until mitigation activities have met the established performance standards and have been approved by the department; and f. an adaptive management program that requires the evaluation and adjustment of remedial actions contained within the contingency plan developed as part of the mitigation planning process. B. The mitigation ratios established by the agreement authorized by this section shall be based on data prepared by the applicant regarding the effectiveness of past and ongoing mitigation projects implemented and monitored by the applicant. In establishing the mitigation ratios, the department shall consider: 1. The applicant's demonstrated success in meeting mitigation performance standards for the different types of mitigation, such as re-establishment, creation, rehabilitation, and enhancement; and 2. The hydrogeomorphic classification, such as slope, riverine, depressional and tidal fringe, of the wetland. C. The applicant may request coordinated review of the agreement with the Washington state Department of Ecology and the United States Army Corps of Engineers. (Ord. 15051 § 189, 2004).	Repealed.	During BAS wetland review, it was determined that the requirements of this section did not meet no net loss requirements.	*Section Notes:* • When unavoidable impacts occur in wetlands or their buffers, mitigation is required to compensate for impacts. This mitigation is specified in K.C.C. 21A.24.340, where ratios for identified by type of wetland impacted and type of mitigation proposed. • This code section would have allowed reductions to the ratios in K.C.C. 21A.24.340 based on the criteria listed here, but the PO proposes repeal of this language. • Executive staff indicated that this provision applies to mitigation within banks or the mitigation reserves program and was replaced with more specific code language in the relevant code sections. • The County takes a moderate-risk approach to wetlands and their buffers. Under the County's BAS report and Ecology's guidance, minimum mitigation ratios established in K.C.C. 21A.24.340 should not be further reduced to avoid no net loss. *Policy Analysis:* • No issues identified.
AQUATIC AREAS AND RIPARIAN AREAS			
K.C.C. 21A.06.072C - Defines "Aquatic areas" SECTION 9. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows: A. Aquatic areas: 1. Nonwetland water features including: all shorelines of the state, rivers, streams, marine waters, and bodies of open water, such as lakes, ponds, and reservoirs; 2. Impoundments, such as reservoirs or ponds, if any portion of the contributing water is from a nonwetland water feature listed in subsection A.1. of this section; ((~~and~~)) 3. Above-ground open water conveyance systems, such as ditches, if any portion of the contributing water is: a. used by fish; or b. from either a wetland or a ((~~nonwetland~~)) water feature listed in subsection A.1. or A.2. of this section, or both; and 4. Portions of the water features in subsections A.1, A.2, and A.3 of this section that are conveyed underground in pipes or culverts. B. "Aquatic areas" does not include water features where the source of contributing water is entirely artificial, including, but not limited to, ground water wells, and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by a port district or an irrigation district or company.	Clarifies what is included in the definition, which includes piped areas.	Clarifies that aquatic areas do not cease to be jurisdictional where they are diverted underground.	• Council may wish to streamline this definition for improved clarity. An option could be: "Aquatic areas include: 1. Water features, such as shorelines of the state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water; 2. Impoundments, which includes bodies of water collected in a reservoirs, dams, or through natural disturbance events, if any portion of the contributing water is from a nonwetland water; 3. Aboveground or open water conveyance system, such as ditches, if any portion of the contributing water is used by fish, from a wetland, water feature, or impoundment; and

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			4. Any portion of water in subsection A.1, A.2., or A.3. of this section that are conveyed in pipes or culverts." • Council may wish to repeal the definition of "impoundment" ("a body of water collected in a reservoir, pond or dam or collected as a consequence of natural disturbance events") and include the description in this definition. "Impoundment" is used differently elsewhere in the code to refer to livestock manure facilities and animal control.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.578 Habitat, fish.** Habitat, fish: habitat that is used by anadromous or resident salmonids at any life stage at any time of the year including potential habitat likely to be used by anadromous or resident salmonids. "Fish habitat" includes habitat that is upstream of, or landward of, human-made barriers that could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.	Not included in proposed ordinance	Not included in proposed ordinance	• This definition of fish habitat narrowly applies to habitat used by salmonids, rather than to all species of fish. Because "fish habitat" is used in typing aquatic areas, follows the state's system (see discussion on page 72), this definition should be made consistent with the state's. Executive staff indicate that the intent was to apply this definition to all fish species and that this was inadvertently omitted from the proposed ordinance. Council may wish to revise this definition to reflect the Executive's intent.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Riparian area: a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas reduce impacts from adjacent land uses through various physical, chemical, or biological processes.	Adds definition for "Riparian area."	Added to define areas previously called aquatic area buffers; this term was updated to reflect the terminology recommended by guidance document from WDFW.	*Section Notes:* • "Riparian area" replaces "aquatic area buffer" throughout the code. Executive staff indicated that this because these areas also provide important functions and habitat, not just as a buffer to protect aquatic areas. *Policy Analysis:* • Council may wish to make the purpose of riparian areas consistent with the purpose in the "buffer" definition ("intended to protect the functions and values of aquatic areas through … and reduce impacts from adjacent land uses").
K.C.C. 21A.06.1015 - Defines "Salmonid" SECTION 30. Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015 are hereby amended to read as follows: Salmonid: a fish native to the Puget Sound region that is a member of the fish family Salmonidae, including((~~, but not limited to~~)): A. Chinook, coho, chum, sockeye, and pink salmon; B. Rainbow, steelhead, and cutthroat ((~~salmon, which are also known as~~)) trout;	Clarifies that salmonids are fish native to the Puget Sound region, and updates the list of salmonid species listed.	Clarifies how to determine what "native" salmonids are by listing the applicable geography (i.e. the Puget Sound region). The specific species	*Policy Analysis:* • No issues identified.

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C. ((~~Brown trout;~~ ~~D. Brook, b~~))Bull trout, which is ((~~also known as~~)) a type of char, and Dolly Varden char; ((~~E.~~)) D. Kokanee; ((~~and~~ ~~F.~~)) E. Pygmy whitefish; and F. Mountain whitefish.		included in the definition are proposed to be updated accordingly.	
K.C.C. 21A.06.1240 - Defines "Stream" SECTION 33. Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows: Stream: an aquatic area where surface water produces a channel, not including a wholly artificial channel((~~,~~)) unless ((~~it~~)) the artificial channel is: A. Used by ((~~salmonids~~)) fish; or B. Used to convey a stream or wetland that occurred naturally before construction of the artificial channel.	(1) Adds language to clarify that subordinate phrases refer to artificial channels only. (2) Changes use of "salmonid" to "fish." (3) Expands definition to include artificial channels used to convey a wetland that occurred naturally before construction of the artificial channel.	(1) Adds language to clarify existing intent. (2) Changes are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just salmonids. (3) Removes potential area of confusion in code; the term is proposed to be updated to address scenarios where wetlands have been converted to streams through past practices. This code change would clarify that those areas function and are classified as streams now and are not considered a wholly artificial channel.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.24.355 - Aquatic area typing. SECTION 72. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows: A. Aquatic areas are ((~~categorized or~~)) "typed" as follows: 1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under King County's ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program((~~, K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW~~));	(1) Adds classification criteria Type F waters. (2) Clarifies definition of above ground and channeled water	(1) Provides more clarity and specificity about how Type F waters are classified.	*Section Notes:* • The State uses a water typing system that classifies aquatic areas as Type S (shoreline), F (fish bearing), Np (non-fish-bearing, perennial), and Ns (non-fish-bearing, seasonal).

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2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat, including waters diverted for use by a federal, state, or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality((~~,~~)). Type F waters, which may be ephemeral, may be classified by: a. the presence of fish; b. a stream segment with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or c. any stream located within the floodplain of type S or F water. 3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected to type S or F waters by ((~~an above-ground~~)) a channel or piped system, stream, or wetland; and 4. Type O waters include all segments of aquatic areas that are not type S, F, or N waters and that are not physically connected to type S, F, or N waters by a((~~n above-ground~~)) channel or piped system, ((~~pipe or culvert,~~)) stream, or wetland, and which infiltrate water into the ground. B. For the purposes of the water types in subsection A. of this section, ((~~an above-ground~~)) a channel system is ((~~considered to be~~)) present if the ((~~one-hundred-year~~)) floodplains of both the contributing and receiving waters are connected. ((~~C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:~~ ~~1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;~~ ~~2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~ ~~3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~ ~~4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.~~))	system for type N waters. (3) Removes subsection "C" regarding "human made barriers." (4) Technical corrections.	(2) For Type N waters, the 'above ground' part of the definition previously caused confusion among applicants, who would be led to think that if the channel were in a culvert (which is underground) that it wouldn't qualify as a type N. This was not the intent of the definition. Thus the 'above ground' part is proposed for deletion as it didn't help and clarified that type N can be piped. (3) This language was out of date. It did not match how the co-managers (WDFW and Indian Tribes) interpret fish habitat or state level fish passage requirements. The language does not match BAS as to what is fish habitat and is instead based on a financial rationale as a reason to not do something. In addition, it does not match the County's fish passage program classification of fish habitat. (4) Correcting formatting and grammatical errors.	*Policy Analysis:* • The state classification for Type F water include this criterion along with other criteria that are not included in this description. Council may wish to make the criteria consistent with the state's, which includes: ○ Lakes, ponds, or impoundments with a surface area of 0.5 acres or greater at seasonal low water ○ Water diverted for use by more than 10 residential or camping units or a public accommodation facility serving more than 10 people ○ Water in a campground with more than 10 camping units ○ Riverine ponds, wall-based channels, and other channel features used by fish for off-channel habitat • For Type F waters, the proposed changes shown in yellow align with the state's classification. The changes would mean that waters that meet certain dimensional characteristics (width and gradient) are assumed to have potential fish presence and be designated as such. The presence of upstream fish passage barriers would no longer disqualify a stream from being classified as a Type F water. • The Type N and Type O waters deviate from the State's definitions, which uses Np and Ns and a different set of criteria. The County's BAS report references state guidance but does not address that the County and state use different systems for lower typed aquatic areas. It is not clear how the state's system of water typing and guidance would translate to these specific types. It may be clearer to use the state's terminology.

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K.C.C. 21A.24.358 - Riparian areas measurement methods and process. SECTION 73. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows: A. ((~~Aquatic area buffers~~)) Riparian areas shall be measured as follows: 1. From the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; 2. If the adjacent aquatic area is located within a mapped severe channel migration hazard area, the ((~~aquatic area buffer~~)) riparian area width shall be ((~~the greater of the aquatic area buffer width as~~)) measured ((~~consistent with subsection A.1. of this section or~~)) from the outer edge of the severe channel migration hazard area; ((~~and~~)) 3. If the ((~~aquatic area buffer~~)) riparian area includes a steep slope hazard area or a landslide hazard area, the ((~~aquatic area buffer~~)) riparian area width is the greater of ((~~either~~)) a. the ((~~aquatic area buffer~~)) riparian area width as required in this section ((~~or the top of the hazard area~~)); or b. the riparian area width as required in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the riparian area width otherwise required; 4. If the adjacent aquatic area is located within an alluvial fan, the riparian area width is the greater of: a. the riparian area width as defined in this section; or b. the extent of the alluvial fan hazard area; and 5. If the adjacent aquatic area is conveyed underground, the riparian area width is measured only from the above-ground portion of the aquatic area. This riparian area extends in all directions from the point at which the aquatic area enters or exits the underground conveyance system. B. Within the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area, ((~~aquatic area buffers~~)) riparian area widths shall be as follows: ((~~1. A type S or F aquatic area buffer is one hundred fifteen feet;~~ ~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~ ~~3. A type N aquatic area buffer is sixty five feet; and~~ ~~4. A type O aquatic area buffer is twenty five feet.~~)) **Adjacent Aquatic Area Type** / **Riparian Area Width** S or F in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map — 200 feet All other S or F — 180 feet N — 100 feet O — 50 feet C. Outside the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area, ((~~aquatic area buffers~~)) riparian areas shall be as follows: ((~~1. A type S or F aquatic area buffer is one hundred sixty five feet;~~ ~~2. A type N aquatic area buffer is sixty five feet; and~~ ~~3. A type O aquatic area buffer is twenty five feet.~~)) **Adjacent Aquatic Area Type** / **Riparian Area Width** S or F — 200 feet N — 100 feet O — 50 feet D. ((~~Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one hundred feet.~~ ~~E.~~)) The department may approve a modification of ((~~buffer widths if~~)) a riparian area width required by this section by averaging the riparian area width, if the resulting riparian area meets the following standards: 1.((~~a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:~~ ~~(1) the total area of the buffer is not reduced;~~ ~~(2) the buffer area is contiguous; and~~	(1) Changes references to "aquatic area buffers" to "riparian areas." (2) Clarifies that riparian areas are measured from the ordinary high water mark of the adjacent aquatic area. (3) Updated to provide Channel Migration Zones with riparian area coverage for extended protection as a critical area. (4) Clarifies method of measurement of riparian areas in steep slope and landslide hazard areas. (5) Limits the riparian area size when the buffer includes landslide or steep slope hazard areas. (6) Clarifies that a riparian area from an aquatic area outside of the fan doesn't extend all the way across the fan. (7) Clarifies that aquatic area jurisdiction doesn't end where it goes underground, and that the riparian areas are not only measured from above-ground portions but also extend all the way around the pipe	(1) Changes are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Since the term "aquatic area buffer" is being changed to "riparian area," this language is being added clarify how and where riparian areas are measured in relation to aquatic areas. (3) This provides clarification, as prior language could be read two different ways. The code now matches 2004 BAS documentation and intent as well as more closely aligns with current riparian BAS. (4) Resolves the potential issue of having an extremely large extended riparian area where an aquatic area was below a large slope, which would trigger the need for a critical areas alteration exception. This would add a great deal of	*Section Notes:* • Under this Proposed Ordinance, "aquatic area buffers" are replaced with "riparian areas". Executive staff indicated that this because these areas also provide important functions and habitat, not just as a buffer to protect aquatic areas. • This section establishes the riparian area widths based on the adjacent aquatic area and location inside or outside the UGA. *Policy Analysis:* • Under the existing code, it is unclear whether the riparian area would 1) *end* at the outer edge of the severe channel migration hazard area, or whether 2) it would be measured *beginning* from the outer edge of the severe channel migration hazard area. The BAS report indicates that DLS currently measures it under the first option; however, it appears that the original 2004 BAS intended it to be measured using the second option. The proposed changes would clarify this to state that the riparian area would be measured beginning from the outer edge of the severe channel migration hazard area. This would have the effect of increasing the riparian area in areas where there are severe channel migration hazard areas. The BAS report indicates that riparian areas should be measured *starting from the outside edge of all channel migration zones*, which would include both the severe and moderate areas, to comply with BAS (pages 103-104). The proposed changes would depart from BAS: "Because most of King County's mapped CMZs have wide severe CMZ hazard areas and relatively narrower moderate CMZ hazard areas, the overall risk of not extending riparian-area protections to the moderate CMZ hazard area is low within the near-to-moderate time frames" (page 108) and "In the long term, there is high confidence that there is moderate risk that riparian areas adjacent to migrating channels will not be fully protected" (page

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~~(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;~~ ~~b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide;~~ ~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;~~ ~~d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or~~ ~~e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and~~ ~~2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.~~)) The total land area amount of the riparian area after averaging is equivalent to or greater than the total land area amount of the riparian area before averaging; 2. The additional riparian area is contiguous with the standard riparian area; 3. The riparian area at its narrowest point is never less than seventy-five percent of the standard required width; 4. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the adjacent aquatic area, and decreased adjacent to the lower functioning or less sensitive portion, as demonstrated by an ecological critical area report from an ecological professional; 5. No net loss of riparian area or adjacent aquatic area functions and values will occur as a result of the averaging, as demonstrated by an ecological critical area report from an ecological professional; 6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the extent of the hazard areas; 7. If the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and 8. Riparian area averaging cannot be combined with any other riparian area width modifications.	entrance, not just laterally. (8) Converts aquatic area type and corresponding riparian area width to a table. (9) Updates riparian area widths for applicable aquatic area types inside and outside the Urban Growth Area. (10) Removes specific reference to Bear Creek drainage basin. (11) Added analogous riparian area averaging section. (12) Clarifies how riparian area averaging must be implemented spatially.	process without improving environmental outcomes. This change removes potential procedural hurdles for areas distant from riparian areas while maintaining ecological protection. (5) This resolves the potential problem of having a riparian area that is located below a large slope having an extremely large extended buffer, consistent with management direction. Also see K.C.C. 21A.24.325. (6) This is informed by BAS review for alluvial fans, to establish development standards including requirements for overlapping critical area buffers. New conditions on AFHAs are proposed to be added to enable new regulation to protect public health and safety as required by WAC 365-196-830. (7) These changes bring the code into alignment with current practice. (8) Converted to a table for ease of use by	108). The County employs nonregulatory measures "that offer protections to riparian areas and aquatic areas" that "reduce and mitigate the various risks," discussed on page 98 of the BAS report. A summary of nonregulatory measures is at the end of this matrix. Councilmembers may wish to consider the proposed riparian area widths, risks of riparian area protections, and meeting other GMA priorities. • The previous code did not have an upper limit of the buffer width associated with steep slopes, which could lead to wide buffers that are hundreds or thousands of feet long. Executive staff indicate that slopes provide large wood and sediment to wetlands and aquatic areas, most frequently through small slope instability, rather than large infrequent events, meaning that the ecological benefit is diminished over longer distances. The buffer width limit is a policy choice. • The State's guidance for riparian widths focuses on estimating 200-year site potential tree height (SPTH), which is the average maximum height of the tallest dominate tree species 200 years or older in a given area. Different riparian area segments may have different tree species, leading to variation in SPTH across the county. The County's BAS report (page 78) analyzes widths and SPTH for King County. The report indicates that 84% of stream miles in unincorporated King County have a SPTH between 180 and 215 feet. Although the BAS indicates that there are several variables that factor into widths, a riparian width of 200 feet was determined in the report to be representative. Guidance from WDFW indicates that a minimum width of at least 100 feet, which provides a majority of pollution removal and water quality benefits.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		applicants and reviewers. (9) The proposed riparian area widths are based on the Best Available Science (BAS) together with policy direction to fulfill the GMA goal that development be encouraged in urban areas. BAS recommends that riparian area widths be based on the average maximum height of the tallest dominant trees that are 200 years or more in age. While trees of this age range in height, depending on the tree species, BAS review determined 200 feet to be a suitable width for riparian area protections. (10) Now that the riparian area width is proposed to be 100 feet for all Type N aquatic areas, this standard specifying a 100-foot buffer for the Bear Creek drainage basin is redundant. (11) Added to preserve the flexibility provided in existing code that allows aquatic area buffer averaging.	The BAS report indicates that designating widths by aquatic area types may no longer be appropriate, as both non-fish-bearing and fish-bearing streams can support unique communities of wildlife and ecosystem functions. Executive staff indicate that the County's existing system of designating riparian area widths by adjacent aquatic area and its location inside or outside the UGA was intended to meet environmental protection and other GMA considerations. Approximately 2% of the 5,500 stream miles in unincorporated King County are inside the UGA, 74% are in a Forest Production District, and 24% are in the remaining Rural Area. The riparian area width for each stream type is increased, with Type S and F riparian areas aligning with BAS. Type N and O riparian areas would be increased to 100 feet and 50 feet respectively, to support greater water quality and pollution removal. Type N riparian areas depart from BAS, as the science indicates that non-fish-bearing streams provide ecological functions that should be protected on the same degree as fish-bearing streams. Type O riparian areas depart from the BAS, as the science indicates that 100 feet is necessary to sufficiently support water quality and pollution removal benefits. Increased buffers may reduce housing capacity and development potential on properties. Using the riparian width system and increasing widths are policy choices. • Executive staff indicate that only a small portion of aquatic areas inside the UGA have basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map. This distinction was made during the 2004 update and was intended to mitigate the risk of some smaller widths in urban areas by providing protection in higher quality

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		(12) Adds measures to ensure internal code consistency and prevent net loss of ecological functions and values.	subbasins. With the widths increasing for all streams, maintaining a different width for these riparian areas is a policy choice. • This language is no longer necessary, as the minimum buffer is now proposed at 100 feet for all Type N adjacent riparian areas. No issues identified with the proposed removal. • Buffer averaging standards are proposed to be replaced – the major changes to these standards are shown in orange. Buffers can no longer be reduced on the basis of not providing certain functions, nor can they be reduced based on a rural stewardship plan, which is proposed to be repealed. The largest reduction is 25% and can only occur when the buffer is reduced in a lower functioning habitat and increased in a higher functioning habitat. Averaging cannot be used with other code reductions. These changes are consistent with Ecology's guidance. This is a policy choice.
K.C.C. 21A.24.365 - Development standards for proposals and alterations for sites with aquatic areas and riparian areas present. SECTION 74. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing aquatic areas or ((~~their buffers~~)) riparian areas: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ((~~aquatic area buffers~~)) riparian areas; B. Grading for allowed alterations in ((~~aquatic area buffers~~)) riparian areas is only allowed from May 1 to October 1. This period may be modified when the department determines it is necessary along marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C. 16.82.095; C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by: 1. Minimizing soil compaction, or 2. Reestablishing natural soil structure and the capacity to infiltrate; D. New structures within a((~~n aquatic area buffer~~)) riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ((~~and~~)) E. To the maximum extent practical: 1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible; 2. A spatial connection should be provided between vegetation within and outside the ((~~aquatic area buffer~~)) riparian area to prevent creation of wind throw hazards; and 3. Hazard trees ((~~should be retained~~)) in ((~~aquatic area buffers~~)) riparian areas ((~~and~~)) should be either topped or pushed over toward the aquatic area, and not taken out of the riparian area; ((~~and~~))	(1) Changes references of "aquatic area buffers" to "riparian areas." (2) Clarifies that hazard trees that are topped or pushed over are not to be removed from riparian areas. (3) Allows use of climate-smart plants for revegetation where native vegetation is allowed. (4) Updates term "woody debris" to "large wood."	(1) Changes are proposed throughout the code to change term or reference of "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Keeping large wood in riparian areas is consistent with BAS and supports ecological function. (3) Allowing the use of climate-smart plants for site restoration and mitigation encourages the	*Section Notes:* • This section addresses specific construction/alteration standards for aquatic areas and riparian areas. *Policy Analysis:* • Work periods may be modified under the grading code in K.C.C. 16.82.095 for any shoreline, rather than just marine shorelines. Council may wish to revise this section for clarity. • The code includes provisions for removing hazard trees, including topping or pushing over the tree towards an aquatic area. Although there are provisions to protect vegetation and limit clearing in other portions of the code, the code could also support keeping large wood in riparian areas when removal of nonhazardous trees is proposed as well as minimizing vegetation disturbance. This is a policy choice.

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F. Mitigation or restoration projects may include climate-smart plants approved by King County, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into an aquatic area or riparian area unless authorized by state or federal approval; and G. If a restoration, enhancement, or mitigation project proposes to place large wood ((~~woody debris~~)) waterward of the ordinary high water mark of a ((~~T~~))type S aquatic area, the applicant shall consider the potential for recreational hazards in project design.		long-term success of these projects. (4) Changes are proposed throughout the code to change term or reference to "woody debris" to "large wood," where appropriate, consistent with current terminology.	• This section could be clarified, as prioritizing native vegetation in the *Puget Sound region*. Climate-smart plants are broader than those in the Puget Sound lowland.
K.C.C. 21A.24.380 - Riparian area mitigation ratios. SECTION 75. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows: In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to an aquatic area or ((~~aquatic area buffer~~)) riparian area: A. Mitigation measures ((~~must~~)) shall achieve equivalent or greater aquatic or riparian area functions than prealteration conditions including, but not limited to: 1. Habitat complexity, connectivity, and other biological, and ecological functions; 2. Seasonal hydrological dynamics((~~,~~)) and water storage capacity ((~~and water quality~~)); ((~~and~~)) 3. ((~~Geomorphic and habitat processes and functions~~)) Shade and temperature control, pollution removal, water purification, and other water quality functions; and 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions; B. To the maximum extent practical, permanent ((~~alterations~~)) impacts that require mitigation such as restoration or enhancement of the altered aquatic area((~~, aquatic area buffer~~)) or riparian area, or another aquatic area or ((~~aquatic area buffer must consider~~)) riparian area, shall document in a mitigation plan how the following design factors((~~,~~)) have been considered as applicable to the function being mitigated: 1. The natural channel or shoreline reach dimensions including its depth, width, length, and gradient; 2. The horizontal alignment and sinuosity; 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics; 4. Bank ((~~and buffer~~)) configuration and erosion and sedimentation rates; ((~~and~~)) 5. Similar native vegetation or climate-smart plant species diversity, size, and densities in the ((~~channel, sea bed or lake bottom and on the~~)) adjacent riparian ((~~bank or buffer~~)) area with similar configuration, spatial arrangement, and solar aspect; 6. Similar slope and elevation; and 7. Similar soil conditions, including moisture, saturation, and organic content; C. Mitigation to compensate for adverse impacts to aquatic areas shall meet the following standards: 1. Not located upstream of a barrier to fish passage; and 2. ((~~Is equal or greater in biological function; and~~ ~~3.~~)) To the maximum extent practical is: a. located on the site of the alteration or within one-half mile of the site and in the same aquatic area reach at a ((~~1:1~~)) 2:1 ratio of area of mitigation to area of ((~~alteration~~)) impact; or ((~~4. Is~~)) b. if unable to be located on the site or within one-half mile of the site, located in the same aquatic area drainage subbasin or marine shoreline and attains the following ratios of area of functional mitigation to area of ((~~alteration~~)) impact: ((~~a.~~)) (1) a 3:1 ratio for a type S or F aquatic area; and ((~~b.~~)) (2) a 2:1 ratio for a type N or O aquatic area;	(1) Replaces "geomorphic and habitat processes and functions" with specific examples and adds other clarifying wording changes. (2) Adds provision to allow alternatives to on-site riparian area mitigation under certain conditions.	(1) Clarifies existing intent by using more accessible language. (2) Provides flexibility in achieving riparian area compensatory mitigation requirements by providing reduced area-based ratios paired with required primary or secondary actions. The additional actions help to offset the lower area-based mitigation requirements since the actions are known to directly benefit riparian and aquatic area functions.	*Section Notes:* • The County's BAS report indicates the use of mitigation to achieve no net loss generally comes with a high risk of failure, and that the changes proposed are supported by BAS. The report states "Previous King County riparian-area mitigation ratios do not align with BAS because they do not account for temporal loss and uncertainty in mitigation success (risk of failure). King County's updates for riparian-area mitigation ratios are in better alignment with BAS because they are within the range of mitigation ratios in BAS that account for replacement of lost or impacted area, temporal loss, and uncertainty in mitigation success. Increasing riparian-area mitigation ratios will help support mitigation success in achieving equivalent or greater functions. Additionally, having different mitigation ratios based on aquatic-area types helps to align mitigation with expected functions likely achieved for each aquatic-area type" (page 115) *Policy Analysis:* • This subsection could be clarified to be comparable to nearby relatively undisturbed areas for degraded areas. • On-site mitigation is proposed to increase from 1:1 to 2:1. Mitigation should have a ratio higher than 1:1 (discussed above), with BAS indicating that ratios below 3:1 are considered to be generally inadequate to

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments

D. For purposes of subsection C. of this section, ((~~a~~)) mitigation ((~~measure~~)) is in the same aquatic area reach if the length of aquatic area ((~~shoreline~~)) or adjacent riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;
2. Similar processes including erosion and transport of sediment and ((~~woody debris~~)) large wood;
3. Equivalent or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and
4. Equivalent or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((~~or~~)) and
5. For tributary streams, a distance of no more than one-half mile from the main stem;

E.1. ((~~The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:~~

~~1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;~~

~~2. Financing or funding guarantees for the duration of the monitoring program; and~~

~~3. Experienced, qualified staff to perform the monitoring~~)) On-site mitigation in riparian areas shall use the ratios in subsection E.2. of this section, unless the department establishes an alternative mitigation ratio with supplemental actions in accordance with subsection F. of this section;

2. Ratios of area of mitigation to area of impact for on-site mitigation for riparian areas:

Adjacent Aquatic Area Type	On-site Compensatory Mitigation Ratio
Shoreline (S)	3:1
Fish bearing(F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

F.1. The department may approve an alternative on-site area mitigation ratio to subsection E. of this section when the following requirements of subsection F.2. of this section are met.

2. Required actions for alternative on-site riparian area mitigation ratio based on the type of vegetation impacted;

Adjacent Aquatic Area Type	Impacts to Woody Vegetation	Impacts to Non-Woody Vegetation or unvegetated Areas
Shoreline (S) Fish bearing (F) Non-fish bearing (N)	2:1 ratio with at least one primary action or three secondary actions	1:1 ratio with at least two secondary actions
Other (O)	1:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one secondary action

3. Primary actions:

a. placing large wood in adjacent aquatic areas, if not associated with shoreline stabilization or flood protection facilities;

b. removing a fish passage barrier, if not required by the development permit;

c. removing an aquatic area transportation crossing, such as roads, bridges, or trails, and revegetating as appropriate. Utility crossings are not included under this action, unless the removal is part of an integrated transportation crossing removal project;

d. removing shoreline armoring, revetments, or levees; or

e. other similar actions as determined by the department.

4. Secondary actions:

a. planting native trees, climate-smart plants, and shrubs in areas of riparian area addition lacking native vegetation that are adjacent to and contiguous with existing riparian areas, within an area equal to one-half of the area of impact. This action cannot be applied where the riparian area addition requires enhancement to achieve equal function to the impact area;

b. placing large wood in riparian areas or an adjacent floodplain;

c. installing wildlife snags or similar wildlife nesting or rearing habitat;

d. removing floodplain fill and replating with native vegetation or climate-smart plants as appropriate; or

e. other similar actions as determined by the department;

support mitigation success (page 112). Council may wish to consider whether these ratios are appropriate.

- With the proposed changes, off-site mitigation and on-site mitigation have the same ratios for Type N and Type O aquatic areas. This change may no longer incentivize applicants from completing mitigation on-site, which is typically preferred over off-site. The BAS report states "Higher off-site mitigation ratios than on-site ratios align with BAS because there is even greater uncertainty with off-site mitigation, as areas may or may not provide similar functions and conditions as on-site areas." Council may wish to consider whether to increase these ratios consistent with BAS.

- The proposed changes would no longer allow ratio reductions for off-site mitigation. Executive staff indicate that these existing provisions do not meet BAS and allows a net loss of ecological function. Removal of this reduction is a policy choice.

- Riparian area mitigation ratios are increased from 1:1 to either 3:1 or 2:1. These mitigation ratios are higher than aquatic area mitigation ratios. Executive staff indicate that the ratios account for lost or impacted areas, the time lag between the impact and mitigation maturity, and uncertainty in mitigation success. Establishing higher baseline standards for riparian areas is a policy choice.

- The proposed ordinance includes a new provision for alterative ratios based on the type of vegetation impacted. This system would lower the mitigation requirement by 33% to 66% of the standard with certain actions. The BAS report indicates that ratios below 3:1 alone are inadequate due to their risk of success and temporal lag. However, the BAS report indicates that "Including

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
G.1. If unable to be located on or within one-half mile of the site, off-site mitigation for riparian areas in the same drainage subbasin, may be accepted by the department and shall be in a mitigation banking site, resource mitigation reserve, or conservation easement if on private property. Off-site mitigation shall use the ratios of area of mitigation to area of impact in subsection G.2. of this section. 2. Off-site ratios of area of mitigation to area of impact of riparian areas: **Adjacent Aquatic Area Type** | **Off-Site Compensatory Mitigation Ratio** Shoreline (S) | 4:1 Fish bearing (F) | 4:1 Non-fish bearing (N) | 4:1 Other (O) | 3:1; and H. For rectifying an illegal alteration to any type of aquatic area or ((~~its buffer~~)) riparian area, mitigation measures ((~~must meet the following standards~~)) shall: 1. For an aquatic area, be ((~~L~~))located on the site of the illegal alteration at a ((~~1:1~~))4:1 ratio of area of mitigation to area of ((~~alteration~~)) impact; ((~~and~~)) 2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1 ratio for adjacent type O aquatic areas; and 3. To the maximum extent practical, replicates the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((~~; and~~ ~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~ ~~H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer~~)).			alternative on-site mitigation ratios with required supplemental actions will improve mitigation success because supplemental actions provide functions that can be realized in the near term and are equivalent to or greater than those being impacted. Increased mitigation requirements align with BAS and will help King County meet the GMA no net loss requirement for ecological functions" (page 117). Whether to allow alternative mitigation and to what degree are policy choices. • Council may wish to consider allowing a primary action as an option in addition to secondary actions. • Council may wish to expand this action to allow enhancement that goes above and beyond the "equal function" standard for those projects that achieves greater function than the impact area. Language could be revised to state: "Planting native or climate-smart trees and shrubs in a riparian area addition that is equal to one-half of the area of impact, contiguous with existing riparian areas, and in a manner that achieves equal or greater function than the impacted area." • Off-site riparian area mitigation ratios are higher than aquatic area mitigation ratios. Executive staff indicate that mitigation ratios are higher to account for the temporal lag for vegetation to grow and provide riparian functions. Establishing higher baseline standards for riparian areas is a policy choice. • The mitigation ratio for illegal alterations was raised to 3:1 for Type O riparian areas and 4:1 for all other aquatic and riparian areas. Executive staff indicate that this would address not using typical best management practices and serving as a disincentive. The specific ratio for illegal alterations is a policy choice.

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			• Subsection G. was removed due to confusion with code interpretation. Proposed changes would include alternative mitigation approaches. • Subsection H. is proposed to be removed. Temporary impacts would not be explicitly called out for mitigation as it is for wetland buffers. Executive staff indicate that this would be covered in a critical area report and this code, and that this Subsection H. is inappropriate to describe alterations as temporary and may not meet no net loss. Council may wish to consider whether to include code requirements for mitigation for temporary impacts. • Overall, Council may wish to consider restructuring and streamlining for ease of reading.
WILDLIFE HABITAT CONSERVATION AREAS			
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.1422 Wildlife.** Wildlife: birds, fish and animals, that are not domesticated and are considered to be wild. (Ord. 15051 § 123, 2004). **K.C.C. 21A.06.1423 Wildlife habitat conservation area.** Wildlife habitat conservation area: an area for a species whose habitat the King County Comprehensive Plan requires the county to protect that includes an active breeding site and the area surrounding the breeding site that is necessary to protect breeding activity. (Ord. 15051 § 124, 2004). **K.C.C. 21A.06.1424 Wildlife habitat network.** Wildlife habitat network: the official wildlife habitat network defined and mapped in the King County Comprehensive Plan that links wildlife habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space and other areas to provide for wildlife movement and alleviate habitat fragmentation. (Ord. 15051 § 125, 2004). **K.C.C. 21A.06.1425 Wildlife shelter. Wildlife shelter:** a facility for the temporary housing of sick, wounded or displaced wildlife. (Ord. 10870 § 325, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.382 – Development standards for proposals and alterations for sites with wildlife habitat conservation areas present. SECTION 76. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows: The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;	Corrects numbering error and removes duplicative language.	Technical and clarifying changes consistent with existing intent.	*Section Notes:* • This section identifies alteration limitations near species, such as specifying what constitutes a wildlife habitat conservation area around specific species and seasonal construction restrictions. *Policy Analysis:*

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B. For a bald eagle: 1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from an active nest; 2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and ((~~2~~)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders or other heavy equipment, may not be operated within eight hundred feet of the nest; C. For a great blue heron: 1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and 2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery; D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-mile radius around an active nest; E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-thousand-five-hundred-foot radius around an active nest located outside of the urban growth area; F. For an osprey: 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius around an active nest; and 2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest; G. For a peregrine falcon: 1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff; 2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within one-half mile of the eyrie; and 3. New power lines may not be constructed within one-thousand feet of the eyrie; H. For a spotted owl, the wildlife habitat conservation area is an area with a three-thousand-seven-hundred-foot radius from an active nest; I. For a Townsend's big-eared bat: 1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony; 2. Between November 1 and March 31, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the urban growth area serving as a winter hibernacula; 3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed; 4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry; and 5. A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine; J. For a Vaux's swift: 1. The wildlife habitat conservation area is an area with a three-hundred-foot radius around an active nest located outside of the urban growth areas; 2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest; K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((~~not listed in subsections B. through J. of this section~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.			• The list of protected species was updated under the 2024 KCCP update. This list can be found in Chapter 5. • Executive staff indicate that the species-specific standards in this section are maintained under this proposed ordinance, as the BAS report did not indicate a reason to modify the standards in this section. Executive staff also note that requiring a minimum protective radius provides for more consistent application of appropriate standards. • Protected species includes those listed by the federal or state government as endangered, threatened, sensitive or candidate species, and those listed in the County's "species of local importance." This species of local importance list was updated in the Comprehensive Plan in 2024. According to Executive staff, if substantial clearing is proposed during breeding season in an area that potentially contains protected species, a survey to identify potential species would need to be conducted and protections put in place. Protections may vary based on the species.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.24.385 Wildlife habitat networks - applicability.**	Not included in proposed ordinance	Not included in proposed ordinance	*Policy Analysis:* • References to urban planned developments should be deleted, as they were repealed in the 2024KCCP update.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
The department shall make certain that segments of the wildlife habitat network are set aside and protected along the designated wildlife habitat network adopted by the King County Comprehensive Plan as follows: A. This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network: 1. All urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions; and 2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement or setback area, and a notice of the existence of the segment has been recorded; B. Segments of the wildlife habitat network must be identified and protected in one of the following ways: 1. In urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions, native vegetation is placed in a contiguous permanent open-space tract with all developable lots sited on the remaining portion of the project site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or 2. For individual lots, the network is placed in a county-approved setback area. To the maximum extent practical, existing native vegetation is included in the network. The notice required by K.C.C. 21A.27.170 is required; and C. All wildlife habitat network tracts or setback areas must meet the design standards in K.C.C. 21A.24.386. (Ord. 15051 § 201, 2004: Ord. 13694 § 90, 1999: Ord. 11621 § 52, 1994. Formerly K.C.C. 21A.14.260).			• The critical area tracts section does not include fully contained communities. • Placing wildlife habitat networks in a tract for subdivisions, short subdivisions, and binding site plans is a policy choice. • Placing wildlife habitat networks in a setback instead of an easement is a policy choice.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.24.386 Wildlife habitat networks - development standards and alterations.** The following standards apply to development proposals and alterations on sites containing wildlife habitat network: A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network; B. The wildlife habitat network is sited to meet the following conditions: 1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary; 2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and 3. The network is contiguous with and includes critical areas and their buffers; 4. To the maximum extent practical, the network connects isolated critical areas or habitat; and 5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts or wooded areas on adjacent properties, if present; C. The wildlife habitat network tract must be permanently marked in accordance with this chapter; D. An applicant proposing recreation, forestry or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site must have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan; E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan; F. In urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan; G. Segments of the wildlife habitat network set aside in tracts, conservation easements or setback area must comply with K.C.C. 16.82.150;	Not included in proposed ordinance	Not included in proposed ordinance	*Policy Analysis:* • References to urban planned developments should be deleted, as they were repealed in the 2024 KCCP update.

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H. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; I. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks and road projects. (Ord. 15051 § 203, 2004: Ord. 11621 § 53, 1994. Formerly K.C.C. 21A.14.386).			
K.C.C. 21A.24.388 - Wildlife habitat conservation area mitigation ratios. SECTION 77. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows: In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the following applies to mitigation to compensate for the adverse impacts associated with wildlife habitat conservation areas and wildlife habitat networks: A. Mitigation to compensate for the adverse impacts to a wildlife habitat conservation area ((~~must~~)) shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the wildlife habitat conservation area; B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic functions including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall: 1. Expand or enhance the wildlife network as close to the location of impact as feasible; and 2. Attain the following ratios of area of mitigation to area of alteration: a. for mitigation on site: (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and (2) 1.5:1 ratio for enhancement or restoration; and b. for mitigation off-site: (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and (2) 3:1 ratio for enhancement or restoration; C. For temporary alterations, the department may require rectification, restoration, or enhancement of the altered wildlife habitat network; D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions; E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including: 1. Soil type, conditions, and physical features; 2. Vegetation diversity and density; and 3. Biologic and habitat functions; and F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.	Increases mitigation ratio for illegal alterations made within a wildlife habitat network from 1:1 to 1.5:1.	The ratio is proposed to be increased to reduce the risk that mitigation will be insufficient to provide no net loss of ecological function.	*Section Notes:* • This section addresses mitigation ratios to compensate for adverse impacts to wildlife habitat conservation areas and wildlife habitat networks. *Policy Analysis:* • Executive staff indicate that "sites that will enhance the wildlife habitat conservation area" refers to enhancing/benefiting the species or habitat that was impacted. Given that this sentence concerns mitigation in a different location than the original wildlife habitat conservation area, it may be clearer to state that the off-site mitigation will enhance the habitat of the species impacted. • This ratio is recommended by WDFW and supported by Executive staff to address uncertain success rates from mitigation. • Temporary alterations do not have a prescribed ratio. Executive staff indicate that a 1:1 restoration ratio would be a baseline from following mitigation sequencing standards and DLS could require enhancement beyond the baseline, depending on the nature of the impact. This is a policy choice. • Council may wish to change "alterations" to "impacts" and "rectification" to "rehabilitation" for clarity.
AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS			
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which grazing livestock are excluded.	Adds definition for "grazing area buffer."	The existing K.C.C. uses the word "buffer" ambiguously, sometimes meaning critical area buffers,	*Policy Analysis:* • Please refer to the analysis for K.C.C. 21A.24.051 (page 85) and K.C.C. 21A.30 (page 86) for standards related to grazing area buffers.

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		sometimes meaning grazing area buffers. This definition is proposed to be added to define grazing area buffers. Additionally, code standards are proposed to be clarified to say which apply to critical area buffers or riparian areas and which apply to grazing areas.	• No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE **K.C.C. 21A.06.700 Livestock, large**. Livestock, large: cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 10870 § 180, 1993). **K.C.C. 21A.06.705 Livestock, small.** Livestock, small: hogs, excluding pigs weighing under 120 lbs. and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 10870 § 181, 1993). **K.C.C. 21A.06.707 Livestock heavy use area.** Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health. (Ord. 17539 § 21, 2013). **K.C.C. 21A.06.708 Livestock manure storage facility.** Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality. (Ord. 17539 § 22, 2013).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.
K.C.C. 21A.24.051 Agricultural activities development standards. SECTION 42. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows: A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ((~~the buffers of~~)) wetland((~~s~~)) buffers, ((~~aquatic areas~~)) riparian areas, and wildlife habitat conservation areas,)when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30. B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan. C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.	Technical changes regarding alterations and/or expansion within critical areas for agricultural activity uses with an approved farm management plan.	Changes to remove redundancy, improve clarity, and make consistent use of current terminology. Reorders existing content for more logical flow. Existing intent is retained.	*Section Notes:* • Farm management plans are required to be consistent with this section. Where livestock is farmed, farm management plans must also be consistent with K.C.C. 21A.30.045 (page 86). • Farm management plans are created by the King Conservation District (KCD) and farm operators to meet individual farm management objectives and minimize impacts to critical areas. If the plans provide certain benefits, such as regulatory

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D. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority: 1. To maintain the productive agricultural land base and economic viability of agriculture on the site; 2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner; 3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site; 4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and 5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan. E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall: 1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program; 2. Consider the priorities of the King County shoreline protection and restoration plan; and 3. Ensure no net loss of shoreline ecological functions and critical area functional and values. F. ((~~The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~)) The plan shall include, but is not limited to, the following elements: 1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site; 2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ((~~their~~)) associated buffers, and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages; 3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading; 4. A plan for implementation of performance standards and best management practices; 5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((~~their~~)) associated buffers ((~~and to modify~~)). Modification to the farm management plan should occur if adverse impacts ((~~occur~~)) are identified. G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240. H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((~~which may be through a program offered or approved by King County,~~)) to verify that the plan is ((~~reasonably~~)) likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section. I. ((~~Once approved, a~~))Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.			flexibility or PBRS credit, they are reviewed and approved by DNRP. *Policy Analysis:* • The County has a public rule dating to 2005. The BAS report recommends an update to this public rule to clarify the review and approval process, ensure use of the most current best management practices, and support application of a monitoring and adaptive management framework. The BAS report indicates that the Executive plans to update the rule following the adoption of this proposed ordinance. Whether to defer the requirements of a Farm Plan to a public rule process, rather than adopted through ordinance adopted by the Council, is a policy choice. Whether to have KCD, a separate government from the County, implement and enforce the plans, is also a policy choice.
K.C.C. 21A.30.045 - Farm management plan requirements. SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows: A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria: 1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060; 2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to: a. livestock watering; b. grazing and pasture management;	(1) Changes references of "aquatic area buffers" to "riparian areas." (2) Changes term "salmonid" to "fish." (3) Updates standards for grazing area buffer including diverse, mature vegetation for type S and F aquatic areas	(1) Changes are proposed throughout the code to change term or reference from "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	*Section Notes:* • This section addresses the livestock management component of a farm management plan. *Policy Analysis:* • Wetland buffers and riparian areas could be added to this subsection, as these are also areas that should be protected and are addressed in Subsection A.2.e.

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c. confinement area management; d. manure management; and e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows. 3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and 4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ((~~salmonid fisheries~~)) fish habitat. Monitoring results shall be available to the King County agriculture program. B. The livestock management component of a farm management plan shall, at a minimum: 1. ((~~Generally s~~))Seek to achieve a ((~~twenty-five-foot buffer of~~)): forty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows((~~, using buffer averaging where necessary to accommodate existing structures~~)); thirty-five-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows. The livestock management component of a farm management plan((~~s~~)) may vary the width of the grazing area buffer ((~~of an aquatic area or wetland~~)), and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different grazing area buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O waters. ((~~Forested lands being cleared~~)) Clearing of lands for grazing ((~~areas~~)) shall comply with the riparian area widths and critical area buffers and all applicable regulations in K.C.C. chapter 21A.24; 2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands; 3. Achieve an additional twenty((~~-foot buffer~~) feet of diverse, mature vegetation downslope of any confinement areas within two hundred feet of type S((~~and~~)), F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if: a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved; b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and 4. Include a schedule for implementation. C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan. D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion. E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035. F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.	category I, II, or III wetlands except grazed wet meadows from 25 feet or 40 feet, which can be modified by the livestock management component of a farm management plan. (4) Updates the term "buffer" to "grazing area buffer." (5) Adds a standard for grazing area buffers including diverse, mature vegetation of 35 feet for type N aquatic areas, which can be modified by the livestock management component of a farm management plan. (6) Adds a standard for grazing area buffers including diverse, mature vegetation of 20 feet for category IV wetlands other than grazed wet meadows, which can be modified by the livestock management component of a farm management plan. (7) Adds provision stating that properties operating subject to an	(2) Changes are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just salmonids. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) – (6) Increased grazing area buffer width provides greater protection of wetland buffer and riparian area functions while limiting the reduction of the amount of farmable lands.(7) Clarifies when the proposed standards in this section would apply.	• Animals are allowed to graze in these critical areas outside of the grazing area buffer. Council may wish to clarify this by including "except as otherwise allowed under this title". • The grazing area buffers (the minimum distance between a critical area and a grazing area) are proposed to increase between 15 and 50 feet for most areas, depending on the type or category of wetland or aquatic area and whether a farm management plan (FMP) is provided. The table below shows a simplified summary of the major changes. **RIPARIAN AREA** S or F – Yes – 25 ft – 40 ft S or F – No – 50 ft – 50 ft N – Yes – 0 ft – 35 ft N – No – 0 ft – 50 ft O – Y/N – 0 ft – 0 ft **WETLAND BUFFER** I, II, or III – Yes – 25 ft – 50 ft I, II, or III – No – 50 ft – 50 ft IV – Yes – 0 ft – 20 ft IV – No – 0 ft – 25 ft • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County's BAS. The BAS report states: "King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections" (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that "King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values" (page 96). A summary of nonregulatory measures is at the end of this matrix. Maintaining the

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	existing livestock management farm plan have met the standards in this section.		program and buffer widths for livestock is a policy choice. • The code identifies buffers as a goal, where plans should "seek to achieve" these buffers. Executive staff indicate that the changes "clarify the minimum benchmark to be applied to riparian areas." The language is intended to reflect that the King Conservation District and the landowner develop the plan, which is tailored to the site and the County cannot require restoration for past development impacts, while also acknowledging mature vegetation may take substantial effort to achieve. As proposed, this language would not require a minimum buffer, and instead would establish a target that could be lower or higher than the widths identified. This is not described in the BAS report in this manner; instead the BAS report treats them as a minimum requirement. • It may be clearer to add back in language that the 20 feet is a buffer that is in addition to the existing grazing area buffer.
K.C.C. 21A.30.060 - Animal regulations – Livestock management standards. SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows: Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a((n)) livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards. A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options: 1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply. 2. Livestock access to type S((and)), F, and N waters((, including their buffers)) and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas. a. Fencing shall be used as necessary to prevent livestock access to type S ((and)), F, and N waters. b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits. B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ((vegetative buffer of fifty feet)) fifty-foot-wide grazing area buffer from the ((wetland)) edge of a category I, II((or)), III, or IV wetland, except those wetlands meeting the	(1) Adds type N waters to aquatic area types to which livestock access standards apply. (2) Adds category IV wetlands to the wetland categories to which grazing area buffer standards apply. (3) Updates the term "vegetative buffer" to "grazing area buffer." (4) Clarifies that properties with existing fencing installed at distances other than those	(1) Type N waters flow into fish bearing streams and are proposed to be added to provide greater protection of riparian area functions while limiting the reduction of the amount of farmable land. (2) Category IV wetlands should be protected similarly to other wetland types from the impacts of livestock due to their importance for wildlife and water	*Section Notes:* • This section addresses livestock on farms without a farm management plan. *Policy Analysis:* • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County's BAS. The BAS report states: "King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections" (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that "King County employs a broad array of nonregulatory measures to protect critical

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definition of grazed wet meadows, or the ordinary high water mark of a type S((~~or~~)), F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a category IV wetland except those wetlands meeting the definition of grazed wet meadows. 2. ((~~Forested~~))Lands being cleared for grazing areas shall comply with the riparian area widths and critical area buffers and the associated regulations in K.C.C. chapter 21A.24. 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((~~forested~~)) lands are being cleared for grazing areas. 4. Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock. 5. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements. 6. Grazing areas within two hundred feet of a type S((~~or~~)), F, or N water or category I, II((~~or~~)), III, or IV wetland shall not be plowed during the rainy season from October 1 through April 30. 7. Grazing areas may extend to the property line, provided that type S((~~or~~)), F, or N waters and category I, II((~~and~~)), III, or IV wetlands that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection B.1., 2., or 3. of this section. C.1. In addition to the buffers in subsection B.((~~1. and 2.~~)) of this section, confinement areas located within two hundred feet of any type S((~~or~~)), F, or N waters or category I, II((~~or~~)), III, or IV wetlands with the exception of grazed wet meadows shall: a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover; b. not be located in ((~~the buffer of~~)) a riparian area adjacent to any type S((~~or~~)), F, or N water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II((~~or~~)), III, or IV wetland or the ordinary high water mark of any type S((~~or~~)), F, or N water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer((~~. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and c. have roof drains of any buildings in the confinement area diverted away from the confinement area. 2. Confinement areas may extend to the property line((,)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section. D.1. Manure storage areas shall be managed as follows: a. Surface flows and roof runoff shall be diverted away from manure storage areas; b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ((~~or~~)), F, or N water or the edge of a category I, II((~~or~~)), III, or IV wetland shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; c. Manure shall not be stored in any ((~~aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed or tilled wet meadows unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer than one hundred feet uphill from: (1) any wetland edge excluding grazed or tilled wet meadows; (2) the ordinary high water mark of any aquatic area; or (3) any ditch to which the topography would generally direct runoff from the manure; and d. The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system. 2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields. E. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.	specified in this section for which livestock management farm plans have been developed are considered compliant if approved fencing is present for all type S and F aquatic areas.	quality, although they are proposed to have a smaller grazing area buffer than the other categories. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) Establishes when the proposed standards in this section would apply.	areas and reduce risk to critical area functions and values" (page 96). A summary of nonregulatory measures is at the end of this matrix. Maintaining the program and buffer widths for livestock proposed by the ordinance is a policy choice. • "Existing grazing areas not addressed by K.C.C. chapter 21A.24" is intended to cover those areas without a farm plan. Council may wish to clarify this. • The proposed ordinance includes two grazing area buffer widths for Category IV wetlands. Executive staff indicate that the 25-foot grazing area buffer was intended. Council may wish to clarify the buffer width for a Category IV wetland. • Grazed wet meadows would not be subject to a buffer, which is a policy choice. Grazed wet meadows are defined as "an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities. " • This existing provision would allow buffers to be reduced to 25 feet if "diverse, mature vegetation already exists" on properties without a farm management plan. This buffer would be lower than the buffers identified for properties with a farm management plan, meaning that the provisions would disincentivize property owners from obtaining a farm management plan. This provision could be removed to be consistent with the increased buffers proposed. • It is unclear how these provisions would be applied within the shoreline jurisdiction. Council may wish to consider how address these standards in the shoreline jurisdiction.

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F. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), provided approved fencing is present for all type S and F aquatic areas. G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.			
RURAL STEWARDSHIP PLANS			
21A.24.055 - Rural stewardship plans. A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section. B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan. C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors: 1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map; 2. The existing condition of wetland and aquatic area buffers; 3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number 14-06-029, published October 2014; 4. The location of the site in the drainage basin; 5. The percentage of impervious surfaces and clearing on the site; and 6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred. D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan. E. Modifications of critical area buffers shall be based on the following prioritized goals: 1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction; 2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife; 3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical; 4. To maintain, restore or enhance native vegetation; 5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site; 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats; 7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and 8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary. F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall: 1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program; 2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and 3. Ensure no net loss of shoreline ecological functions. G. A rural stewardship plan may include, but is not limited to, the following elements: 1. Critical areas designation under K.C.C. 21A.24.500; 2. Identification of structures, cleared and forested areas and other significant features on the site;	Repealed.	The County is not currently approving or administering rural stewardship plans. Some code flexibilities offered by Rural Stewardship Plans, such as buffer averaging, are still available in the proposed code.	*Section Notes:* • This proposed repeal would eliminate rural stewardship plans, which is a voluntary plan where RA property owners could reduce buffers, enroll in the public benefit rating system (PBRS), or receive technical assistance in exchange for implementing site-specific best management practices. • Executive staff indicate that the rural stewardship program was infrequently used and did not have a dedicated staff team to support the program. *Policy Analysis:* • Buffer reductions, such as those allowed under this code section, depart from BAS, as buffer reductions could result in net loss of environmental functions. The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that "King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values" (page 96). A summary of nonregulatory measures is at the end of this matrix. • The removal of rural stewardship plans would remove allowances for reduced buffers, alternative review of impacts, and potential property tax reductions under the PBRS program under the rural stewardship element. • Eliminating the program is a policy choice.

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3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat; 4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development; 5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site; 6. A schedule for implementation of the elements of the rural stewardship plan; and 7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur. H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section. I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100. J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply: 1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and 2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter. K. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section. L. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of local services, permitting division, shall consult with the department of natural resources and parks to determine whether the activity is consistent with the rural stewardship plan. (Ord. 19034 § 24, 2019: Ord. 18791 § 174, 2018: Ord. 17420 § 103, 2012: Ord. 16985 § 121, 2010: Ord. 16267 § 41, 2008: Ord. 15051 § 139, 2004).			
K.C.C. 21A.24.061 - Public rules for rural stewardship and farm management plans. SECTION 43. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows: A. The King County council recognizes that ((~~rural stewardship plans and~~)) farm management plans ((~~are key elements of this chapter that~~)) provide flexibility to natural resource land and rural area residents to establish and maintain a rural lifestyle that includes activities such as farming ((~~and forestry~~)), while maintaining and enhancing rural character and environmental quality. B. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 and 21A.24.051 ((~~relating to rural stewardship plans and farm management plans~~)), consistent with the provisions of this section. The rules shall ((~~not compromise~~)) be consistent with the King Conservation District's mandates or standards for farm management planning. C. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ((~~the assistance shall be provided at little or no cost to landowners~~)) the cost of such assistance shall be minimal to the landowner. ((~~In addition, t~~))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ((~~and make available to the public,~~)) model farm management((~~, forest management and rural stewardship~~)) plans illustrating examples of plan application content, drawings, and site plans, ((~~to assist landowners in their development of site-specific plans for their property~~)) and make available to the public. D. The department of natural resources and parks ((~~is~~)) shall be the primary county agency responsible for ((~~rural stewardship plans and~~)) farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out ((~~its~~)) the responsibilities under this chapter relating to ((~~rural stewardship plans and~~)) farm management plans. The department of natural resources and parks, the department of local services,	(1) Removes references to rural stewardship plans. (2) Technical corrections.	(1) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (2) Correcting formatting and grammatical errors.	*Policy Analysis:* • No issues identified. If the Council chooses to keep rural stewardship plans (as discussed in the row above), this section should be updated.

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permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to ((~~rural stewardship plans and~~)) farm management plans. E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural stewardship and~~)) farm management plans in meeting the goals and objectives of those plans established in this chapter.			
NOT INCLUDED IN PROPOSED ORDINANCE **16.82.154 Clearing - modification of limits through farm management and rural stewardship plans.** The clearing limits of K.C.C. 16.82.150 and 16.82.152 may be modified through a farm management plan or rural stewardship plan approved in accordance with K.C.C. 21A.24.051 and 21A.24.055. (Ord. 15053 § 16, 2004).	Not included in proposed ordinance	Not included in proposed ordinance	*Policy Analysis:* • If the Council chooses to repeal rural stewardship plans, K.C.C. 16.82.154 should be updated to reflect the repeal.
K.C.C. 20.36.100 - Sets definitions, eligibility, and standards for the County's Public Benefit Rating System program. SECTION 4. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are hereby amended to read as follows: A. The definitions in this section apply throughout this section, as well as in K.C.C. 20.36.040 and K.C.C. 20.36.190, unless the context clearly requires otherwise. B. To be eligible for open space classification under the public benefit rating system, a property shall contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section. C. The following open space resources are each eligible for the points indicated: 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((~~s~~)))Section 21 ((~~of this ordinance~~))), for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners; 2. Aquifer protection area - five points. "Aquifer protection area" means property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. If the enrolling open space area does not have a plant community in which native plants are dominant, revegetation shall occur subject to a revegetation plan reviewed and approved by the department; 3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;	(1) Removes the opportunity to obtain Public Benefit Rating System points for implementing a rural stewardship plan. (2) Changes term "salmonid" to "fish". (3) Changes term "significance" to "importance". (4) Removes reference to the rural stewardship plan. (5) Technical corrections	(1) The section of code allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (2) Changes are proposed throughout the code to change "salmonid" to "fish", where appropriate, to be consistent with King County's current protection of all fish species listed by the Washington Dept. of Fish and Wildlife (WDFW), the Washington Department of Natural Resources (WA DNR) and King County species of local importance, not just salmonids. (3) Changes are proposed throughout the code to change phrase "species of local significance" to "species of local importance", consistent with King	*Section Notes:* • The public benefit rating system (PBRS) is a current use taxation program that allows reduced property taxes for the preservation of open space on private property. Properties receive reductions based on the type and quantity of open space present. An eligible property would receive a 50% reduction or greater, depending on how many points are awarded. *Policy Analysis:* • The proposed ordinance would remove "rural stewardship plans" as an eligible open space resource qualifying for PBRS. • Under the current rural stewardship option, properties must be: RA, A, or F; at least one acre in size; have a native plant community (or be in the process of planting); and have implemented rural stewardship plan. A rural stewardship plan would include identifying critical areas, structures, and significant features, implementing site-specific best management practices, a schedule for implementation, and a plan for monitoring. • Executive staff indicate that the rural stewardship program was infrequently used and did not have a dedicated staff team to support the program. Removing the rural stewardship plan option in the PBRS program is a policy choice. Councilmembers may wish to consider whether to eliminate the rural stewardship

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4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met: a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing; b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area; c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ((~~rural stewardship land or~~)) resource restoration ((~~categories~~)) category; 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((~~s~~)))Section 21 ((~~of this ordinance~~))), uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage; 6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category; 7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ((~~or rural stewardship land categories~~)) category; 8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program		County Comprehensive Plan terminology. (4) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is proposed to be repealed in this ordinance. (5) Corrections made to formatting and grammar.	provision entirely as proposed by the Executive, replace the option with similar criteria that would not require the establishment of a plan, or add other options to support properties that may have increased buffers under other critical areas changes in this proposed ordinance.

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in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use; 9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility; 10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category; 11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility; 12. Rural open space - five points. "Rural open space" means an area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that: a. has a plant community in which native plants are dominant; or b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ((~~rural stewardship,~~)) or resource restoration plan acceptable to the department; 13. ((~~Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;~~ ~~14.~~)) Scenic resource, viewpoint, or view corridor – five points. a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.			

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b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way. c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. The site shall have ((~~a~~)) significant cultural areas and contain significant inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction; ((~~15.~~)) 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category; ((~~16.~~)) 15. Significant wildlife or ((~~salmonid~~)) fish habitat - five points. a. "Significant wildlife or ((~~salmonid~~)) fish habitat" means: (1) an area used by animal species listed as endangered, threatened, sensitive, or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local ((~~significance~~)) importance that are listed by the King County Comprehensive Plan or a local jurisdiction; (2) an area where the species listed in subsection C.((~~16.~~))15a.(1) of this section are potentially found with sufficient frequency for critical ecological processes, such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur; (3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife and that is so listed by the King County Comprehensive Plan or by the local jurisdiction in which the property is located; or (4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction. b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.((~~16~~))15.a. of this section. To receive credit for ((~~salmonid~~)) fish habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible; ((~~17.~~)) 16. Special animal site - three points. "Special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a biodiversity area and corridor identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application as identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category; ((~~18.~~))17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, ((~~rural stewardship,~~)) or resource restoration plan. Grazing use by livestock on such land is prohibited; ((~~19.~~)) 18. Urban open space - five points. a. "Urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:			

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(1) the land conserves and enhances natural or scenic resources; (2) the land protects streams or water supply; (3) the land promotes conservation of soils, wetlands, beaches, or tidal marshes; (4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space; (5) the land enhances recreation opportunities for the general public; or (6) the land preserves visual quality along highways, roads, and streets or scenic vistas. b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and ((~~20.~~)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((~~, or rural stewardship~~)) plan that addresses this need and is acceptable to the department. D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows: 1. Conservation easement or historic preservation easement - eighteen points. "Conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The easement is subject to approval by the department and shall be recorded with the King County recorder's office or its successor. The easement shall be conveyed to the county or to an organization acceptable to the department, such as a land trust or conservancy. Historic preservation easements are subject to approval by the historic preservation officer of King County or of the local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required; 2. Contiguous parcels under separate ownership - two points. a. "Contiguous parcels under separate ownership" means at least two or more parcels under different ownership where either: (1) the enrolling parcels and open space acreage abut each other without a significant human-made barrier separating them; or (2) the enrolling parcels do not abut each other, but abut a publicly owned open space, without a significant human-made barrier separating the publicly owned open space and the open space portion of the parcels seeking open space classification. b. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Only a single application fee is required. c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program. d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories. e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner; 3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;			

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4. Public access - points depend on type and frequency of access allowed. "Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic ((~~properties~~)) properties is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications. a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner. b. Limited public access ((~~because of~~)) due to resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner. c. Seasonally limited public access - three points. Access by the public is allowed only for part of the year due to due to seasonal conditions, as mutually agreed to by the landowner and the department. d. Environmental education access - three points. The landowner enters into an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or, with the agreement of the department, with another community organization that allows membership by the general public to provide environmental education to its members or the public at large. The department shall verify that the enrolled portion of the property has value for environmental education purposes. e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and 5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land((~~,~~)) or forest stewardship land((~~, or rural stewardship land~~)) categories.			
SHORELINE MASTER PROGRAM			
K.C.C. 20.12.200 - Lists the portions of the King County Comprehensive Plan and King County Code that constitute the County's Shoreline Master Program. SECTION 3. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended to read as follows: A. The King County shoreline master program consists of the following elements, enacted on or before the date of enactment of ((~~Ordinance XXXX (Proposed Ordinance 2023-0440~~)) this ordinance: 1. The King County Comprehensive Plan chapter six; 2. K.C.C. chapter 21A.25; 3. The following sections of K.C.C. chapter 21A.24: a. K.C.C. 21A.24.045; b. K.C.C. 21A.24.051; c. ((~~K.C.C. 21A.24.055;~~ ~~d.~~)) K.C.C. 21A.24.070.A., B.2., C.2., D., and E.; ((~~e.~~)) d. K.C.C. 21A.24.125; ((~~f.~~)) e. K.C.C. 21A.24.130;	Removes K.C.C. 21A.24.055 from the list.	K.C.C. 21A.24.055 is proposed to be repealed in this ordinance.	*Section Notes:* • This section provides a list of code sections that comprise the Shoreline Master Program. *Policy Analysis:* • Council staff continues to work with Executive staff on how the farm management plan and livestock management section apply within the shoreline jurisdiction.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
((~~g.~~)) f. K.C.C. 21A.24.133; ((~~h.~~)) g. K.C.C. 21A.24.200; ((~~i.~~)) h. K.C.C. 21A.24.210; ((~~j.~~)) i. K.C.C. 21A.24.220; ((~~k.~~)) j. K.C.C. 21A.24.275; ((~~l.~~)) k. K.C.C. 21A.24.280; ((~~m.~~)) l. K.C.C. 21A.24.290; ((~~n.~~)) m. K.C.C. 21A.24.300; ((~~o.~~)) n. K.C.C. 21A.24.310; ((~~p.~~)) o. K.C.C. 21A.24.316; ((~~q.~~)) p. K.C.C. 21A.24.318; ((~~r.~~)) q. K.C.C. 21A.24.325; ((~~s.~~)) r. K.C.C. 21A.24.335; ((~~t.~~)) s. K.C.C. 21A.24.340; ((~~u.~~)) t. K.C.C. 21A.24.355; ((~~v.~~)) u. K.C.C. 21A.24.358; ((~~w.~~)) v. K.C.C. 21A.24.365; ((~~x.~~)) w. K.C.C. 21A.24.380; ((~~y.~~)) x. K.C.C. 21A.24.382; ((~~z.~~)) y. K.C.C. 21A.24.386; and ((~~aa.~~)) z. K.C.C. 21A.24.388; 4. The following: a. K.C.C. 20.18.050; b. K.C.C. 20.18.056; c. K.C.C. 20.18.057; d. K.C.C. 20.18.058; e. K.C.C. 20.22.160; f. K.C.C. 21A.32.045; g. K.C.C. 21A.44.090; h. K.C.C. 21A.44.100; and i. K.C.C. 21A.50.030; and 5. The 2024 King County Flood Management Plan. B. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local administrative, enforcement, and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the shoreline master program. C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of an electronic copy, with the clerk of the council, who shall retain the original and provide electronic copies to all councilmembers, the chief of staff, and the lead staff of the local services and land use committee, or its successor.			
K.C.C. 21A.25.100 - Shoreline use allowances within each shoreline environment. SECTION 78. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows: A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows: 1. If the cell is blank in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment; 2. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment;	(1) Technical corrections (2) Changes references of "aquatic area buffers" to "riparian areas."	(1) Corrects various grammatical, formatting, and errors. (2) Changes are proposed throughout the code to change term or reference to	*Section Notes:* • This section identifies what uses are allowed, conditional, or not allowed within each shoreline environmental designation in the shoreline jurisdiction. *Policy Analysis:* • Although residential development is identified as allowed in some shoreline

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3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100; 4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply; 5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in accordance with each letter-number combination; 6. A shoreline use may be allowed in the aquatic environment only if that shoreline use is allowed in the adjacent shoreland environment; and 7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program. B. Shoreline uses.		"aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	environments, it is not allowed in riparian areas under the critical area alterations table in K.C.C. 21A.24.045 (page 15). There is extensive, but not necessarily complete, overlap between Type S riparian areas and the shoreline jurisdiction. Increases to the riparian area widths under K.C.C. 21A.24.358 (page 73) could mean that residential properties are entirely with a riparian area. New residential development is allowed in some shoreline environmental designations but *not* allowed in riparian areas (page 15). Increases to riparian area widths may result in more situations of reasonable use exceptions, critical area alteration exceptions, or denial of residential development. Reasonable use exceptions are processed as a shoreline variance in the shoreline jurisdiction. A shoreline variance requires approval by the Department of Ecology. How to address residential development that is both in the shoreline jurisdiction and subject to the critical area regulations is a policy choice.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry 1611, automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.060)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								

Code									Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Manufacturing (K.C.C. 21A.08.080)	P12										
In-stream structural uses											
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13			
In-stream utility facilities (K.C.C. 21A.08.060)	P14	P14	P14	P14	P14	P14	P14	C14			
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15			
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16			
Mining											
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17			
Recreational Development											
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C			
Residential Development											
Single detached residences (K.C.C. 21A.08.030) and adult family homes and community residential facility I (K.C.C. 21A.08.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((~~s~~))Section 148 ((~~of Proposed Ordinance 2023-0442~~)))		P	P	P	P	C22	C22				
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P						
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.xxx (((~~the new section created by~~)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((~~s~~))Section 148 ((~~of Proposed Ordinance 2023-0442~~))))	P23	P									
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24				
Temporary lodging (K.C.C.	P23	P27	P27	C27	C27						

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21A.08.030)								
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

C. Development conditions:

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

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

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

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

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

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

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

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

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

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

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

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

c. Nonwater-oriented general service((~~s~~)) land uses shall provide a ((~~significant~~)) public benefit by ((~~helping to achieve~~)) achieving one or more of the following shoreline master program goals:

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(1) economic development for water-dependent uses; (2) public access; (3) water-oriented recreation; (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; ((~~and~~)) or (5) protection and restoration of historic properties. 6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business service((~~s~~)) uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business service((~~s~~)) uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. 7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. c. Nonwater-oriented retail uses shall provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals: (1) economic development for water-dependent uses; (2) public access; (3) water-oriented recreation; (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and (5) protection and restoration of historic properties. 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals: a. economic development for water-dependent uses; b. public access; c. water-oriented recreation; d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and e. protection and restoration of historic properties. 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed. b. Nonwater-dependent government services in K.C.C. 21A.08.060 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((~~N~~))natural environment. 10. The following standards apply to government services uses within the ((~~A~~))aquatic environment: a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson; b. Water intakes shall not be located near fish spawning, migratory, or rearing areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark; c. Desalinization facilities shall not be located near fish spawning, migratory, or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and shall adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone; d. ((~~C~~))cable crossings for telecommunications and power lines shall: (1) be routed around or drilled below aquatic critical habitat or species; (2) be installed in sites free of vegetation, as determined by physical or video seabed survey; (3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and			

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(4) use the best available technology; e. ((O))oil, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition: (1) pipelines shall be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and (2) use the best available technology for operation and maintenance; f. ((B))breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ((A))aquatic environment adjacent to the ((C))conservancy and ((N))natural shorelines. 11. In the ((N))natural shoreline environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices shall meet the standards in K.C.C. 21A.25.130. 12. Manufacturing uses in the shoreline environment shall give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses: a. ((N))nonwater-oriented manufacturing uses are allowed only: (1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction; (2) on sites where navigability is severely limited; or (3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and (4) all nonwater-oriented manufacturing uses shall also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation, or water-dependent public education; b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use; c. shall be located, designed, and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values; d. restoration is required for all new manufacturing uses; and e. boat repair facilities are not allowed within the Maury Island Aquatic Reserve, except as follows: (1) engine repair or maintenance conducted within the engine space without vessel haul-out; (2) topside cleaning, detailing, and bright work; (3) electronics servicing and maintenance; (4) marine sanitation device servicing and maintenance that does not require haul-out; (5) vessel rigging; and (6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline. 13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility, and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. 14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if: a. there is no feasible alternate location; b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and c. the use complies with the standards in K.C.C. 21A.25.260. 15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. 16. Limited to hatchery and fish preserves. 17. Mineral uses: a. shall meet the standards in K.C.C. chapter 21A.22; b. shall be dependent upon a shoreline location;			

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c. shall avoid and mitigate adverse impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species; d. shall provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting; e. may be allowed within the active channel of a river only as follows: (1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole; (2) the mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and (3) if no review has been previously conducted under this subsection C.17.e., before renewing, extending, or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and f. shall comply with K.C.C. 21A.25.190. 18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ((~~H~~))high ((~~I~~))intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation. 19. Water-dependent and water-enjoyment recreational uses are allowed in the ((~~R~~))residential, ((~~R~~))rural, and ((~~F~~))forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation. 20. In the ((C))conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation: a. parks; and b. trails. 21. In the ((~~N~~))natural shoreline environment, only passive and low-impact recreational uses are allowed. 22. Single detached residences shall be located outside of the ((~~aquatic area buffer~~)) riparian area and set back from the ordinary high water mark to the maximum extent practical. 23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction. 24. Residential accessory uses shall meet the following standards: a. docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180; b. residential accessory structures located within the ((~~aquatic area buffer~~)) riparian area shall be limited to a total footprint of one-hundred fifty square feet; and c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical. 25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ((~~N~~))natural environment. 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260. 27. Only bed and breakfast guesthouses. 28. Only in a marina. 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280. 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.			
K.C.C. 21A.25.110 - Development regulations for aquaculture facilities in shoreline environments. SECTION 79. Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows: An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture: A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical. B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term. (2) Technical corrections.	(1) Update aligns with Shoreline Management Act (SMA) guidance. (2) Corrects various grammatical, formatting, and errors.	*Policy Analysis:* • No issues identified.

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practical. C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats. D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions shall be prohibited. E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses. F. Aquaculture facilities shall be designed, located, and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species. G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity. H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are: 1. Native salmon net pens operated by Indian tribes with treaty fishing rights; 2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or 3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species. I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable ((~~significant~~)) adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates ((~~significant,~~)) adverse environmental impacts that cannot be adequately mitigated. J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate. K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies. L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities. M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington state Department of Health. This prohibition does not apply to((:)) Pacific, Olympia, Kumomoto, Belon, or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams. N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County. O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock. P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark. Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste	(3) Adds "Indian" to tribes.	(3) Updates to use current terminology.	

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disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation. R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required. S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section: 1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point; 2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail; 3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics; 4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program; 5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing; and 6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence. T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements. U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected Indian tribes through the permit review process. V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23. W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae. X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited. Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements: 1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture; 2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates: a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats; 3. The department's review shall:			

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a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment; 4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action; 5. Finfish net pens shall not be located: a. within three hundred feet of an area containing eelgrass or a kelp bed; b. within one thousand five hundred feet of an ordinary high water mark; or c. in a designated Washington state Department of Natural Resources aquatic reserve; 6. A finfish net pen may not be used to mitigate the impact of a development proposal; and 7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years. Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).			
K.C.C. 21A.25.150 -Recreational development standards within shoreline environments. SECTION 80. Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows: Recreational development must meet the following standards: A. The recreational development must be permitted in the underlying zone; B. Recreational uses in the ((~~N~~))natural shoreline environment must be water-oriented; C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical; D. The development of underwater sites for sport diving shall not: 1. Take place at depths of greater than eighty feet; 2. Constitute a navigational hazard; and 3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site; E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180; F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120; G. Campgrounds in the ((~~N~~))natural shoreline environment shall meet the following conditions: 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((~~s~~)) buffers; 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and 3. Removal of vegetation shall be limited to the maximum extent practical; H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area; I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches or shelter, consistent with public safety and security; J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term. (2) Technical corrections.	(1) Update aligns with SMA guidance. (2) Various grammatical, formatting, and correction of existing code errors.	*Policy Analysis:* • No issues identified.
K.C.C. 21A.25.160 - Shoreline modifications allowed within shoreline environments. SECTION 81. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows: A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal	(1) Adds "critical freshwater" term, where applicable, alongside "critical saltwater" term.	(1) Update aligns with SMA guidance. (2) Corrects various grammatical,	*Section Notes:* • This section identifies what modifications are allowed, conditionally allowed, or not allowed within each shoreline

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row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows: 1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment; 2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment; 3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100; 4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply; 5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table; 6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and 7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program. B. Shoreline modifications.	(2) Technical corrections (3) Updates term "woody debris" to "large wood."	formatting, and errors. (3) Changes are proposed throughout the code to change term or reference to "woody debris" to "large wood", where appropriate, consistent with current terminology.	environmental designation in the shoreline jurisdiction. *Policy Analysis:* • Condition 7 could be reorganized for clarity. Under the critical area alteration table (page 18) in K.C.C. 21A.24.045.D.49., "habitat restoration and enhancement projects" are subject to certain standards that differ from these standards. Because there is overlap between critical areas and the shoreline jurisdiction, Council may wish to make these standards consistent where applicable. • The proposed code does not include what components should be included in a restoration and enhancement plan. Council may wish to clarify these requirements.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								

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Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

C. Development conditions.

1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170;

2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan, and the Integrated ((~~Stream~~)) Streambank Protection Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and Transportation, 2003). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so as~~)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King ((~~c~~))County Flood ((~~Hazard~~)) Management Plan and consistent with the Washington State Aquatic Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180;

4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

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

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

c. ((F))fill shall not be placed in critical saltwater or critical freshwater habitats except when all ((~~of~~)) the following conditions are met:

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

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

(3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(4) the project is consistent with the state's interest in resource protection and species recovery; and

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

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

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(1) are only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director; (2) are not allowed in the Maury Island Aquatic Reserve except as part of a habitat restoration project or as an alternative to construction of a shoreline stabilization structure; (3) shall not intrude into or over critical saltwater or critical freshwater habitats except when all ((~~of~~)) the following conditions are met: (a) the public's need for the structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020; (b) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose; (c) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and (d) the project is consistent with the state's interest in resource protection and species recovery. b. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function. c. A conditional shoreline use permit is required, except for structures installed to protect or restore shoreline ecological functions. 6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone. 7.a. If the department determines the primary purpose is restoration of the natural character and ecological functions of the shoreline, a shoreline habitat, and natural systems enhancement project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. b. Within the urban growth area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215. c. A restoration and enhancement plan shall be prepared by an ecological professional. The plan shall include a critical functional analysis that evaluates the existing conditions and the post-project ecological and increase in functions to be achieved by the project. d. An applicant for a shoreline habitat and natural systems enhancement project shall demonstrate that the proposed project will provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area. If this requirement is satisfied, additional mitigation or restoration beyond the proposed habitat enhancement project itself may not be required. The applicant may be required to comply with the post-project monitoring and reporting conditions in K.C.C. 21A.24.130. 8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24. 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.			
K.C.C. 21A.25.210 - Regulations for expansion of dwelling units or residential accessory structure within the shoreline jurisdiction. SECTION 82. Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows: The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ((~~is subject to the following:~~ ~~A.~~)) shall require a shoreline variance ((~~I~~))if the proposed expansion will result in a total cumulative expansion of the dwelling unit and accessory structures of more than one thousand square feet((~~, a shoreline variance is required; and~~ ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~)).	(1) Technical corrections. (2) Removes reference to the rural stewardship plan.	(1) Updated wording to clarify existing intent. (2) References to rural stewardship plan are proposed to be removed as code section allowing rural stewardship plans (K.C.C. 21A.24.055) is	*Section Notes:* • The existing code requires a shoreline variance for expansions exceeding 1,000 sf for dwelling units and residential structures, which include upper story additions that do not increase the building footprint. *Policy Analysis:* • Maintaining the restrictions for the expansion of dwelling units or residential

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
		proposed to be repealed in this ordinance.	accessory structures in the shoreline jurisdiction is a policy choice. • The proposed ordinance would remove the reference to rural stewardship plans, as the program is proposed for repeal. This is a policy choice.
STATE ENVIRONMENTAL POLICY ACT (SEPA) EXEMPTIONS			
K.C.C. 20.44.040 - Lists categorical exemptions to SEPA review. SECTION 5. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows: A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following: 1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b): a. The construction or location of any residential structures of twenty dwelling units within the boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area; b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots; c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles; d. The construction of a parking lot designed for forty automobiles; e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in ((~~an aquatic area, wetland,~~)) a steep slope, ((~~or~~)) landslide ((~~hazard area~~)), or alluvial fan hazard area. If the proposed action is to remove from or replace fill in ((~~an aquatic area, wetland,~~))a steep slope, ((~~or~~)) landslide ((~~hazard area~~)), or alluvial fan hazard area to correct a violation, the threshold shall be five hundred cubic yards. 2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal. B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows: 1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action. 2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.	(1) Adds alluvial fan hazard areas to the list of areas in which limited fill and excavation is exempt. (2) Removes aquatic areas and wetlands to the list of areas in which limited fill and excavation is exempt.	(1) Alluvial fan hazard areas are a type of landslide hazard area according to WAC 365-190-120, but they are regulated as a separate type of geologically hazardous area in the K.C.C. By naming them in this section, the proposed code keeps the same intent and standards as existing code. (2) Aquatic areas and wetlands are proposed for removal to maintain alignment with WAC 197-11-800, the state code that describes what local governments must regulate.	*Section Notes:* • WAC 197-11-800 lists the types of projects, based on different thresholds, that are exempt from SEPA review. • Under state law, the County may raise some of the thresholds for certain types of construction or alterations. *Policy Analysis:* • Under state law, the grading necessary for the activities in A.1.a. through d. are exempt. The Council may wish to add language to clarify that grading for these activities to be consistent with state law. • Exempting fill or excavation of up to 100 cubic yards in a steep slope, landslide, or alluvial fan hazard area is a policy choice. • The existing code provides a larger exemption for code violations than for permitted projects in landslide, steep slope, and alluvial fan hazard areas. Providing a greater exemption for code violations is a policy choice. • The existing code doesn't explicitly recognize the limitations on these exemptions (such as for lands covered by water). The reference to the WAC does cover this, but the Code could be more explicit.
VIOLATIONS			
K.C.C. 21A.50.035 - Violations defined. SECTION 85. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:	(1) Updates code cross-reference.	(1) Technical change. (2) Changes are proposed	*Policy Analysis:* • No issues identified.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ((~~chapter 23.08~~)) Title 23. When feasible, corrective work shall include restoration of the critical area and buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work. B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340. C. When an aquatic area or ((~~buffer~~)) riparian area is altered in violation of this title, restoration of the ((~~stream and buffer~~)) aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380. D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced. E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law. F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.	(2) Changes references of "aquatic area buffers" to "riparian areas."	throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology.	
CONSOLIDATED REVIEW			
21A.24.550 - Consolidated site review for single-family residential development. A. A development proposal shall be deemed to comply with this chapter and the department shall not require additional critical areas, fire or drainage review of a development proposal for a single-family residential development that is consistent with the conditions established by the department in its review of the development proposal if the applicant meets all of the following requirements: 1. The applicant provides to the department a critical areas report prepared by a preferred consultant, as provided in K.C.C. Title 27, for the critical areas on the development proposal site; 2. The department has issued a critical areas designation under K.C.C. 21A.24.500. If applicable, the designation shall be issued before septic system design, application and approval; 3. The development proposal qualifies for simplified drainage review and does not require targeted drainage review under K.C.C. chapter 9.04; 4. The development proposal does not require an alteration exception or reasonable use exception under this chapter, a variance from road standards under K.C.C. Title 14 or a drainage adjustment under K.C.C. chapter 9.04; and 5. The development proposal locates structures, on-site septic drainfield areas, the well location, and other impervious surfaces, including but not limited to driveways, within the areas identified by the department. B. If an applicant indicates on a form approved by the department that a development proposal for a single family residence will be proposed for review under this section, the department shall consolidate critical areas, drainage, road standards, and fire review. Based on the information provided by the applicant under this section, the department shall identify a development footprint on the property where the applicant may clear and place structures and other impervious surfaces in order to meet the requirements of this chapter and K.C.C. chapters 9.04 and 16.82. At the time of development permit application, the department shall screen the proposal for compliance with the conditions established by the department under this section, set the conditions of permit approval and, if required, establish the mitigation financial guarantee. (Ord. 18257 § 23, 2016: Ord. 15051 § 234, 2004).	Repealed.	This section is rarely, if ever used, and there are no resources to implement it. There is a risk that administration of these procedures could cause a lack of clarity regarding vesting.	*Section Notes:* • This section allows for the consolidation of reviews for site-related elements, which would include critical areas, fire, and/or drainage review. As written, it would not include other elements such as grading or clearing, zoning, or building review, which are also critical portions of the review process. *Policy Analysis:* • It is unclear how effective this section would be in permitting review if it had been implemented. Executive staff indicate that this section is infrequently used. • Maintaining this code section may affect application vesting, which is a constantly evolving legal landscape. • Repealing this section is a policy choice.
PLAN UPDATE, CODIFICATION, ECOLOGY APPROVAL, SEVERABILITY			
SECTION 87. A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2024-0440). B. The elements of the 2024 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.	Adopts portions of the ordinance and its attachments as amendments to the Comprehensive Plan and Shoreline Master Program (SMP).	Establishes the various elements of amendments to the proposed 2024 update to the Comprehensive Plan as proposed in this ordinance.	*Policy Analysis:* • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
C. The elements of the King County Shoreline Master Program in sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.			
K.C.C. 20.12.010 - Codifies adoption of the 2024 Comprehensive Plan. SECTION 88. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows: Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance XXXXX (Proposed Ordinance 2023-0440), and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.	Reflects amendments to the 2024 Comprehensive Plan.		*Policy Analysis:* • No issues identified.
SECTION 89. The executive shall submit sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.	Directs the Executive to submit ordinance sections that are part of the SMP to the Department of Ecology.	These elements of this proposed ordinance amend elements of the SMP as adopted in K.C.C. 20.12.200. As such, these changes are required to be reviewed and approved by the Department of Ecology.	*Section Notes:* • Code sections that are part of the SMP (see K.C.C. 20.12.200 for the list of sections) must be approved by Ecology. *Policy Analysis:* • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.
SECTION 90. Sections 41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86 of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.	Notes that ordinance sections that are part of the King County shoreline master program take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved.	These elements of this proposed ordinance amend elements of the SMP as adopted in K.C.C. 20.12.200. As such, these changes are required to be reviewed and approved by the Department of Ecology.	*Section Notes:* • Code sections that are part of the SMP (see K.C.C. 20.12.200 for the list of sections) are not effective until 14 days after Ecology action. *Policy Analysis:* • This section will be updated prior to council action to include any codes adopted in K.C.C. 20.12.200 as part of the SMP.
SECTION 91. **Severability**. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.	Standard King County severability language.	Added to clarify that if part of the ordinance were found to be invalid, there remaining portion of the ordinance would not be affected.	*Policy Analysis:* • No issues identified.
In Chapter 5 Environment, on page 5-51, amend as follows:	Substantive change. Deletion of policy.	BAS is clear that small wetlands especially in urban areas are	• This proposed change would remove an allowance to alter Category IV wetlands less than 2,500 sf in size. BAS and Ecology

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
((~~E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.~~))		important. The research indicates that a broader approach to protecting wildlife such as mammals, birds, and amphibians is needed, as buffers alone may not prevent the populations of many species from declining. Wetlands located in urban areas are generally less common and are more impacted by adjacent light and noise pollution, often contain non-native and invasive plant species, and lack intact vegetated corridors or habitat patches connecting adjacent habitat. Conserving wetland habitats, habitat patches, and vegetated corridors networks in urban areas and throughout the watershed is critical for certain species and provides refuge from drought and increasing temperatures due to climate change.	guidance does not support blanket allowances for alterations of wetlands, regardless of size and rating. Executive staff estimate that a very small proportion (1%) of wetlands currently fall under this provision. Affected properties may be able to pursue a reasonable use exception or critical area alteration exception if the property is unbuildable. This is a policy choice.

PROGRAMMATIC ACTIONS TO COMPLY WITH NO NET LOSS AND BEST AVAILABLE SCIENCE

In addition to the regulatory updates in the Proposed Ordinance, the BAS Report identifies multiple nonregulatory activities that the County undertakes that help to meet the no net loss requirements of the GMA.

This includes the following activities, some of which are funded through multiple sources of revenue:

- Property acquisition (fee title, easement, or other interest) and property donations for conservation purposes. This includes conservation future tax (CFT) acquisitions, transfer of development right (TDR) program, public benefit ratings system (PBRS) program, and home buyouts in frequently flooded areas.
- Salmon recovery efforts, including salmon recovery efforts through the Water Resource Inventory Area (WRIA) forums; the Snoqualmie Valley Fish, Farm Flood work; County salmon habitat restoration projects (which includes habitat project effectiveness monitoring for select projects); and King County's Fish Passage Restoration Program.
- Habitat restoration. This includes the "3 million trees" initiative, Parks Levy funding for riparian habitat (in the Executive's transmitted 2026-2031Parks Levy Proposed Ordinance it falls under "multi-benefit river corridor projects"), and King County's Small Habitat Restoration Program.

- Operational Guidance for Farms and Foresters. This includes Farm Management Plans, Fencing and Livestock Best Management Practices cost-sharing, Forest Stewardship Plans
- Coordination with other agencies, such as King Conservation District.
- Monitoring and Adaptive Management. Monitoring and adaptive management is the subject of a proviso on the 2025 Annual Budget that is expected to be transmitted to the Council in June 2025.
- Updated information, such as the 2024 update to stream and wetland mapping and future classification, permitting division bulletins that describe critical area requirements, ongoing channel migration zone delineation and mapping, an upcoming Wildlife Habitat Climate Gradient Analysis, ongoing flood mapping, and upcoming alluvial fan mapping.

There are also several planning level activities described in the BAS Report that are also stated to contribute to no net loss. This includes strategies and policies within the Clean Water Healthy Habitat Strategic Plan, 30-Year Forest Plan, Strategic Climate Action Plan, and Flood Management Plan.

Finally, several County agencies are dedicated to conservation and restoration activities that are stated to contribute to no net loss. Agencies identified in the BAS Report include the urban forestry program, code enforcement, the groundwater monitoring program, and basin stewards.

2024 KING COUNTY COMPREHENSIVE PLAN UPDATE CRITICAL AREA POLICIES Text from the adopted 2024 KCCP update (Ordinance 19881)		This table is shown in legislative mark-up for reference, to compare the 2016 KCCP (as amended) with the 2024 KCCP update. These changes have already been adopted under Ordinance 19881.
CHAPTER 3 - RURAL AREA & NATURAL RESOURCE LANDS		
R-((~~306~~))307	A residential density of one home per 10 acres shall be applied in the Rural Area where: a. The lands are adjacent to or within one-quarter mile of ((~~designated Agricultural Production Districts, the Forest Production District or legally approved long-term mineral resource extraction sites~~)) Natural Resource Lands; ((~~or~~)) b. The lands contain moderate or significant ((~~environmentally constrained~~)) critical areas; ((~~as defined by county ordinance, policy or federal or state law, or regionally significant resource areas or substantial critical habitat as determined by legislatively approved basin plans or Watershed Resource Inventory Area Plans; and~~)) or c. ((~~The predominant lot size is greater than or equal to 10 acres in size~~)) A residential density of one home per five acres would harm or diminish the surrounding area, burden infrastructure, increase development pressure, or be inconsistent with the development patterns promoted by the Comprehensive Plan.	((~~R-308~~)) R-308	A residential density of one home per five acres shall be applied in the Rural Area where: a. The lands are more than one-quarter mile away from Natural Resource Lands; b. The lands ((~~is~~)) are physically suitable for development with minimal ((~~environmentally sensitive features~~)) critical areas ((~~or critical habitat as determined by legislatively adopted watershed based plans~~)); and ((~~b. Development can be supported by rural services;~~ ~~c. The land does not meet the criteria in this plan for lower density designations; and~~ ~~d. The predominant lot size is less than 10 acres.~~)) c. This residential density would not harm or diminish the surrounding area, burden infrastructure, increase development pressure, or be inconsistent with the development patterns promoted by the Comprehensive Plan.
R-325	Golf facilities ((~~shall be permitted~~)) may be allowed as a conditional use in the RA-2.5 and RA-5 zones and when located outside of Rural Forest Focus Areas((~~, Regionally Significant Resource Areas and Locally Significant Resource Areas, as a conditional use, in the RA-2.5 and RA-5 zones~~)).	R-740	King County should adopt regulations that do not require permits for vegetation management in areas outside of critical areas and their buffers if implementing approved best management practices for wildfire risk reduction or as included within an approved forest stewardship plan that includes wildfire best management practices.
CHAPTER 5 - ENVIRONMENT		
((~~E-112a~~)) E-105	The protection of lands where development would pose hazards to health and safety, property, important ecological functions, or environmental quality shall be achieved through acquisition, enhancement, incentive programs, and appropriate regulations. The following critical areas and their buffers are particularly susceptible and shall be protected in King County: a. ((~~Floodways of 100-year floodplains;~~ ~~b. Slopes with a grade of 40% or more or landslide hazards that cannot be mitigated;~~ ~~c. Wetlands and their protective buffers;~~ ~~d. Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;~~ ~~e. Channel migration hazard areas;~~ ~~f. Critical Aquifer Recharge Areas;~~ ~~g. Fish and Wildlife Habitat Conservation Areas; and~~ ~~h. Volcanic hazard areas~~)) Critical aquifer recharge areas; b. Fish and wildlife habitat conservation areas; c. Frequently flooded areas, regulated as flood hazard areas; d. Geologically hazardous areas; and e. Wetlands.	((~~E-417~~)) E-106	King County should take precautionary action informed by best available science where there is ((~~a significant~~)) risk of damage to the environment. Precautionary action should be coupled with monitoring and adaptive management.
		((~~E-104~~)) E-107	Development of environmental regulations, restoration and mitigation projects, and incentive and stewardship programs should be coordinated with Indian tribes, local jurisdictions, federal and state agencies, ((~~tribes,~~)) special interest groups, and residents when conserving and restoring the natural environment consistent with Urban Growth Area, Rural Area, and ((~~designated~~)) Natural Resource Lands goals.
		((~~E-422~~)) E-108	King County's land use and park planning((~~;~~)) and regulatory((~~;~~)) and operational functions related to environmental protection, public safety, and equity should be closely coordinated across departments and with other applicable agencies and organizations to achieve an ecosystem-based approach.
E-109	King County should promote the efficient provision of utilities and public services by exempting minor activities from ((~~its~~)) critical areas regulations((~~;~~)) if the agency ((~~has an approved~~)) develops a best management practices plan ((~~approved by King County, and the plan ensures that proposed projects that may affect habitat of listed species be carried out in a manner that protects the resource or mitigates adverse impacts~~)) that: a. Is based on best available science; b. Accounts for no net loss of ecological functions; and c. Ensures projects that may affect habitats of endangered, threatened, sensitive, or candidate species, or species of local importance, are carried out in a manner that protects the resource and mitigates adverse impacts.	((~~E-107~~	~~Regulations to prevent unmitigated significant adverse environmental impacts should be based on the importance and sensitivity of the resource.~~
		~~E-108~~)) E-110	King County may exercise its substantive authority under the State Environmental Policy Act to condition or deny proposed actions ((~~in order~~)) to mitigate associated individual or cumulative impacts such as significant habitat modification or degradation that ((~~may actually kill, injure or harm listed threatened or endangered species by significantly impairing essential behavioral patterns, including~~)) impairs breeding, feeding, spawning, rearing, migrating, ((~~or~~)) sheltering, or other essential behavior patterns for endangered, threatened, sensitive, or candidate species, or species and habitats of local importance.
((~~E-215c~~	~~King County should collaborate with the scientific community, state and federal agencies, and other jurisdictions to develop detailed, science-based estimates of the magnitude and timing of climate change impacts on air temperatures and heat waves, rainfall patterns and severe weather, river flooding, sea level rise, fish and wildlife, and ocean acidification in King County.~~	((~~E223~~))	E-226 King County shall consider projected impacts of climate change on habitat for salmon and other wildlife when developing long-range conservation plans and prioritizing habitat protection and restoration actions.

~~E-215bbb~~)) E-229	King County shall assess the best available sea level rise projections ((~~two years~~)) prior to each ((~~eight~~)) 10-year update((~~,~~)) and shall ((~~incorporate the projections into~~)) update relevant risk assessments and policies in the Comprehensive Plan, where appropriate.
((~~E-403~~)) E-304	King County should develop a biodiversity conservation framework and conservation strategy to achieve the goals of maintaining and recovering native biodiversity. ((~~This framework should be coordinated with the Washington Biodiversity Conservation Strategy where applicable.~~)) King County should collaborate with other governments and private and nonprofit organizations on the creation and implementation of this strategy.
((~~E-405~~)) E-305	King County should evaluate a range of projected future climate scenarios based on best available science to help ensure that biodiversity conservation efforts are able to meet their objectives in a changing climate.
~~E-411~~)) E-307	King County should ((~~conduct an analysis to identify areas critical for functional habitat connectivity. This assessment should be coordinated with state and federal mapping efforts as appropriate~~)) map habitat connectivity corridors and biodiversity areas to protect fish and wildlife populations in a changing climate. Areas identified by this analysis ((~~as being critical for functional habitat connectivity~~)) should be prioritized by King County, and in collaboration with Indian tribes, the state, cities, and other landowners, for land conservation and restoration actions and programs.
((~~E-419~~)) E-313	King County should give special consideration to protection of rare, endemic, and keystone species when identifying and prioritizing land areas for protection through acquisition, conservation easements, and incentive programs.
((~~E-432~~)) E-316	King County shall designate and protect the following areas as Fish and Wildlife Habitat Conservation Areas: a. Areas with which federal- or state-listed endangered, threatened, candidate, or sensitive species have a primary association; b. Habitats of Local Importance and ((~~H~~))habitats for Species of Local Importance, including Wildlife Habitat Conservation Areas; c. Wildlife habitat networks designated by the ((~~c~~))County; d. Aquatic Areas e. Commercial and recreational shellfish areas; ((~~e~~))f. Kelp and eelgrass beds; ((f))g. Herring, smelt, and sand lance spawning areas; ((~~g~~))h. Riparian ((~~corridors~~)) areas; and ((~~h~~))i. State aquatic reserves.
((~~E-416~~)) E-318	King County should use a mixture of information on historical, current, and projected future conditions to provide context for managing public hazards and protecting and restoring habitat.
((~~E-424~~)) E-320	King County shall steward public lands well and shall integrate fish and wildlife habitat considerations into capital improvement projects whenever feasible. Fish and Wildlife Habitat Conservation Areas should be protected and, where possible, enhanced as part of capital improvement projects.

((~~E-402~~)) E-302	In the Urban Growth Area, King County shall strive to maintain a quality environment that includes fish and wildlife habitats that support the greatest diversity of native species consistent with Growth Management Act-mandated population density objectives.
E-303	((~~In areas o~~))Outside the Urban Growth Area, the ((~~c~~))County should strive to maintain, protect, and recover ecological processes, native landscapes, ecosystems, and habitats that can support viable populations of native species. This should be accomplished through coordinated conservation planning and collaborative implementation.
((~~E-404~~	~~King County should collaborate with other governments and private and non-profit organizations to establish a bioinventory, an assessment and monitoring program, and a database of species currently using King County to provide baseline and continuing information on wildlife population trends in the county.~~
~~E-413~~)) E-306	King County's efforts to restore and maintain biodiversity should place priority on protecting and restoring ecological processes that create and sustain habitats and species diversity and support climate change resilience.
((~~E-418~~)) E-312	King County should assess different land types, habitats, and resources for: a. ((~~the~~)) Their relative scarcity and sensitivity; b. ((~~of different land types, habitats and resources, the~~)) their role ((~~of these land types, habitats and resources~~)) in supporting endangered, threatened, sensitive, or candidate species, or species of local importance; and c. ((~~and the level of threat to these land types, habitats, and resources in terms of habitat modifications that would likely~~)) the degree to which habitat alterations would reduce these populations ((~~of sensitive species~~)).
((~~E-420~~))	E-314 King County should incorporate climate change projections into new species protection plans and shall revise older species protection plans when feasible or when conducting ((~~eight~~)) 10-year updates to incorporate projected impacts from climate change.
((~~E-433~~	~~King County should map Fish and Wildlife Habitat Conservation Areas. King County shall protect Fish and Wildlife Habitat Conservation Areas through measures such as regulations, incentives, capital projects or purchase, as appropriate.~~
~~E-425~~)) E-317	King County may increase the size of riparian areas, buffers, and critical area setbacks ((~~T~~))to protect ((~~or improve~~)) adjacent wetland((~~s~~)), ((~~and~~)) aquatic area, and riparian habitat((~~s~~)), native vegetated areas that connect wetlands complexes, and species of local importance and their habitats. ((~~stream and wetland buffer requirements may be increased to protect King County species of Local Importance and their habitats, as appropriate.~~)) Whenever possible, density transfers, clustering, ((~~and~~)) buffer averaging, and other mechanisms should be ((~~allowed~~)) utilized in order to protect and/or enhance ecological functions.
((~~E-475~~	~~To improve adjacent wetlands and aquatic habitat, areas of native vegetation that connect wetland complexes should be protected. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms shall be used for this purpose.~~
((~~E-423~~))	E-319 ((~~New d~~))Development, erosion control projects, and critical area mitigation and restoration should((~~, where possible,~~)) incorporate native plant communities ((~~into the site plan~~)), both through the preservation of existing ((~~native~~)) plants and addition of new native plants. The introduction of nonnative and invasive species should be avoided.
((~~E-410~~)) E-321	Habitat networks for threatened, endangered and Species of Local Importance((~~, as listed in this chapter,~~)) shall be designated and mapped. Fish and wildlife habitat areas and ((~~H~~))habitat networks for other priority species ((~~in the Rural Area and Natural Resource Lands~~)) should be identified, designated, and mapped using ecoregion ((~~information about the county and its~~)) and resource((~~s and~~)) data. Mapping should be coordinated with state and federal ecosystem mapping efforts as appropriate.

~~E-412~~)) E-322	King County should work with Indian tribes, adjacent jurisdictions, state and federal governments, ((~~tribes,~~)) and landowners to identify and protect habitat networks at jurisdictional and property boundaries during development of land use and environmental plans((~~; Water Resource Inventory Area salmon recovery plans, and site development reviews to identify and protect habitat networks at jurisdictional and property boundaries~~)).
((~~E-434~~)) E-327	Habitats for species that have been identified as endangered, threatened, or sensitive by the state or federal government shall not be degraded or reduced in size and ((~~should~~)) shall be ((~~conserved~~)) preserved and protected.
((~~E-435~~)) E-328	King County designates the following to be Species of Local Importance: a. Salmonids and other anadromous or freshwater fish – Kokanee salmon, Sockeye/red salmon, Chum salmon, Coho/silver salmon, Pink salmon, Chinook salmon, Coastal resident/searun cutthroat trout, Rainbow trout, steelhead trout, bull trout, Pygmy whitefish, Dolly Varden, Western river lamprey, ((~~and~~)) Pacific lamprey, and Olympic mudminnow; b. Native Freshwater Mussels – Western pearlshell mussel, Oregon ((~~and western~~)) floater, and western ridge mussel; c. Shellfish – Dungeness crab, Pandalid shrimp, ((~~Geoduck~~)) Butter clam, Littleneck clam, and ((~~Pacific~~)) Olympia oyster; d. Marine Fish – White sturgeon((~~,~~)); Pacific herring((~~,~~)); Longfin smelt((~~,~~)); Surfsmelt((~~,~~)); Lingcod, Pacific cod; Pacific sand lance((~~,~~)); Yelloweye, Brown, Copper, Bocaccio, Canary, and Quillback Rockfish; English sole((~~,~~)); and Southern ((~~R~~))rock sole; e. Birds – Marbled Murrelet; Western grebe, Caspian Tern, Pigeon Guillemot, Pelagic Cormorant, American bittern, Great blue heron, Common Loon, Western High Arctic Brant, Harlequin duck, Bufflehead, Wood duck, Hooded merganser, Barrow's goldeneye, Common goldeneye, Cinnamon teal, Tundra swan, Trumpeter swan, Surf scoter, White-winged scoter, Black scoter, Bald Eagle, Golden Eagle, Peregrine Falcon, Northern Goshawk, Osprey, Spotted owl, Western screech-owl, Sooty grouse, Pacific coast ((~~B~~))band-tailed pigeon, Belted kingfisher, ((~~Hairy woodpecker,~~)) Olive-sided flycatcher, Western meadowlark, Cassin's finch, Oregon Vesper Sparrow, Red-eyed Vireo, Purple Martin, Vaux's Swift, ((~~and~~)) Purple finch, Yellow-billed Cuckoo, Black-backed Woodpecker, American three-toed woodpecker, Hairy woodpecker, Pileated woodpecker, and the following bird concentrations: i. Waterfowl Concentrations (Anatidae excluding Canada Geese in urban areas); and ii. Western Washington nonbreeding concentrations of plovers (Charadriidae), sandpipers; f. Mammals – American marten, ((~~mink, Columbian black-tailed deer,~~)) Wolverine, Fisher, Gray wolf, Cascade red fox, Douglas squirrel, Northern flying squirrel, Townsend's chipmunk, Hoary marmot, Roosevelt ((~~E~~))elk ((~~in their historic range~~)), mountain goat, Pika, Townsend's big-eared bat, roosting concentrations of Big-brown bat, Pallid bats, and Myotis bats, Killer whale (Orca), Gray whale, Dall's and Harbor porpoise, Harbor seal, Stellar sea lions, and concentrations of California sea lions; g. Amphibians – Red-legged frog, Larch Mountain salamander, Oregon spotted frog, and Western toad; h. Reptiles – Western fence lizard and Northwestern pond turtle; i. Rare Plants – ((~~bristly sedge; Canadian St. John's-wort; clubmoss cassiope; Oregon goldenaster; toothed wood fern; Vancouver ground-cone; and white-top aster~~)) Tall bugbane, Triangular-lobed moonwort, Western moonwort, Stalked moonwort, Harvest brodiaea Alaska harebell, Few-flowered sedge, Long-styled sedge, Clubmoss mountain-heather, Golden paintbrush, Weak thistle, Spleenwort-leaved goldthread, Tree clubmoss, Spotted Joe-pye weed, Kamchatka fritillary, Swamp gentian, Oregon goldenweed, Large St. Johns'-wort, Pacific peavine, Water lobelia, Northern bog clubmoss, One-cone clubmoss, White meconella, Branched montia, Old field blue toadflax, Brewer's cliffbrake, Whitebark pine, Choriso's bog-orchid, Columbia white-topped aster, and Flat-leaved bladderwort; and j. ((~~High-quality ecological communities - Douglas-fir - Pacific Madrone / Salal; Douglas-fir - Western Hemlock / Swordfern; Forested Sphagnum Bog PTN, Low Elevation Freshwater Wetland PTN, North Pacific Herbaceous Bald and Bluff, Red Alder Forest; Western Hemlock - (Western Redcedar) / Bog Labrador-tea / Sphagnum Spp.; Western Hemlock - (Western Redcedar) / Devil's-club / Swordfern; Western Hemlock - (Western Redcedar) / Sphagnum Spp.; Western Hemlock / Swordfern - Foamflower; Western Redcedar- Western Hemlock / Skunkcabbage; and Willow Spp. Shrubland [Provisional]).~~)) Other invertebrates – Blue gray taildropper, Hatch's click beetle, Beller's ground beetle, Pacific clubtail, Western bumblebee, Johnson's hairstreak, and Valley silverspot.

((~~E-499m~~)) E-326	King County ((~~will~~)) shall monitor and evaluate programs and regulations to determine their effectiveness in contributing to Endangered Species Act listed species conservation and recovery, and ((~~will~~)) shall update and enhance programs and plans as necessary. King County should amend regulations, plans, and best management practices to enhance their effectiveness in protecting and restoring ((~~salmonid~~)) habitat, using a variety of resources, including best available science as defined in Chapter 365-195 Washington Administrative Code ((~~365-195-905 through 365-195-925~~)).
((~~E-499p~~	~~King County shall, in cooperation with the cities, ensure a no net loss of housing capacity that preserves the ability to accommodate adopted growth targets, while pursuing compliance with Endangered Species Act requirements. To achieve this goal, densities shall be increased on buildable lands, consistent with H-110.~~
((~~E-436~~))	E-329 King County shall protect Species of Local Importance through measures such as regulations, incentives, capital projects, or purchase, as appropriate.
((~~E-437~~)) E-330	King County shall designate the following to be Habitats of Local Importance: a. Caves; b. Cliffs; c. ((~~Talus~~)) Herbaceous balds; d. Old((~~-~~)) growth forest; e. ((~~Sphagnum-dominated peat bogs; and~~)) Oregon white oak woodlands; f. Snag-rich areas; g. Sphagnum-dominated peat bogs; h. Talus; and i. Westside prairie.
((~~E-438~~))	E-331 King County should review federal and state candidate listings for information about candidate species that are under consideration for listing as an endangered or threatened species and found in King County. King County shall protect habitat for candidate species, as listed by the Washington Department of Fish and Wildlife or a federal agency. Information regarding candidate species should be used to inform King County's long-term wildlife conservation and planning efforts.
((~~E-439~~)) E-332	King County shall review fish and wildlife surveys and assessments with local application to King County and consider additional habitat protections where warranted. Habitat protection should be accomplished through incentives, cooperative planning, education, habitat acquisition, habitat restoration, or other appropriate actions based on best available science.
((~~E-440~~)) E-333	King County should regularly review the Washington Department of Fish and Wildlife's list of Priority Species and other scientific information on species of local importance, and evaluate whether any species should be added to or deleted from the lists in ((~~p~~))Policies E-((~~435~~))328 and E-((~~437~~))330. Any additions or deletions ((~~should~~)) may be made through the annual update.
((~~E-441~~)) E-334	Development proposals shall be assessed for the presence of King County Species of Local Importance. A comprehensive assessment should follow a standard procedure or guidelines and shall occur one time during the development review process.
((~~E-442~~)) E-335	King County should conserve and restore salmonid habitats by ensuring that land use and facility plans (transportation, water, sewer, electricity, gas) include riparian and stream habitat conservation measures developed by the ((~~c~~))County, ((~~cities,~~)) Indian tribes, cities, service providers, and state and federal agencies. Project review of development proposals within basins that contain hatcheries and other artificial propagation facilities that are managed to protect the abundance, productivity, genetic diversity, and spatial distribution of native salmon and provide harvest opportunities should consider significant adverse impacts to those facilities.
((~~E-499l~~)) E-339	King County should seek to support Water Resource Inventory Area salmon recovery plan goals of maintaining intact natural landscapes through: a. ((~~Retaining low density land use designations such as Agriculture, Forestry and Rural Area designations;~~ ~~b.~~)) Promoting Current Use Taxation and other incentives; ((~~c.~~)) b. Promoting stewardship programs including development and implementation of Forest

			Plans((,)) and Farm Plans((~~, and Rural Stewardship Plans~~)); and ((~~d. Promoting the use of Low Impact Development methods; and~~ ~~e.~~)) c. Acquiring property or conservation easements in areas of high ecological importance with unique or otherwise significant habitat values.
~~E-429~~)) E-350	King County should provide incentives for ((~~private~~)) landowners who are seeking to remove invasive plants and noxious weeds ((~~and replace them with native plants~~)), such as providing technical assistance or access to ((~~appropriate~~)) native or climate-smart plants.	((~~E-470~~	~~King County shall use current manuals and guidance from state and federal governmental agencies and departments to identify, delineate, and categorize wetlands and to establish mitigation requirements for wetlands.~~
~~E-471~~	~~King County will apply the current scientifically accepted methodology for wetland mitigation based on technical criteria and field indicators. Where appropriate, King County should rely on publications and recommendations from state and federal agencies to ensure King County-approved mitigation will be accepted by state and federal agencies with jurisdiction.~~	~~E-472~~)) E-404	King County shall ((~~communicate and coordinate with other jurisdictions and tribes to~~)) encourage the establishment of uniform countywide wetlands policies that provide protection of both regionally and locally highly((-)) rated wetlands.
((~~E-473~~)) E-405	King County((~~'s overall goal for the protection of wetlands is~~)) shall protect wetlands to achieve no net loss of wetland functions and values within each drainage basin. Acquisition, enhancement, regulations, and incentive programs shall be used ((~~independently or in combination with one another~~)) to protect and enhance wetland((~~s~~)) functions and values. Watershed management plans, including Water Resource Inventory Area plans, should be used to coordinate and inform priorities for acquisition, enhancement, regulations, and incentive programs within unincorporated King County to achieve the goal of no net loss of wetland functions and values within each drainage basin.	((~~E-474~~	~~Development adjacent to wetlands shall be sited such that wetland functions and values are protected, an adequate buffer around the wetlands is provided, and significant adverse impacts to wetlands are prevented.~~))
		((~~E-476~~)) E-406	King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The ((~~c~~))County should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.
((~~E-477~~)) E-407	The unique hydrologic cycles, soil and water chemistries, and vegetation communities of bogs and fens shall be protected through the use of incentives, acquisition, best management practices, and implementation of the King County Surface Water Design Manual to control and/or treat stormwater within the wetland watershed.	((~~E-478~~)) E-408	Public access to wetlands for traditional cultural, scientific, and recreational((~~, and traditional cultural use is desirable, providing that~~)) use should be encouraged, if: a. ((~~p~~))Public access trails are carefully sited((~~,~~)); b. ((~~sensitive habitats and species are protected,~~)) Protection is provided for critical areas; and c. ((~~h~~))Hydrologic continuity is maintained.
((~~E-479~~)) E-409	Regulatory approaches for protecting wetland functions and values, including the application of wetland buffers and the siting of off-site compensatory mitigation, should consider intensity of surrounding land uses and basin conditions. King County shall continue to review and evaluate wetland research and implement changes in its wetland protection programs based on such information.	((~~E-480~~)) E-410	Enhancement or restoration of degraded wetlands may be allowed to ((~~maintain or~~)) improve wetland functions and values, provided that all wetland functions are evaluated in a wetland management plan, and adequate monitoring, code enforcement, and evaluation is provided and assured by responsible parties. The enhancement or ((~~R~~))restoration ((~~or enhancement~~)) must result in a net improvement to the functions and values of the wetland system. Within available resources, King County should provide technical assistance to small property owners as an incentive to encourage the enhancement or restoration ((~~or enhancement~~)) of degraded wetlands.
((~~E-481~~)) E-411	Provided all wetland functions are evaluated, impact avoidance and minimization sequencing is followed, affected ((~~significant~~)) functions are appropriately mitigated, and mitigation sites are adequately monitored, alterations to wetlands may be allowed to: a. Accomplish a public agency or utility development; b. Provide necessary crossings for utilities, stormwater tightlines and roads; or c. Allow constitutionally mandated "reasonable use" of the property.	((~~E-482~~)) E-412	A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-((~~483~~))413 and E-((~~484~~))414.
((~~E-483~~)) E-413	Wetland impacts ((~~should~~)) shall be avoided if possible, and minimized in all cases. Applicants shall demonstrate that impacts are unavoidable due to circumstances outside of the applicant's control, and not for the profit or convenience of development. Where impacts cannot be avoided, they should be mitigated on site if the proposed mitigation is ((~~feasible~~)) practical, ecologically appropriate, and likely to continue providing equivalent or better biological functions in perpetuity. ((~~Where on-site mitigation is not possible or appropriate,~~)) When it is demonstrated that there are not enough opportunities available for on-site mitigation, King County may approve off-site mitigation.	((~~E-484~~))	E-414 Mitigation projects should contribute to an existing wetland system or restore an area that was historically a wetland. Mitigation should only create new wetlands after site monitoring indicates that hydrologic conditions exist to support a new wetland. Mitigation sites should be strategically located to reduce habitat fragmentation or to restore and enhance area-specific functions within a watershed.
		((~~E-485~~)) E-415	Land used for wetland mitigation should be preserved in perpetuity. Monitoring and maintenance in conformance with King County standards should be provided or paid for by the project proponent until the success of the site is established. Long-term stewardship should occur at mitigation sites to ensure sites continue to provide desired functions and values.
((~~E-486~~)) E-416	King County, in partnership with other governmental entities and interested parties, should encourage the development and use of wetland mitigation banks through which functioning wetlands or aquatic areas are enhanced, restored, or created prior to the impacting of existing wetlands or aquatic areas. ((~~The county shall encourage establishment of such banks by established government entities as well as by private, entrepreneurial enterprises.~~	~~E-487~~)) E-417	King County should continue to implement and encourage use of its Mitigation Reserves Program to provide a fee-based option for permit applicants to mitigate for unavoidable impacts of permitted development on wetland and aquatic area functions and values. The fee structure shall be based on the full costs of land acquisition, site selection, design, construction, and long((-))term maintenance and monitoring. Mitigation projects implemented through the Mitigation Reserves Program should occur within a watershed context.

((~~E-488~~)) E-418	King County should be a regional service provider of compensatory mitigation through the Mitigation Reserves Program by working with local cities, other counties, and state agencies to establish partnerships for implementation of inter((-))jurisdictional in-lieu fee mitigation.	E-419	When implementing in-lieu fee mitigation projects, King County should consider the ecological context of the impacted wetland, and the impacted wetland's acreage, functions, and values. In-lieu fee mitigation should result in no net loss, and if possible, in an increase in overall wetland functions and values within the watershed in which the impacted site is located.
((~~E-489~~)) E-420	Wetland mitigation projects should avoid impacts to and prevent loss of farmable land within Agricultural Production Districts. Creation of wetland mitigation banks ((~~are~~)) shall not be allowed in the Agricultural Production Districts when the purpose is to compensate for wetland impacts from development outside the Agricultural Production Districts.	((~~E-498a~~)) E-421	The existing flood storage and conveyance functions and ecological values of floodplains, wetlands, and riparian ((~~corridors~~)) areas shall be protected, and should((~~, where possible,~~)) be restored and enhanced ((~~or restored~~)) through integrated actions that provide multiple benefits, such as preservation of open space and adjacent low-density development.
((~~E-499~~)) E-422	((~~Rivers and streams are inherently dangerous.~~)) King County should coordinate across ((c))County departments and with other agencies and organizations to promote public awareness of the dynamics and dangers of river and stream systems and the need for personal responsibility when living near or recreating in or on rivers and streams.	((~~E-499a~~)) E-423	When King County places large wood in rivers and streams for habitat restoration or enhancement, it should do so in a manner that minimizes danger to the public.
((~~E-499b~~))	E-424 River and stream channels, stream outlets, headwater areas, riparian ((~~corridors~~)) areas, and areas where dynamic ecological processes are present should be preserved, protected, and enhanced for their hydraulic, hydrologic, ecologic, and aesthetic functions, including their functions in providing large wood to salmonid-bearing streams. ((~~Management of~~)) Actions taken along river and stream channels should ((~~consider other beneficial uses of these water bodies, including recreation~~)) provide multiple benefits, including resiliency to climate change. Flood risk reduction actions should benefit all communities, especially frontline communities, consistent with equity and racial and social justice goals and the policies of the King County Flood Management Plan or successor plans.	((~~E-499c~~)) E-425	To protect or improve adjacent wetlands and aquatic habitat, the designation of buffers for aquatic areas, including rivers and streams, should take into account watershed-scale actions to mitigate the impacts of upland development on flooding, erosion, and habitat.
		((~~E-499d~~)) E-426	King County shall continue to monitor and assess river and stream flows, water and sediment quality, physical habitats, and biotic resources in rivers and streams. Assessment shall identify trends and describe impacts on human health and safety, aquatic life, and wildlife habitat.
		((~~E-499e~~)) E-427	To maintain and restore stream health, sources of uncontrolled stormwater flows contributing to peak flows in small streams should be managed using on-site structural or non-structural flow control techniques.
~~E-499f~~)) E-428	King County should improve the management of alluvial fans ((~~by developing and clarifying definitions of alluvial fans,~~)) through mapping the locations of existing alluvial fans and areas at risk of alluvial fan hazards, and through developing appropriate management strategies such as development standards and mitigation requirements. Strategies should: a. Address potential conflicts between adjacent landowners and natural alluvial fan hazards and processes; b. Take climate change into account; c. ((p))Protect intact habitat ((~~and~~)); d. ((r))Restore degraded habitat((,)); and e. ((r))Reduce threats to public safety((~~, and accommodate~~)) for existing land uses. ((~~Findings from Alluvial Fan Management Pilot Projects should inform management strategies for alluvial fans.~~))	((~~R-671~~)) E-429	King County should ((~~use pilot or demonstration projects and multi-agency collaboration to develop a new suite of practices that will~~)) provide regulatory options ((~~for landowners whose existing~~)) to protect existing residences and agricultural operations that are ((~~affected~~)) threatened by alluvial fan ((~~deposits~~)) hazards. These options should provide ((~~timely and cost-effective~~)) emergency relief from debris and ((~~the associated~~)) stream flow changes ((~~to the watercourse along with protection of intact~~)) and consider long-term multi-benefit solutions that protect and restore fish habitat ((~~and restoration of degraded fish habitat within these areas~~)).
		((~~E-499qq~~)) E-430	King County shall implement a comprehensive local floodplain management program that, consistent with the King County Flood Management Plan or successor plans: protects lives((,)); minimizes damage and disruption to infrastructure and critical facilities((,)); preserves and restores natural floodplain functions((,)); uses integrated approaches to provide multiple benefits; is resilient to climate change; supports floodplain management actions that benefit frontline communities; and ensures that new development does not put people in harm's way or cause adverse flooding impacts elsewhere((~~, consistent with the King County Flood Hazard Management Plan~~)).
((~~E-499qqq~~)) E-431	King County shall continue to exceed the federal minimum standards stipulated by the National Flood Insurance Program for unincorporated areas to better protect public safety, reduce the risk of flood and channel migration hazards to existing public and private property, and prevent new at-risk development.	((~~E-499r~~)) E-432	King County's floodplain land use and floodplain management activities shall be carried out in accordance with policies, programs, and projects detailed in the King County Flood ((~~Hazard~~)) Management Plan or successor plans.
~~E-499ii~~)) E-433	King County should support((~~s~~)) the coexistence of beavers and people in rural King County. ((~~King County should prepare a beaver management strategy to guide a program on issues such as where and how beavers and humans can co-exist with or without engineered solutions and where beavers should be excluded or removed.~~	((~~E-499i~~)) E-444	King County should work with landowners, other jurisdictions, the state Department of Health, sewer districts, and the Puget Sound Partnership to proactively address failing septic systems with a priority in ((~~environmentally sensitive areas, including~~)) areas where on-site septic could pose an increased public health risk, critical areas and their buffers, and constrained shoreline environments.
((~~E-501~~	~~Grading and construction activities shall implement erosion control best management practices and other development controls as necessary to reduce sediment and pollution discharge from construction sites to minimal levels.~~	~~E-502~~)) E-601	Land uses ((~~permitted~~)) allowed in Erosion Hazard Areas shall minimize soil disturbance and should maximize retention and replacement of native vegetative cover.
((~~E-503~~)) E-602	Slopes with a grade of 40((%)) percent or more shall not be developed unless the risks and adverse impacts associated with such development can be reduced to a non-significant level. ((~~No disturbance zones shall be designated where basin plans identify the need to prevent erosion damages in areas that are extremely~~	~~E-504~~	~~King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.~~

	~~sensitive to erosion impacts. Properly designed stormwater tightlines may be allowed within designated no-disturbance zones.~~	~~E-506~~	~~The use of native plants should be encouraged in landscaping requirements and erosion control projects, and in the restoration of stream banks, lakes, shorelines, and wetlands.~~
~~E-507~~	~~In response to watershed-based salmon conservation Water Resource Inventory Area plans and as part of King County's continued basin planning and stewardship programs, King County may adopt vegetation retention goals for specific drainage basins. These goals should be consistent with R-334, as applicable. The county should adopt incentives and regulations to attain these goals, and the county should monitor their effectiveness.~~))	((~~E-507a~~)) E-603	King County should ((~~work with~~)) partner with jurisdictions to ((~~maintain a~~)) periodically review and update the ((~~map and~~)) inventory and map of known and potential landslide hazards ((~~areas in unincorporated King County that is based upon the best available information~~)) using best available science and current data. ((~~This information will be used to inform future planning and guide development regulations.~~
~~E-507b~~)) E-604	King County ((~~should~~)) shall make landslide hazards information readily available to the public ((~~in order~~)) to improve the general understanding of landslides and their associated hazards. This may include making information available on a public website and providing outreach and assistance to current and prospective property owners and developers.	((~~E-508~~)) E-605	Landslide hazard areas shall not be developed unless the risks and adverse impacts associated with such development are eliminated or minimized so that they are at a non-significant level. Development proposed in areas affected by landslide hazards shall be adequately reviewed and mitigated as needed to eliminate or minimize risk to the development as well as to ensure the development does not increase landslide or erosion hazards that would adversely impact adjacent properties or natural resources.
((~~E-508a~~)) E-606	King County shall consider landslide hazards and related flooding hazards in the context of hazard communication, operational preparedness, and emergency response.	~~E-509~~	~~In areas with severe seismic hazards, special building design and construction measures should be used to minimize the risk of structural damage, fire and injury to occupants and to prevent post-seismic collapse.~~
((~~E-510~~)) E-607	King County should work with the ((~~U.S.~~)) United States Geological Survey to identify lahar hazard areas and shall work with local governments to assess the risk to county residents from lahars and to implement appropriate emergency planning and implement appropriate development standards.	((~~E-511~~)) E-608	King County ((~~will~~)) shall encourage efforts by public and private property owners and the Office of Surface Mining, Reclamation, and Enforcement to return lands to their highest productive use by safely minimizing or eliminating coal mine hazards.
((~~E-512~~)) E-609	King County shall require all development proposals potentially subject to coal mine hazards to assess the mine-related hazards, including risks to structures, improvements, occupants, and public health and safety.	((~~E-513~~)) E-610	King County shall allow development within coal mine hazard areas if the proposal includes appropriate mitigation for identified, mine-related hazards using best available engineering practices and if the development is in compliance with all other local, state, and federal requirements.
((~~E-514~~	~~King County shall require all landowners proposing new development in coal mine hazard areas to document the potential hazard on the title of the parcel or parcels being developed. This notice may include reference to any available technical studies or detailed hazard delineations.~~))		
CHAPTER 6 - SHORELINES			
~~S-607~~	~~King County should provide options for property-specific technical assistance and tailored applications of shoreline management regulations through Rural Stewardship Plans for single family residential uses in the upland areas of the Rural, Conservancy and Natural Shoreline Environments. Rural Stewardship Plans must be consistent with the goals of the Shoreline Management Act and King County Shoreline Protection and Restoration Plan, and ensure no net loss of shoreline ecological processes and functions.~~		
CHAPTER 12 - IMPLEMENTATION			
((~~I-301~~)) I-201	King County shall: a. Monitor ((~~and benchmark~~)), measure, assess, and report on the progress of the ((~~Countywide Planning Policies and King County~~)) Comprehensive Plan toward achieving ((~~their~~)) its objectives, inclusive of those relating to growth targets, the environment, development patterns, housing needs, the economy, transportation, ((~~and~~)) the provision of public services, and health and social equity outcomes of residents((~~:~~)): b. Use results of such monitoring, measurement, assessment, and reporting to ((~~encourage~~)) identify implementation actions and inform policy revisions, as appropriate, to achieve the planning objectives found within the Growth Management Act, Countywide Planning Policies, and ((~~King County~~)) Comprehensive Plan((~~:~~)); and c. Incorporate data on critical areas and other constrained lands into analysis on developable capacity to accommodate growth targets and housing needs.	((~~E-708~~)) I-202	King County should implement a monitoring and adaptive management framework ((~~for~~)) to: a. Evaluate the effectiveness ((~~monitoring of critical areas~~)) of County policies, regulations, and programs in achieving no net loss of critical areas functions and values; and b. ((~~use monitoring data to i~~))Inform ((~~the~~)) future ((~~review and updates of its critical areas policies and regulations~~)) regulatory updates.
((~~I-505~~	~~King County shall develop, as a part of the buildable lands analysis, a zoning yield and housing production monitoring program to determine whether housing capacity is being lost in the context of compliance with the Endangered Species Act, and shall propose revisions to the Countywide Planning Policies to implement such a program.~~))		
GLOSSARY			

Adaptive management
Adaptive management ((~~is a systematic approach for continually improving management policies and practices by learning from the outcomes of operational programs~~)) means modifying management actions based on ongoing monitoring and data analysis.

((~~Channel migration hazard area, moderate~~
~~A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which lies between the severe channel migration hazard area and the outer boundaries of the channel migration zone.~~

~~Channel migration hazard area, severe~~
~~A portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, which includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate as determined in the technical report is the basis for each Channel Migration Zone map.~~))

Channel Migration Zone
Channel migration zones are those areas along a river channel within which the channel((~~s~~)) can be reasonably predicted, based on best available science, to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. In areas located in King County's shoreline jurisdiction, the channel migration zone includes areas shown on King County's Channel Migration zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area, and areas not shown on King County's Channel Migration Zone maps but located within the floodplain.

Critical Habitat
Critical habitat includes specific areas that possess physical or biological features, which are essential to the conservation of a listed species.

Ecological Function
An ecological function refers to physical, chemical, and biological processes or attributes at some level of biological organization. For example, the ecological functions of wetlands include food chain support, water quality maintenance, flood storage, and wildlife habitat.

Ecosystem
Ecosystem means the complex of a community of organisms and its environment functioning as an ecological unit.

Endangered Species Act ((~~(ESA)~~))
The Endangered Species Act is an act that was adopted by the U.S. Congress in 1973 to provide a means to conserve ecosystems upon which endangered and threatened species depend and to provide a program for the conservation for such endangered and threatened species.

Enhancement
For the purposes of critical area regulations, ((E))enhancement means ((~~to increase or~~)) an action that improves ((~~one or more of the functions, attributes, or values that an ecosystem or environmental feature possesses~~)) the processes,

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

Critical Areas
((~~The Growth Management Act requires cities and counties to designate, where appropriate, critical areas which include: 1) wetlands, 2) areas with a critical recharging effect on aquifers used for potable water, 3) fish and wildlife habitat conservation areas, 4) frequently flooded areas, and 5) geologically hazardous areas.~~)) Any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas:

a. Critical aquifer recharge areas;
b. Frequently flooded areas, regulated as Flood Hazard Areas;
   1. Floodplain;
   2. Special flood hazard area, as shown on the Flood Insurance Rate Maps;
   3. Zero-rise flood fringe;
   4. Zero-rise floodway;
   5. FEMA floodway; and
   6. Channel migration zones;
c. Fish and wildlife habitat conversation areas:
   1. Aquatic areas;
   2. Riparian areas;
   3. Wildlife habitat conservation areas; and
   4. Wildlife habitat networks;
d. Geologically hazardous areas:
   1. Alluvial fan hazard areas;
   2. Channel migration zones;
   3. Coal mine hazard areas;
   4. Erosion hazard areas;
   5. Landslide hazard areas;
   6. Seismic hazard areas;
   7. Steep slope hazard areas;
   8. Tsunami hazard area; and
   9. Volcanic hazard areas; and
e. Wetlands.

Ecoregions
Ecoregions are land areas that contain a geographically unique set of species, communities, and environmental conditions.

Endangered Species
Endangered species means any species which is in danger of extinction throughout all or a significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the state of Washington Department of Fish and Wildlife.

((~~Endemic Species~~
~~Endemic species (or habitats or ecosystems) are those that are native to, and occur only in, a particular area or locale. Endemic species generally have very specific adaptive requirements that are linked to particular habitat or ecosystems that are rare (e.g., Townsend's big-eared bats and caves). Even small changes in the ecosystem are likely to cause localized extinctions of these species.~~))

((~~Environmentally Sensitive Areas~~
~~Environmentally sensitive areas include: coal mines, areas that are prone to erosion, floods, landslides, or seismic activity; steep slopes; volcanic hazard areas; and streams, wetlands and protection buffers.~~))

structures, and functions of ecosystems and habitats associated with critical areas or their buffers. (See Chapter 5((-)), Environment).

FEMA floodway
A FEMA (Federal Emergency Management Agency) floodway is the channel of the stream ((~~and that portion of the adjoining floodplain that is necessary to contain and discharge the 100-year flood flow without increasing the base flood elevation more than one foot~~)) or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height at any point. The FEMA floodway is delineated on the Flood Insurance Rate Map, as well as on, but not limited to, King County Surface Water Design Manual major floodplain or floodway studies.

((~~Floodway, zero-rise~~
~~Floodway zero-rise is the channel of a stream and that portion of the adjoining floodplain that is necessary to contain and discharge the base flood flow without any measurable increase in base flood elevation.~~

~~A. For the purpose of this definition, measurable increase in base flood elevation means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to alterations of the topography or any other flow obstructions in the floodplain. Zero-rise floodway is broader than that of the FEMA floodway but always includes the FEMA floodway.~~
~~B. Zero-rise floodway includes the entire floodplain unless a critical areas report demonstrates otherwise.~~

Landslide Hazard Areas
An area subject to severe risk of landslide, such as:
((~~A.~~)) a. An area with a combination of:
1. Slopes steeper than fifteen percent of inclination;
2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and
3. Springs or ground water seepage;

((~~B.~~)) b. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;
((~~C.~~)) c. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;
((~~D.~~)) d. An area that shows evidence of or is at risk from snow avalanches; or
((~~E.~~)) e. An area located on an alluvial fan, presently or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

Priority habitat
Priority habitat means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes:
- Comparatively high fish or wildlife density;
- Comparatively high fish or wildlife species diversity;
- Fish spawning habitat;
- Important wildlife habitat;
- Important fish or wildlife seasonal range;
- Important fish or wildlife movement corridor;
- Rearing and foraging habitat;
- Important marine mammal haul-out;
- Refugia habitat;
- Limited availability;
- High vulnerability to habitat alteration;
- Unique or dependent species; or
- Shellfish bed.

A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as a consolidated marine/estuarine shoreline, talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife. [Washington Administrative Code

((~~Flood Hazard Management Plan~~
~~The King County Flood Hazard Management Plan contains policies and program and project recommendations that guide floodplain use and development throughout King County.~~))

Floodplain
Floodplain is the total area subject to inundation by the 100-year flood.

Habitat Network
Habitat network is a system of fish and wildlife habitat ((~~where connections between~~)) that link large habitat blocks and open spaces with critical areas and their buffers, priority habitats, trails, parks, and other areas that ((are necessary for the support of)) provide for fish and wildlife through their life cycles and alleviate habitat fragmentation.

((~~Keystone Species~~
~~Keystone species are those that exert a significant effect on the structure of the biological community of which they are a part. These species often prevent dominance by a single species and thereby maintain diversity in the community.~~))

((~~Locally Significant Resource Areas (LSRAs)~~
~~LSRAs Locally Significant Resource Areas contribute to the aquatic resources within a specific basin, when compared to aquatic and terrestrial systems of similar size and structure elsewhere in the basin. They also provide wetland and stream habitat that is important for wildlife and salmonid diversity and abundance within the basin. (See Chapter 5. Environment)~~))

((~~Mitigation Bank~~
~~A mitigation bank is a property approved by the appropriate county, state and federal agencies for restoration, creation, or enhancement to compensate for adverse impacts to wetlands caused by the development of public agency facilities and utility facilities.~~

~~Mitigation Payment System~~
~~This impact fee system establishes a requirement that new growth and development pay a proportionate share of the cost of needed transportation improvements. The mitigation payment system is authorized by state growth management legislation. (See Chapter 8. Transportation)~~))

Priority Species
Priority species means species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels. Priority species are those that meet any of the criteria listed below.

(((~~a~~))) a. Criterion 1. State-listed or state-proposed species. State-listed species are those native fish and wildlife species legally designated as endangered (Washington Administrative Code ((~~232-12-014~~)) 220-610-010), threatened (Washington Administrative Code ((~~232-12-011~~)) 220-200-100), or sensitive (Washington Administrative Code ((~~232-12-011~~)) 220-200-100). State-proposed species are those fish and wildlife species that will be reviewed by the ((~~d~~))Department of ((~~f~~))Fish and ((~~w~~))Wildlife (((~~POL-M-6001~~))) for possible listing as endangered, threatened, or sensitive according to the process and criteria defined in Washington Administrative Code ((~~232-12-297~~)) 220-610-110.

(((~~b~~))) b. Criterion 2. Vulnerable aggregations. Vulnerable aggregations include those species or groups of animals susceptible to significant population declines, within a specific area or statewide, by virtue of their inclination to congregate. Examples include heron colonies, seabird concentrations, and marine mammal congregations.

(((~~c~~))) c. Criterion 3. Species of recreational, commercial, and/or Indian tribal importance. Native and nonnative fish, shellfish, and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

(((~~d~~))) d. Criterion 4. Species listed under the federal Endangered Species Act as either proposed, threatened, or endangered.

173-26-020 (((~~24~~)))]	
Rare Ecosystems, Habitats, and Species Rare ecosystems, habitats, and species((~~, habitats, and ecosystems~~)) are those that are few in number or are poorly represented in an area. Rare species often lack the capability to resist changes in environmental conditions or lack the resilience to recover after a change. Species, habitats, and ecosystems may be rare because of the following reasons: changing natural conditions have reduced their range, abundance, or distribution; they depend on specific environmental conditions that are not commonly represented in this area (species or habitats at the edge of their range or occurring as relicts); and anthropogenic (human-related) actions have caused habitat loss or severe decreases in range or abundance.	**((~~Regionally Significant Resource Area (RSRA)~~** ~~RSRAs are those portions of watersheds that contribute to the resource base of the entire Puget Sound region by virtue of exceptional species and habitat diversity and abundance when compared to aquatic and terrestrial systems of similar size and structure elsewhere in the region. may also support rare, threatened or endangered species or communities. (See Chapter 5: Environment)~~)))
Riparian Area ((~~Pertains to the banks of rivers and streams, and also sometimes wetlands, tidewater and lakes.~~)) A designated area contiguous to an aquatic area such as a stream, lake, estuary, or marine waters, that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas reduce impacts from adjacent land uses through various physical, chemical, or biological processes.	**Salmonid** A member of the fish family Salmonidae. In King County, salmonid species include, but are not limited to, Chinook, Coho, chum, sockeye, and pink salmon; cutthroat, steelhead, and rainbow((~~, and brown~~)) trout ((~~and steelhead~~)); Dolly Varden char, ((~~brook~~)) trout, which is a type of char; ((~~, char,~~)) kokanee;((~~, and~~)) pygmy whitefish; and mountain whitefish.
((~~Sensitive Areas Map Folio~~ ~~The folio displays the location of environmentally sensitive areas in unincorporated King County. It identifies sensitive areas for wetlands, streams, flood hazards, erosion hazards, landslide hazards, seismic hazards, and coal mine hazards.~~))	**Sensitive Species** Sensitive species means any species that is likely to become an endangered species within the foreseeable future throughout all or significant portion of its range and which has been designated as such in regulations issued by the U.S. Fish and Wildlife Service or the Washington State Department of Fish and Wildlife.
Species of Local Importance Species of local importance include priority species as identified by the state of Washington Department of Fish and Wildlife; bird species whose populations in King County are known to have declined significantly over the past 150 years; anadromous salmonids; and aquatic species whose populations are particularly vulnerable to changes in water quality and water quantity.	**((~~Unique Wetland~~** ~~The term unique wetland refers to bogs and fens, which have unusual and sensitive water chemistries.~~))
Wetland The term wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.	**((~~Wetland Banking~~** ~~Wetland banking is a process that allows certain wetlands to be developed if the development is accompanied by the restoration or creation of wetlands in other areas. (See Chapter 5: Environment)~~)))
Wetland Functions ((~~Functions refer to the ecological (physical, chemical and biological) workings or attributes of a wetland regardless of their importance to society. Food chain support or the transport and transformation of chemicals in ecosystems are examples of wetland functions. Water quality maintenance, flood storage, and wildlife habitat are examples of ecological functions to which society attributes a value.~~)) The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetlands perform functions that are grouped into three categories: functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5((:)), Environment)	**Wetland Values** Values are estimates, usually subjective, of the worth, merit, quality, or importance of wetland attributes that are valuable and beneficial to society. Values vary by watershed or human community. Education, research, aesthetics, and recreation are examples of other wetland attributes that may be considered values in that they are beneficial to society.

2025 Comprehensive Plan Update & Critical Areas Regulations Update

Proposed Ordinance 2024-0408

King County Council Review and Adoption Schedule

As of August 14, 2025 – subject to change

Date	Event
December 5, 2024	**Executive Recommended Plan Transmitted**
January 7, 2025	**Referral to Local Services and Land Use (LSLU) Committee**
February 19 **9:30am** **Council Chambers**	**LSLU Committee – Executive Staff Briefing** - Executive Staff Brief Proposed Ordinance - Council staff review schedule and process *Opportunity for Public Comment – Remote and In-Person*
April 16 **9:30am** **Council Chambers**	**LSLU Committee – Briefing 1** - Council staff brief analysis *Opportunity for Public Comment – Remote and In-Person*
May 21 **9:30am** **Council Chambers**	**LSLU Committee – Briefing 2** - Council staff brief analysis – Follow up Opportunity for Public Comment – Remote and In-Person
May 28 **End of day**	Amendment requests for Striking Amendment due
June 6 **End of day**	Substantive direction deadline for Striking Amendment
July 15 End of day	Striking Amendment released
July 16 **9:30am** **Council Chambers**	**LSLU Committee – Briefing 3** - Council staff brief analysis – Follow up - Briefing on striking amendment *Opportunity for Public Comment – Remote and In-Person*
July 23 End of day	Line amendment direction due
August 15 End of day	Public Line Amendments released
August 20 **9:30am** **Council Chambers**	**Local Services and Land Use Committee** - Review and consideration of striking and line amendments - **Vote** on striking amendment, line amendments, and Committee recommendation *Opportunity for Public Comment – Remote and In-Person*
August 27 End of day	**Council amendment concept deadline** for SEPA and public hearing notice Councilmember amendment requests for Striking Amendment due
September 22 End of day	Substantive direction deadline on Striking Amendment
October 31	Public Hearing Notice Issued
October 31 End of day	Striking Amendment distributed to Councilmembers
November 7 End of day	Line amendment direction due

Color key:
Gray: Executive actions
Blue: Public Hearing or Action dates
White: Regular Committee Meetings
Red: Amendment deadlines

Date	Event
November 21 End of day	Public amendments released
December 2 **1:30pm** **Council Chambers**	**Public Hearing and vote at full Council** • Consideration of amendments • **Vote** on final adoption of proposed 2025 Comprehensive Plan Update *Opportunity for Public Testimony – Remote and In-Person*

For more information on the Council's Review of the 2025 Comprehensive Plan update, please visit the website: https://kingcounty.gov/en/dept/council/governance-leadership/county-council/useful-links/comprehensive-plan/2025.

Color key:
Gray: Executive actions
Blue: Public Hearing or Action dates
White: Regular Committee Meetings
Red: Amendment deadlines

Evaluation of different riparian area widths on number of intersecting parcels and changes to housing capacity within Urban Unincorporated King County.
March 26, 2025

PURPOSE AND OVERVIEW

The Executive has proposed updates to the Critical Areas Ordinance (CAO). Council Central Staff requested additional information and analysis of potential development impacts of proposed updates to riparian area widths in Urban Unincorporated King County (UUKC), including comparison of current widths for type Shoreline (S) and Fish Bearing (F) streams (115 feet), the Executive Proposal to increase riparian area widths for Type S and F streams in UUKC to 180 feet, and the 200 foot width generally indicated for riparian area widths in the updated BAS Review. (The 200-foot width is proposed outside the Urban Growth Area but is not proposed for UUKC).

Based on a meeting with Council Central Staff, Executive Staff committed to doing additional GIS analysis to determine the numbers of parcels in UUKC that would be newly impacted by the proposed increase in riparian area widths, and to break out the results by subarea planning geographies. A key caveat is that actual impacts on development capacity can only be determined through the permitting process at a property scale, considering zoning, the presence of other critical areas on the property, as well as code allowances for buffer averaging and provisions for Reasonable Use Exceptions that are required by law. Further, it's important to note that this analysis is using current, proposed, and BAS-indicated riparian area widths for Type S and F streams where the widest width is applied; Executive staff made this conservative assumption for the analysis because Types S and F are the most prevalent stream types. In actual application of the code, if streams were determined to be Type N or O during the critical areas review, smaller riparian area widths would apply. In other words, this analysis will tend to **overestimate** the number of parcels newly impacted.

RESULTS

Based on the GIS analysis, the following table includes the numbers and percentages of parcels that would be newly impacted by an increase in riparian areas widths from 115 feet to 180 feet, or to 200 feet:

Table 1. Number of Parcels in Urban Unincorporated KC Intersected by Existing, Proposed, and Best Available Science-Suggested Riparian Areas Widths

Community Service Area (CSA) or Potential Annexation Area (PAA)	Stream miles	115 ft riparian (Existing)	180 ft riparian (Proposed)	200 ft riparian (BAS suggested)	Additional # of parcels affected by increasing from 115 ft to 180 ft	Additional # of parcels affected by increasing from 115 ft to 200 ft	Additional # of parcels affected by increasing from 180 ft to 200 feet
Bear Creek/Sammamish Area CSA	7.2	74	150	186	76	112	36
East Federal Way PAA	16.3	880	1,197	1,314	317	434	117
East Renton PAA	8.1	386	521	558	135	172	37
Fairwood PAA	12.7	658	904	994	246	336	90
Greater Maple Valley/Cedar River CSA	0.1	7	9	12	2	5	3
North Highline PAA	4.8	188	244	266	56	78	22
Other Urban UKC PAAs	22.8	523	733	818	210	295	85
SE King County CSA	3.3	125	137	143	12	18	6
Skyway West Hill PAA	4.3	336	484	557	148	221	73
Snoqualmie Valley NE King County CSA	15.4	508	572	602	64	94	30
Grand Total	**95.0**	**3,685**	**4,951**	**5,450**	**1,266**	**1,765**	**499**

For reference, 1,266 parcels newly impacted by increasing the riparian area under the Executive Proposed riparian-area width in UUKC from 115 feet to 180 feet represents 3.4 percent of the 37,178 parcels in the area analyzed.

Additionally, Executive Staff committed to provide additional analysis of changes in riparian area widths on housing capacity and to put in context overall housing capacity and housing targets for the urban unincorporated area, consistent with the 2024 Comprehensive Plan land capacity analysis, to estimate the residential development capacity potentially affected by the previously specified riparian buffer widths.

Table 2. Potential Housing Unit Capacity in Urban Unincorporated KC Impacted by Current, Proposed, and Best Available Science-Suggested Riparian Area Widths

Community Service Area (CSA) or Potential Annexation Area (PAA)	Stream miles	Capacity potentially affected by 115 ft riparian area	Capacity potentially affected by 180 ft riparian area	Capacity potentially affected by 200 ft riparian area (BAS suggested)	Potential decrease in housing units by increasing riparian widths from 115ft to 180 ft	Potential decrease in housing units by increasing riparian widths from 115ft to 200 ft	Potential decrease in housing units by increasing riparian widths from 180 to 200 feet
Bear Creek/Sammamish Area CSA	7.2	0	0	0	0	0	0
East Federal Way PAA	16.3	1,726	1,963	2,003	237	277	40
East Renton PAA	8.1	721	800	817	79	96	17
Fairwood PAA	12.7	704	887	894	183	190	7
Greater Maple Valley/Cedar River CSA	0.1	0	0	0	0	0	0
North Highline PAA	4.8	188	230	233	42	45	3
Other Urban UKC PAAs	22.8	708	845	903	137	195	58
SE King County CSA	3.3	53	53	53	0	0	0
Skyway West Hill PAA	4.3	781	939	950	158	169	11
Snoqualmie Valley NE King County CSA	15.4	45	46	46	1	1	0
Grand Total	**95.0**	**4,926**	**5,763**	**5,899**	**837**	**973**	**136**

KEY TAKEAWAYS

1. **These are high-level, conservative estimates that likely overstate the impact to residential capacity.**
2. The ***existing*** riparian area width for Type S and F streams of 115 feet impacts 3,685 parcels. Increasing the width to 180 feet (Executive Proposal) is conservatively estimated to newly impact an additional 1,266 parcels. Increasing to 200 feet would newly impact and estimated 1,765 parcels (difference of 499 from 180 feet). This analysis applies to a total of 37,178 parcels in the UUKC.
3. Varying the riparian area width has a relatively small estimated impact on residential capacity (see Table 2). The ***existing*** riparian width of 115 feet affects 4,926 units of residential capacity. Increasing to the 180-foot riparian area width could affect 837more units of residential capacity. Increasing to the 200-foot riparian area width could affect an additional 136 units of capacity.
4. Overall, the riparian area's estimated impact on UUKC residential capacity overall (regardless of riparian width) will not significantly affect King County's ability to accommodate planned growth in UUKC. The land capacity analysis from the 2024 Comprehensive Plan estimated approximately 29,000 units of residential capacity in UUKC, sufficient to accommodate the projected 5,412 units of housing growth 2019-2044.

OTHER FACTORS AFFECTING DEVELOPMENT

Being newly impacted by a riparian area width has the practical effect of triggering additional critical areas review for permits for new development, redevelopment, and remodels. Additionally, depending on how much of the property is constrained by the riparian area, it could limit the ability to achieve zoned density, though in some cases the presence of other critical areas (e.g. wetlands, frequently flooded areas, steep slopes, landslide hazard areas) may already effectively limit the potential to meet zoned density. It's not uncommon for development proposals to have more than one critical area and critical areas permit conditions applied to the permit. For the period from

2019 to 2021, 40 percent of development permits included a critical areas condition. Nine percent of permits had conditions related to both riparian areas and wetlands. Below is a table from Best Available Science (BAS) Report, p. 203, summarizing percentages of permit applications from 2019-2021 for which critical areas conditions were applied for all critical areas, riparian areas, and/or wetlands.

Table B.1 Critical Areas screening trends and housing development.

	Count	Percent
Processed Housing Permits (2019-2021)	933	100%
Any Critical Area Condition on Permit	370	40%
Riparian Area *or* Wetland Buffer Condition	270	29%
Wetland Buffer Condition	197	21%
Riparian Area Condition	158	17%
Riparian Area *and* Wetland	85	9%

ADDITIONAL INFORMTION ON METHODOLOGY

The first analysis evaluates how many parcels within UUKC are intersected by a 115ft, 180ft and 200 ft riparian buffer. "Intersected" means any part of a parcel touching any part of a riparian area; so, there will be a range of how much of a parcel's area intersects, from almost none, to an entire parcel. For ease of analysis, Executive Staff assumed all urban streams were Type F/S streams. This will slightly ***overstate*** the potential impact of number of parcels and housing capacity.

The second analysis uses the data from the first analysis to evaluate how development potential would be affected.

Both Analysis 1 and 2 focused on UUKC to be consistent with: housing targets, which only apply to the Urban Growth Area (UGA); allocated housing needs in the Countywide Planning Policies (CPPs), which only apply to the UGA; housing capacity analysis in the Comp Plan, which only applies to the UGA, and Growth Management Act, VISION, CPP, and Comp Plan requirements to focus development in the UGA.

Analysis 1: Number of parcels affected by riparian buffers

Process:

1. Generate stream buffers of 115', 180' and 200' using GIS data for double banked major rivers and the most current streams layer.
2. Select all parcels in UUKC where any portion of the parcel intersects the riparian buffers.
3. Generate tallies using subarea planning geographies (urban Potential Annexation Areas and the urban portions of applicable rural Community Service Areas). Other urban unincorporated areas not in a subarea planning geography were also included to address the remainder of UUKC. Two rural Community Service Area subarea planning geographies were not included in the capacity analysis because they do not have urban unincorporated areas: Four Creeks/Tiger Mountain, and Vashon/Maury Island.

Parameters: Excludes public parcels, golf courses, tracts, greenbelts, and Rights-of-Way consistent with the 2024 Comprehensive Plan land capacity analysis.

Analysis 2: Capacity Analysis

Process:

1. Obtain the parcel size and number of existing units on affected parcels (i.e. parcels intersecting a riparian area).
2. Overlay the affected parcels with current zoning.
3. Multiply each parcel's area by the base density for each zone. For each parcel, calculate potential number of units by rounding to the nearest whole number.
4. Compare the existing units to maximum units (under zoning). Where a non-vacant parcel has a maximum / existing >=2, consider this parcel as "redevelopable." Subtract the number of existing units from the potential number of units to assign net capacity.
5. Sum the net capacity of affected vacant and redevelopable parcels by the same geographies in Analysis 1.

Sources of existing number of units and zoning allowance:

- Existing number of units: Assessor's extracts for residential, condo, and apartment buildings.
- The following base zoned densities were applied in non-residential zones:
    - CB -48 units/ac
    - I – 0 units/ac
    - NB – 8 units/ac
    - UR – 1 unit / 5 acres
- Mobile Home (Present Use): 1 unit
- Mobile Home Park (Present Use): zero capacity

Caveats:

- Parcels are considered redevelopable regardless of improvement value. Some vacant parcels may have low development viability due to other constraints, e.g. presence of steep slopes, wetlands, etc.
- Excludes parcels in current use taxation, consistent with the 2024 Comprehensive Plan land capacity analysis.

Agriculture and the Critical Areas Regulations – LSLU 5/21/25

Agricultural activities are regulated under the critical area regulations in multiple ways. This write up focuses on what is allowed under the critical area alterations table, grading permit exemptions table, standards for agricultural activities in the critical areas regulations, and the livestock management ordinance. There are other regulations that apply to agricultural activities, including but not limited to zoning conditions, floodplain and shoreline regulations.

Standards for Agricultural Activities (note that where there is highlighting, that is the equivalent exemption for a clearing and grading permit)

- Construction of new single detached dwelling units are limited to farm residences, are only an allowed alteration in certain types of wetlands or wetland buffers, and are subject to the same criteria as nonresidential structures.
- Construction of nonresidential structures are an allowed alteration in alluvial fan hazard areas, wetlands and buffers, aquatic areas, riparian areas, severe migration hazard areas, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with a farm management plan and all BMPs for the associated structure are installed and maintained, and limits on location; specific requirements for fencing; and for alluvial fan hazard areas and severe CMZs, feasibility of other more appropriate locations on-site, least risk, no hazardous substances, limits on footprint within the severe CMZ.
- Horticultural activities and grazing of livestock are an allowed alteration, without expansion into critical areas or buffers, in any critical area or buffer.
- New or expanded horticultural activities and grazing of livestock is an allowed alteration in wetlands/buffers, aquatic areas, riparian areas, CMZ, and wildlife habitat areas, on sites where the predominant use is agricultural activities, with limits to the clearing allowed (there is a change in the code from a square footage limit, to a limit on clearing vegetated areas), and with a farm management plan and all BMPs for the associated activities are installed and maintained. Note that the alteration table doesn't require it, but there are additional grazing buffer requirements for wetlands and buffers, aquatic areas, and riparian areas that are described below.
- These standards, for existing and for new and expanded, also apply to new and expanded commercial fish farm (except for landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and that commercial fish farms are not an allowed alteration in these landslide hazard areas or buffers or alluvial fan hazard areas).
- These standards, for existing and for new and expanded, also apply to construction and maintenance of farm ponds, fish ponds, and livestock watering ponds (no permit for maintenance, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW).
- Construction of a livestock heavy use area is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility of other more appropriate locations on-site, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk).
- Construction or maintenance of a farm pad is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, and CMZs, with criteria (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan and all BMPs for the associated activities are installed and maintained, and least risk).
- Construction or maintenance of a livestock manure storage facility (no grading permit required with an approved farm plan, except a grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas) is an allowed alteration (except is not an allowed alteration in landslide hazard areas over 40% slope and steep slope hazard areas and buffers, and in an alluvial fan hazard area), with the same standards as for horticultural activities; plus limits for certain types of wetlands (only within a grazed or tilled wet meadows and buffers, with a farm plan or livestock plan, feasibility, and as far out of the buffer as possible); plus limits for aquatic areas, riparian areas, and CMZs (only in severe CMZs outside shoreline jurisdiction, in grazed or tilled wet meadows and their buffers, or in grazed or tilled riparian area; and with criteria for minimizing impacts, feasibility, farm plan, and least risk). The flood code also prohibits new manure facilities with slurries or sludge in the FEMA floodway.
- Construction of new agricultural drainage is an allowed alteration in wetlands and buffers, aquatic areas, riparian areas, CMZs, and wildlife habitat areas, with a farm plan; and no disturbance during breeding season in habitat areas.
- Maintenance or replacement of agricultural drainage (no grading permit required, but if the drainage area is used by salmonids, must have a farm plan and be inspected by KCD, DNRP, DLS or WDFW) is an allowed alteration in any critical area. Criteria includes:
    - Allowed with a forest plan or farm plan; or if it is done with hand labor, the area is stabilized to avoid noxious weed regrowth, revegetation occurs, and herbicides are used legally.
    - Allowed for existing agricultural activities, without expansion into critical areas or buffers.
    - Allowed for new and expansion of agricultural activities on sites where the predominant use is agricultural activities, with limits to the clearing allowed, and with a farm management plan and all BMPs for the associated activities are installed and maintained.
    - Where the drainage is used by salmonids, requires a farm plan.
- Maintenance of agricultural waterway (no grading permit if in compliance with the critical area alteration, but an inspection is required by KCD, DNRP, DLS or WDFW) is an allowed alteration in critical areas (but not allowed in habitat areas). Criteria includes:
    - Purpose is to improve agricultural production for sites engaged in agriculture;
    - With a Hydraulic Project Approval permit from WDFW;

    - Compliance with the approved ADAP agreement;
    - Work is done by a trained person; and
    - Compliance with the Clearing and Grading Code.
- Construction (no grading permit is required on sites with agricultural activities, with a farm plan and all constructed using BMPs), 14' wide max, minimizing impacts, KCWSDM, least risk of channel migration, and other permits are obtained) or maintenance (no permit required if there is a farm plan) of farm field access drive is an allowed alteration in all critical areas in the A, APD, or FPP, on sites where there are agricultural activities, with a farm management plan and all BMPs for the associated activities are installed and maintained, feasibility, compliance with the KCSWDM, least risk of channel migration, and other permits are obtained.

Supplemental allowance for agricultural activities within wetland buffers, riparian areas, and habitat conservation areas

- Alterations can expand within these areas with a farm plan or livestock plan.
- Does not exempt these activities from permits, if they are otherwise required.
- Requires a public rule for farm plans.
- Goals for the farm plans include:
    - maintain the productive agricultural land base and economic viability of agriculture on the site
    - maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner
    - use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan
    - monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan
- In the shoreline jurisdiction, also required to be consistent with SMP, consider shoreline protection and restoration plan, and ensure no net loss of shoreline and critical area functions and values.
- Plans are required to include:
    - Inventory of critical areas, structures, cleared and forested areas, and other significant features
    - Site-specific performance standards and best management practices to:
        - maintain, restore or enhance critical areas and associated buffers, and
        - maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages
    - A plan for future changes to structures or clearing or grading
    - A plan for implementation and monitoring. Modifications to the farm plan are encouraged if adverse impacts are identified.
- Farm plans are required to document flood compensatory storage compliance.
- Farm plans are required to be approved by the County. The County can do a site visit before approval, and the County's review is that the farm plan is likely to accomplish the goals and is consistent with the standards.

Additional requirements for livestock management

- Farm plans are required to have:
    - Nutrient management plans
    - Measures to minimize pollution in wetlands and aquatic areas, which could include exclusion of animals from such areas
    - Timeline for implementation
    - An option to require a monitoring plan
- Allowances in the livestock management plan include:
    - A goal of a:
        - 40 foot wide grazing area buffer from the OHWM of S and F aquatic areas and edge of category I, II, and III wetlands (not including grazed wet meadows)
        - 35 foot wide grazing area buffer from the OHWM of N aquatic areas
        - 20 foot wide grazing area buffer from edge of category 4 wetlands (not including grazed wet meadows)
    - These buffers can be varied, or changed, based on guidelines agreed to by King County and KCD.
    - Manure BMPs to avoid having manure within 10 feet of O aquatic areas are required.
    - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
    - Ensure that drainage ditches do not channel waste to aquatic areas or wetlands

- A 20 foot wide vegetated area is required downslope of confinement areas, within 200 feet of S, F, and N waters. This may be waived on sites with 2.5 acres or less, if there is a buffer of 40 feet, manure is removed daily in the winter and stored in compliance with the K.C.C., and BMPs recommended by the KCD are implemented and maintained
- Deviation from manure management standard are addressed in the livestock plan.
- A copy of the final plan is submitted to the department within 60 days of completion. An appeal to the Hearing Examiner of DNRPs approval is allowed.
- Properties with an existing approved livestock management plan are deemed to have satisfied the requirements.
- Low density livestock operations are not required to get a livestock management plan if they meet other standards in K.C.C. 21A.30.060, including:
  - Livestock watering standards, including limiting access to aquatic areas and riparian areas, use of fencing, use of bridges;
  - Grazing area buffers of 50 feet from edge of a wetland (excluding grazed wet meadows) or OHWM of S, F, or N aquatic areas, or 25 feet from a category IV wetland. These buffers can be reduced to 25 feet when a 25-foot buffer already exists. Fencing is required. These buffers include from critical areas on adjacent properties.
  - Clearing of lands for grazing are required to comply with K.C.C. 21A.24 (the standard widths plus the alterations table).
  - No plowing within 200 feet of S, F, or N aquatic areas or wetlands in the winter.
  - Confinement areas within 200 feet S, F, or N aquatic areas or wetlands (except grazed wet meadows) require a 20-foot vegetative filter strip downhill from confinement area and new confinement areas cannot be located in the riparian area adjacent to S, F, or N aquatic areas or wetlands. Fencing is required. These requirements apply for aquatic areas and wetlands on adjacent properties.
  - Manure storage areas required that runoff be diverted away from manure storage. Manure 200' uphill of S, F, or N aquatic areas or wetlands required to be covered to exclude precipitation and allow free flow of air or be in a concrete bunker (which requires monitoring) or lagoon for pickup to prevent leachate from reaching aquatic area or wetland. May not be stored in a riparian area or wetland buffer except grazed or tilled wet meadows, if there is another alternative on site. Avoid manure runoff into aquatic areas or wetlands. Manure piles cannot be closer than 100 feet uphill from wetland edges (except grazed or tilled wet meadows), OHWM of aquatic areas, or ditches where the topography would direct runoff from the manure; can be reduced to 50 feet if part of a compost system on an impervious area. Limits on spreading manure seasonally.
  - Buffer maintenance is allowed.
  - Areas with existing fencing are deemed compliant, except fencing must be present for all S and F aquatic areas.
  - No public access, use, or dedication within buffer areas.

Critical Area Alterations Table

	Alluvial Fan Hazard Areas	**Wetland and Buffer**	**Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas**	**Wildlife Habitat Conservation Areas and Wildlife Habitat Networks**	**Conditions**	**Policy Staff Comments**
Structures						
Construction of new single detached dwelling unit		A 1	((~~A 2~~))		1 allows farm residences are allowed in wetland and buffers (grazed or tilled wet meadows only) 2 would allow a new single detached dwelling unit in a buffer of a lake over 20 acres with several conditions. This allowance is proposed to be removed.	• 1 would allow a farm residence to be constructed in a grazed or tilled wet meadow, which is a type of wetland, subject to certain conditions. This is a policy choice to allow these residences in wetlands. • No other allowances for new single detached dwelling units are allowed in critical areas. A new single detached dwelling unit in these identified critical areas/buffers would be required to go through a critical area alteration exception or a reasonable use exception (depending on the impact).
Construction of nonresidential structure	A 3	A 3	A 3	A 3, 4	3 Expansion of agriculture to agricultural activities, meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows: • Allowed in alluvial fans • Allowed in wetland and buffers (grazed or tilled wet meadows only) • Allowed in riparian areas	3: Alluvial fan hazard areas are a type of steep slope hazard area. New nonresidential structures are not permitted in a steep slope hazard area, meaning that it would not be allowed in an alluvial fan hazard area. Council may wish to clarify this.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					• Allowed in channel migration hazard areas • Allowed in WHCA and WHN outside of seasonal limits 4 limits clearing during breeding seasons.	
1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section. **2.** ((~~Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:~~... **3.** Limited to nonresidential farm-structures in grazed or tilled wet meadows, ((~~or~~)) wetland buffers ((~~of wetlands~~)), or ((~~aquatic~~)) riparian areas where: a. the site is predominantly used for the practice of ((~~agriculture~~)) agricultural activities; b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; c. the structure is either: (1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production; (2) higher in elevation and no closer to the critical area than its existing position; or (3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan; d. all best management practices associated with the structure specified in the farm management plan are installed and maintained; e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and f. in an alluvial fan hazard area or a severe channel migration hazard area ((~~portion of an aquatic buffer only~~)) if: (1) there is no feasible alternative location on-site; (2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration; (3) the structure is not used to house animals or store hazardous substances; and (4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site. **4.** No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.						3: Changing "agriculture", which is limited to growing crops, livestock, or agricultural products, to "agricultural activities" would expand the types of uses. Agricultural activities includes other activities like on-site storage, distribution, processing, sales, maintenance. This would allow new nonresidential structures in critical areas associated with any type of agricultural activity, rather than just associated with agricultural uses (growing crops and raising livestock). This is a policy choice. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Agriculture						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53, 54	A 53, 54	A 53, 54	53 Generally speaking, agricultural activities in existence since 1/1/2005 would be permitted to continue with no expansion allowed. 54 covers new and expansion of activities, if: • The site is predominately used for agricultural activities; • No expansion occurs in areas cleared under class I, II, III, IV-S, or nonconversion IV-G forest practice permits; • No expansion occurs in wetland, wetland buffer, or riparian area with native forest overstory, shrub, or herbaceous layer (except that areas managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock are allowed to expand in these areas); • A farm management plan is approved; • BMPs are installed and maintained.	• The proposed ordinance would allow livestock activities to occur in wetlands, wetland buffers, riparian areas, aquatic areas, severe channel migration zones, wildlife habitat networks, and wildlife conservation areas, subject to limitations and conditions summarized below. New and expanded grazing areas would be subject to grazing area buffers between 0 and 50 feet (see the discussion on these below). Livestock manure management facilities and livestock heavy use areas do not appear to have a numeric buffer, except that the livestock management standards have a goal for 20 feet of vegetation is to be achieved downslope of confinement area for a Type S, F, and N aquatic areas in some situations. Whether to allow these activities in critical areas or buffers and to what extent they may be in a critical area is a policy choice.
Grazing livestock	A 53	A 53, 54	A 53, 54	A 53, 54		
Construction or maintenance of a commercial fish farm		A 53, 54	A 53, 54	A 53, 54		
Construction or maintenance of farm pond, fish pond, or livestock watering	A 53, 54	A 53, 54	A 53, 54	A 53, 54		

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
pond						53: As written, this condition appears to limit agricultural activities to only those established *after* January 1, 2005, not those in continuous existence *before*. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely). 54: New and expansion of livestock in these critical areas would be permitted on properties predominately used for agricultural activities, on areas without predominantly native vegetation, subject to grazing area buffers (0 to 50 feet), a farm management plan, and other requirements. Agricultural activities include the growing of crops and livestock, but also includes activities such as processing, warehousing, or sales. It is unclear if this is consistent with the BAS report, which indicates that the full buffer widths in K.C.C. 21A.24.358, ranging from 50 to 200 feet, "would apply if new grazing areas were proposed in critical areas that haven't been converted for agricultural use" (page 97). Executive staff indicate that the code is intended to support the GMA goals around agriculture. 54: Changing "agriculture", which is limited to growing crops, livestock, or agricultural products, to "agricultural activities" would expand the types of uses. Agricultural activities include other activities like storage, distribution, processing. It means that meaning sites with processing and warehousing can build new nonresidential structures (subject to feasibility, risk, size, impact requirements) as follows: • Allowed in alluvial fans • Allowed in wetland and buffers (grazed or tilled wet meadows only) • Allowed in riparian areas • Allowed in channel migration hazard areas • Allowed in WHCA and WHN outside of seasonal limits This is a policy choice.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
						Also in 54, Council may wish to include "aquatic area" to this list to clarify that livestock is not permitted in aquatic areas. Finally in 54, there is an exception to the clearing limit to allow for pulpwood, Christmas trees, or ornamental nursery stock. This is a policy choice.
53: Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: a. the site is predominantly involved in the practice of ((~~agriculture~~)) agricultural activities; b. there is no expansion into an area that: (1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or (2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height~~)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and d. all best management practices associated with the activities specified in the farm management plan are installed and maintained.						54: As proposed, new or expanded agricultural activities would not be limited to 10,000 sf in treed areas, and instead would not be allowed in wetland, wetland buffers, or riparian areas that contain native forestry overstory, shrub, or herbaceous layer. Executive staff indicate that this change would result in greater protections, as the existing code would allow clearing of native shrubs or herbaceous species without a farm management plan or grading permit. This change would connect protection to specific critical areas, consistent with the County's BAS, and limit new expansion into these critical areas. However, Council may note that these changes still would allow some livestock activities in critical areas that do not meet the native vegetation criteria, which represents a high-risk approach. This is a policy choice.
Construction of a livestock heavy use area		A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54	55 allows the activities (livestock heavy use area and livestock manure storage facility) only in grazed or tilled wet meadows and their buffers: • With a farm management plan or livestock management plan; • If there is not another feasible location on-site; and • The facility is located as close to the outside edge of the buffer to the maximum extent practical. 56 allows activities: • In severe CMZs outside the shoreline jurisdiction; • In grazed or tilled wet meadows and their buffers; • In grazed or tilled riparian area; • With criteria: ○ Impacts have been minimized; ○ There is no other feasible location on-site; ○ The farm management plan is followed; and ○ There is the least risk from channel migration. There is also a separate provision in the flood hazard code that prohibits new facilities in the FEMA floodway:	55 and 56 allow the construction of a livestock manure storage facility or livestock heavy use areas with no minimum buffer requirement, except that 20 feet of vegetation is a goal that the livestock management standards seek to livestock standards downslope of confinement area for a Type S, F, and N aquatic areas in some situations. This is a policy choice. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Construction or maintenance of a farm pad		A 56	A 56			
Construction or maintenance of livestock manure storage facility		A 53, 54, 55	A 53, 54, ((~~55,~~)) 56	A 53, 54		

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					21A.24.260 FEMA floodway - development standards and alterations. The following development standards apply to floodplain development and alterations on sites within the FEMA floodway: ... E. New livestock manure storage facilities for liquid and slurry manure are prohibited in the FEMA floodway. Existing livestock manure storage facilities may be repaired or enlarged as necessary to comply with the standards in the farm's nutrient management plan.	
					55. Only allowed in grazed or tilled wet meadows or ((~~their~~)) associated buffers if: a. the facilities are designed to the standards of an approved farm management plan or livestock management plan and in accordance with K.C.C. 21A.24.051 ((~~or an approved livestock management plan in accordance with K.C.C. chapter 21A.30~~)); b. there is not a feasible alternative location available on the site; and c. the facilities are located close to the outside edge of the buffer to the maximum extent practical. 56. Only allowed in: a.(1) a severe channel migration hazard area located outside of the shoreline((~~s~~)) jurisdiction area; (2) grazed or tilled wet meadow or wet meadow buffer; or (3) ((~~aquatic area buffer~~)) grazed or tilled riparian area; and only if: b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized; (2) there is ((~~not another~~)) no other feasible location available on the site that is located outside of the critical area or critical area buffer; (3) the farm pad, livestock manure storage facility, or livestock heavy use area is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and (4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, or livestock heavy use area is located where it is least subject to risk from channel migration.	55 and 56 could be combined, or the language could be made consistent (55.b and 56.b.(2), 55.a. and 55.b.(3)). 55 could apply only to wetland and buffer, and 56 could apply only to aquatic area, riparian area, etc. 56.b.(3) should say designed "and constructed"
Construction of agricultural drainage		A 57	A 57	A 4, 57	4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained.	57 could use consistent wording with other conditions (55, 56, etc.) when referring to farm plans and BMPs. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

	Alluvial Fan Hazard Areas	**Wetland and Buffer**	**Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas**	**Wildlife Habitat Conservation Areas and Wildlife Habitat Networks**	**Conditions**	**Policy Staff Comments**
Maintenance or replacement of agricultural drainage	A 23, 53, 54, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58	4. No clearing, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382. 23. Allowed as follows: a. if conducted in accordance with an approved forest management plan((,)) or farm management plan((~~, or rural stewardship plan~~)); or b. without an approved forest management plan((,)) or farm management plan((~~, or rural stewardship plan~~)), only if: (1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods; (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds; (3) the cleared area is revegetated with native vegetation or climate-smart plants and stabilized against erosion; and (4) herbicide use is in accordance with federal and state law((;)). 53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these horticultural and agricultural activities. 54. Allowed for expansion of existing or new agricultural activities where: a. the site is predominantly involved in the practice of ((~~agriculture~~)) agricultural activities; b. there is no expansion into an area that: (1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; or (2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height~~)) a wetland, wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock; c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and d. all best management practices associated with the activities specified in the farm management plan are installed and maintained. 58. If the agricultural drainage is used by salmonids, maintenance shall ((~~be in compliance~~)) comply with an approved farm management plan in accordance with K.C.C. 21A.24.051.	53: As written, this condition appears to limit agricultural activities to only those established *after* January 1, 2005, not those in continuous existence *before*. This could be clarified. It could also be updated to reflect agricultural activities legally established between 2005 and 2025 (or to remove the date completely). 54: The change from "agriculture", to "agricultural activities" would expand the types of uses. It means that meaning sites with processing and warehousing but not necessarily growing crops or raising livestock are able to use this alteration allowance. Conditions 53 to 58 are difficult to follow as they cover overlapping scopes and provide different requirements. They could be rewritten to provide clarity and consistency. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

	Alluvial Fan Hazard Areas	**Wetland and Buffer**	**Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas**	**Wildlife Habitat Conservation Areas and Wildlife Habitat Networks**	**Conditions**	**Policy Staff Comments**
Maintenance of agricultural waterway	A 69	A 69	A 69		69. Only for maintenance of agricultural waterways if: a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture; b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife ((~~pursuant to~~)) in accordance with chapter 77.55 RCW; c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology; d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and e. the maintenance project complies with K.C.C. chapter 16.82.	The requirements for agricultural waterways are different than the requirements for agricultural drainage. Agricultural waterway: A segment of a modified type F, N or O aquatic area that drains land defined in RCW 84.34.020 as farm and agricultural land or as farm and agricultural conservation land. Agricultural drainage: any ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities. This existing code requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Construction or maintenance of farm field access drive	A 29	A 29	A 29	A 29	17. Allowed ((~~when~~)) for projects not performed under the direction of a government agency only if: a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((~~their~~)) associated buffers; and b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids: (1) the work ((~~is in compliance~~)) complies with ditch standards in public rule; and (2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet. 29. Allowed ((~~O~~))only on sites currently involved in the practice of agricultural activities if: a. in compliance with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division; b. there is no other feasible location with less adverse impact on critical areas and associated buffers; c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual; d. access is located where it is least subject to risk from channel migration; e. a floodplain development permit is obtained for any action within	The substantive changes include: In the definition for farm field access drive: Limiting farm field access drives to include only those properties in the A zone, APD, or FPP and requiring the farm to be for commercial production. Non-commercial production farms and farms in the RA would be regulated as private driveways instead. Under current code, there is no definition. For construction of new farm field access drives: • Limited to sites "currently involved in the practice of agricultural activities" • Requires that there is no other feasible location with less impact; • Required to comply with the SWDM (this is already required, but is now called out here); • Required to locate where there is least risk of channel migration; • Requires a floodplain development permit if within the floodplain (this is already required, but is now called out here); and • Requires all other state and federal permits to be obtained(this is already required, but is now called out here).

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
					the floodplain; and f. all other required state and federal permits have been obtained and actions comply with such permits.	Under the current code, all that is required is a farm management plan. For maintenance of farm field access drives: • Under the current code, maintenance of a farm field access drive is treated the same as maintenance of driveways, private access roads, or parking lots, under 17. Those conditions prohibit the use of toxic substances, and when used by salmonids: complies with a ditch standard public rule, maintenance is limited to remove of sediment and stabilization or banks or channels. 29: As noted in the grading table, a grading permit is not required to construct a farm field access drive if constructed in compliance with a farm plan. Executive staff state "The King Conservation District (KCD) works with farmland owners/operators to understand management objectives and then creates a plan that supports those objectives while minimizing potential impacts to critical areas and critical area buffers. If plans will provide landowners/operators with certain benefits (e.g., regulatory flexibility, PBRS credit for agricultural land), the plans are reviewed and approved by DNRP. Implementation is generally KCD's responsibility, but if the landowner/operator received cost-share support from DNRP, then DNRP ensures the practices were implemented as designed." Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans. Council may wish to consider making the language in 29 consistent with the same type of conditions in 53 to 58. For example, this condition only requires there be agricultural activities on-site, while 53 and 54 require predominant use by agricultural activities. Council may want to include expansion of a farm field access drive.

	Alluvial Fan Hazard Areas	Wetland and Buffer	Aquatic Areas, Riparian Areas, and Severe Channel Migration Hazard Areas	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks	Conditions	Policy Staff Comments
						Council may want to include the maintenance conditions from 17 in 29, for maintenance activities. This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.

Grading Exemptions

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
Agriculture															
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP		
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP		
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		NP ((~~16~~)) 17	((~~NP 16~~))		NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	• 17: requires a farm management plan. Council may wish to add a reference or align this standard with the requirements in K.C.C. 21A.24.045, which includes requirements such as preserving native vegetation and installation of best management practices for new or expanded activities. • A grading permit is required in landslide hazard areas under 40%, wildlife habitat networks, and wildlife habitat conservation areas.
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife.	
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~NP 26~~))	NP 26	NP 26	NP 26	NP 26	NP 26	26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the: a. King Conservation District; b. department of natural resources and parks; c. department of local services, permitting division; or	

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
														d. Washington state Department of Fish and Wildlife.	
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15	15. If used by salmonids, only in compliance with an adopted farm management plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by: a. The King Conservation District; b. King County department of natural resources and parks; c. King County department of local services, permitting division; or d. Washington state Department of Fish and Wildlife.	
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	16. Only on sites with agricultural activities uses if: a. consistent with an adopted farm management plan in accordance with K.C.C. Title 21A((-)); b. constructed using best management practices approved by the permitting division; c. access is not greater than fourteen feet wide; d. an alternate location is not available to provide less adverse impact on critical areas and associated buffers; e. in compliance with the requirements for farmland dispersion within the King County Surface Water Design Manual; f. located where it is least subject to risk from channel migration; g. a floodplain development permit is obtained for any action within the floodplain; and h. all other required state and federal permits have been obtained and actions comply with these permits.	• Construction of a private drive on a non-agricultural property would require a clearing and grading permit, whereas a permit is not required for a farm field access drive. Allowing new livestock manure storage facilities and farm field access drives, without a clearing and grading permit, in a wetland, wetland buffer, aquatic area, or riparian area could potentially introduce pollutants, new impervious surface or pavement, or environmental degradation in these critical areas. Under Ecology's guidance, agricultural uses are considered to be high impact." As proposed, these uses would only be allowed when an alternate location is not available to provide less adverse impact. The code does not identify a minimum distance or buffer for these uses, meaning that these uses could be located closer to an aquatic area or riparian area than grazing area buffers would allow for grazing animals. Whether or to require a clearing and grading permit, establish a maximum size exemption threshold, allow these uses in certain critical areas, or limit what portion of a critical area they could be located, are policy choices. • 16: This condition applies to when farm field access drives are not required to obtain a grading permit. The criteria for this condition are similar, but not identical, to the criteria for farm field access drives in K.C.C. 21A.24.045. These could be made consistent for clarity.

Code														Conditions	Policy Staff Comments
	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian Area	Wildlife Habitat Area and Wildlife Habitat Network		
															• 16: Not requiring a grading permit for constructing a farm field access drives is a policy choice. There are no limitations on impervious surface, length, or area of a farm field access drive in regards to a permit exemption. Plans are created and administered by KCD. DNRP reviews these plans when there are certain benefits (such as PBRS) are sought. Council may wish to consider whether administration and monitoring through KCD would be sufficient to ensure compliance with these standards. The Council may also wish to consider whether the County should approve all farm management plans in order to receive this grading permit exemption. • Executive state that "a provision could be added to Note 16 saying that no permit is needed if the new construction is under 2,000 square feet in area." This new provision requires that all BMPs in an approved farm plan be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowed alteration would not apply to most farm plans.
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	17. Only if consistent with an adopted farm management plan in compliance with K.C.C. Title 21A.	

Other sections of code

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
AGRICULTURAL ALLOWANCES – FARM MANAGEMENT PLANS – GRAZING AREA BUFFERS			
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following: A. Filed IRS Schedule F for a minimum of three years; B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.	Adds a new section to K.C.C. Chapter 21A.06 with a definition of "Commercial production of agriculture products."	New definition of Commercial agriculture is proposed to be added to clarify which operations may receive certain allowances intended only for commercial operations (and not, for example, hobby farms). This definition formalizes existing internal guidance developed by DLS Permitting and the DNRP Agriculture and Forestry Team.	*Policy Analysis:* • This definition is only used once in the code as a method to provide additional context in another definition, "agricultural activities". • The Council purposely did not define this term in 2017 when the agriculture code was reviewed and updated. It is unclear whether this internal guidance is consistent with that intent. • It is a policy choice whether to narrow the scope of commercial agriculture in this way. • It would also be out of scope of this ordinance if it is not related to a critical area regulation. Executive staff state: In 2017, Ordinance 18626 updated definitions for Agricultural Activities to include a reference to commercial production. Additionally, there are existing code flexibilities and special dispensations for agriculture uses and activities, such as the sizing of accessory structures (K.C.C. 16.02.240) and reduced permit fees (K.C.C. 27.02.055), that were intended for commercial farming and not hobby farms. In order to consistently identify commercial agriculture activities that qualify for code flexibility and special dispensation, Permitting and DNRP staff identified the need to establish criteria for what constitutes commercial production of agricultural products. Internal guidance was developed in 2021. For the purpose of regulating agricultural activities in the CAO, the proposed addition of a definition in Section 13 for commercial production codifies the internal criteria that have been used in practice since that time. Codifying this definition enhances transparency, aligns with

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			current practice, and ensures consistent implementation. Adding the definition to other titles is not proposed at this time, as that would be out of scope for this ordinance.
K.C.C. 21A.06.451 - Defines "Farm field access drive" SECTION 19. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows: Farm field access drive: a((~~n~~)) paved or impervious ((~~surface constructed to provide a fixed~~)) route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.	Updates definition to describe more specifically what a farm field drive access is.	The definition is proposed to be updated to align with BAS and intends to reduce risk of unmitigated riparian area impacts by limiting what and where a farm field access drive is.	*Policy Analysis:* • The restriction on where farm field access drives can be located (properties within an APD, enrolled in the FPP, or zoned A) is a regulation, rather than what defines a farm field access drive. As proposed, any path that would otherwise meet this definition but is outside of the APD, not enrolled in the FPP, or not zoned A would not be defined or may fall under another term. Council may wish to move the regulation into the standards section. Q: What is the policy goal behind changes to the farm field access drive regulations? Exec staff state: The goal of these proposed changes is to continue to recognize and support a pathway for streamlined regulations for farm field access drives to support commercial agriculture while clarifying limitations and conditions that apply, reducing risk of unmitigated impacts, and preventing conflicts with other regulatory standards (e.g., flood code, stormwater code). Q: Under the Executive's rationale under K.C.C. 21A.24.045, the description says: "(4) Farm field access drive conditions are proposed to be updated as part of Riparian BAS review to reduce ambiguity about where this condition applies as well as how/when the County allows an unmitigated impact to riparian areas and other critical areas." Can you describe the

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			existing ambiguity about where the condition applies? Exec staff state: Current condition 29 in K.C.C. 21A.24.045 (and related condition 16 in K.C.C. 16.82.051 which exempts farm field access drives from the requirement for a clearing and grading permit), only require consistency with an adopted Farm Management Plan and do not differentiate between commercial agriculture and hobby farms. Excepting construction of farm field access drives from a clearing and grading permit without conditions on size, location, and BMPs creates uncertainty and potential risk of unmitigated impact critical area functions and values. Additionally, the lack of cross references to other potentially applicable regulations (e.g., flood code, stormwater code) creates potential for other regulatory non-compliance issues. Amending Condition 29 to provide greater specificity on the conditions for construction farm field access drives helps to ensure no net loss of critical areas functions and values, as required by WAC 365.196.830. Q: What is the intent behind restricting the definition of farm field access drives to only farms in the APD, A zone, or FPP? Is the goal to prohibit farm field access drives anywhere else in the county that isn't a APD, FPP, or A zone farm? Or was the intent to classify this use as a driveway anywhere else in the county? Put another way, if a paved path is used to move farm products is on a farm in the RA zone, what would they fall under? Exec staff state: The intent was to restrict the use of this condition in the code to the A zoned areas, APD, and FPP. Note that

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
			criterion e in condition 16 refers to the requirement within the King County Surface Water Design Manual for farmland dispersion, which only applies within A zoning, APD, or FPP properties outside of the APD. Access roads in RA zoned areas would need to follow the road/driveway development standards associated with that development.
K.C.C. 21A.06.XXX - New Section NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows: Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which grazing livestock are excluded.	Adds definition for "grazing area buffer."	The existing K.C.C. uses the word "buffer" ambiguously, sometimes meaning critical area buffers, sometimes meaning grazing area buffers. This definition is proposed to be added to define grazing area buffers. Additionally, code standards are proposed to be clarified to say which apply to critical area buffers or riparian areas and which apply to grazing areas.	*Policy Analysis:* • Please refer to the analysis for K.C.C. 21A.24.051 and K.C.C. 21A.30 for standards related to grazing area buffers. No issues identified.
NOT INCLUDED IN PROPOSED ORDINANCE **21A.06.700 Livestock, large**. Livestock, large: cattle, horses, and other livestock generally weighing over 500 pounds. (Ord. 10870 § 180, 1993). **21A.06.705 Livestock, small.** Livestock, small: hogs, excluding pigs weighing under 120 lbs. and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds. (Ord. 10870 § 181, 1993).	Not included in proposed ordinance	Not included in proposed ordinance	*Section Notes:* • This section is not part of the proposed ordinance – it is included in this matrix for reference.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
21A.06.707 Livestock heavy use area. Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health. (Ord. 17539 § 21, 2013). **21A.06.708 Livestock manure storage facility.** Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality. (Ord. 17539 § 22, 2013).			
21A.24.051 Agricultural activities development standards. SECTION 42. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows: A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within ((~~the buffers of~~)) wetland((~~s~~)) buffers, ((~~aquatic areas~~)) riparian areas, and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30. B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan. C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage. D. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority: 1. To maintain the productive agricultural land base and economic viability of agriculture on the site; 2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner; 3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site; 4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and 5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan. E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall: 1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program; 2. Consider the priorities of the King County shoreline protection and restoration plan; and 3. Ensure no net loss of shoreline ecological functions and critical area functional and values. F. ((~~The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~)) The plan shall include, but is not limited to, the following elements: 1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site; 2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and ((~~their~~)) associated buffers, and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages; 3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading; 4. A plan for implementation of performance standards and best management practices; 5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((~~their~~)) associated buffers ((~~and to modify~~)).	Technical changes regarding alterations and/or expansion within critical areas for agricultural activity uses with an approved farm management plan.	Changes to remove redundancy, improve clarity, and make consistent use of current terminology. Reorders existing content for more logical flow. Existing intent is retained.	*Section Notes:* • Farm management plans are required to be consistent with this section. Where livestock is farmed, farm management plans must also be consistent with K.C.C. 21A.30.045. • Farm management plans are created by the King Conservation District (KCD) and farm operators to meet individual farm management objectives and minimize impacts to critical areas. If the plans provide certain benefits, such as regulatory flexibility or PBRS credit, they are reviewed and approved by DNRP. *Policy Analysis:* • The County has a public rule dating to 2005. The BAS report recommends an update to this public rule to clarify the review and approval process, ensure use of the most current best management practices, and support application of a monitoring and adaptive management framework. The BAS report indicates that the Executive plans to update the rule following the adoption of this proposed ordinance. Whether to defer the requirements of a Farm Plan to a public rule process, rather than adopted through ordinance adopted by the Council, is a policy choice. Whether to have KCD, a separate government from the County, implement and enforce the plans, is also a policy choice.

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
Modification to the farm management plan should occur if adverse impacts ((~~occur~~)) are identified. G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240. H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((~~which may be through a program offered or approved by King County,~~)) to verify that the plan is ((~~reasonably~~)) likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section. I. ((~~Once approved, a~~))Activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.			
K.C.C. 21A.30.045 - Farm management plan requirements. SECTION 83. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows: A. To achieve the maximum density allowances using a livestock management component of a farm management plan, the plan must meet the following criteria: 1. The plan is developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock management component of a farm management plan for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans must meet the requirements of K.C.C 21A.30.060; 2. The plan includes site-specific management measures for minimizing nonpoint pollution from agricultural activities and for managing wetland and aquatic areas including, but not limited to: a. livestock watering; b. grazing and pasture management; c. confinement area management; d. manure management; and e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows. 3. The plan is implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and 4. A monitoring plan may be required as part of the livestock management component of a farm management plan to demonstrate that there is no significant impact to water quality and ((~~salmonid fisheries~~)) fish habitat. Monitoring results shall be available to the King County agriculture program. B. The livestock management component of a farm management plan shall, at a minimum: 1. ((~~Generally s~~))Seek to achieve a ((~~twenty-five-foot buffer of~~)): forty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type S and F aquatic areas and the wetland edge of any category I, II, or III wetland with the exception of grazed wet meadows((~~, using buffer averaging where necessary to accommodate existing structures~~)); thirty-five-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the ordinary high water mark of all type N aquatic areas; and twenty-foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and the wetland edge of any category IV wetlands other than grazed wet meadows. The livestock management component of a farm management plan((~~s~~)) may vary the width of the grazing area buffer ((~~of an aquatic area or wetland~~)), and the time and duration of animal exclusion throughout the year, according to guidelines agreed upon by King County and the King Conservation District. The guidelines may support a different grazing area buffer width based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland. The plan must include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O waters. ((~~Forested lands being cleared~~)) Clearing of lands for grazing ((~~areas~~)) shall comply with the riparian area widths and critical area buffers and all applicable regulations in K.C.C. chapter 21A.24; 2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands; 3. Achieve an additional twenty((~~-foot buffer~~) feet of diverse, mature vegetation downslope of any confinement areas within two hundred	(1) Changes references to "aquatic area buffers" to "riparian areas." (2) Changes term "salmonid" to "fish." (3) Updates standards for grazing area buffer including diverse, mature vegetation for type S and F aquatic areas category I, II, or III wetlands except grazed wet meadows from 25 feet or 40 feet, which can be modified by the livestock	(1) Amendments are proposed throughout the code to change term or reference to "aquatic area buffers" to "riparian areas," where appropriate, consistent with current terminology. (2) Amendments are proposed throughout the code to change "salmonid" to "fish," where appropriate, to be consistent with King County's current protection of all fish species listed by WDFW, WA DNR and King County species of local importance, not just	*Section Notes:* • This section addresses the livestock management component of a farm management plan. *Policy Analysis:* • Wetland buffers and riparian areas could be added to this subsection, as these are also areas that should be protected and are addressed in Subsection A.2.e. • Animals are allowed to graze in these critical areas outside of the grazing area buffer. Council may wish to clarify this by including "except as otherwise allowed under this title". • The grazing area buffers (the minimum distance between a critical area and a grazing area) are proposed to increase between 15 and 50 feet for most areas, depending on the type or category of wetland or aquatic area and whether a farm management plan (FMP) is provided. The table below shows a simplified summary of the major changes. **Type / FMP / Existing / Proposed** **RIPARIAN AREA** S or F / Yes / 25 ft / 40 ft S or F / No / 50 ft / 50 ft N / Yes / 0 ft / 35 ft N / No / 0 ft / 50 ft O / Y/N / 0 ft / 0 ft **WETLAND BUFFER**

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
feet of type S((~~and~~)), F, and N waters. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if: a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved; b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and c. additional best management practices, as recommended by the King Conservation District, are implemented, and maintained; and 4. Include a schedule for implementation. C. Any deviation from the manure management standards must be addressed in a livestock management component of a farm management plan. D. A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion. E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035. F. Properties operating subject to an existing livestock management farm plan developed based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.	management component of a farm management plan. (4) Updates the term "buffer" to "grazing area buffer." (5) Adds a standard for grazing area buffers including diverse, mature vegetation of 35 feet for type N aquatic areas, which can be modified by the livestock management component of a farm management plan. (6) Adds a standard for grazing area buffers including diverse, mature vegetation of 20 feet for category IV wetlands other than grazed wet meadows,	salmonids. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) – (6) Increased grazing area buffer width provides greater protection of wetland buffer and riparian area functions while limiting the reduction of the amount of farmable lands. (7) Clarifies when the proposed standards in this section would apply.	<table><tr><td>I, II, or III</td><td>Yes</td><td>25 ft</td><td>50 ft</td></tr><tr><td>I, II, or III</td><td>No</td><td>50 ft</td><td>50 ft</td></tr><tr><td>IV</td><td>Yes</td><td>0 ft</td><td>20 ft</td></tr><tr><td>IV</td><td>No</td><td>0 ft</td><td>25 ft</td></tr></table> • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County's BAS. The BAS report states: "King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections" (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that "King County employs a broad array of nonregulatory measures to protect critical areas and reduce risk to critical area functions and values" (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice. • The code identifies buffers as a goal, where plans should "seek to achieve" these buffers. Executive staff indicate that the changes "clarify the minimum benchmark to be applied to riparian areas." The language is intended to reflect that the King Conservation District and the landowner develop the plan, they are tailored to the site, the County cannot require restoration for past development impacts, and mature vegetation may take substantial effort to achieve. As proposed, this language would not require a minimum buffer, and instead establish a target that could be lower or higher than the widths identified. This is not described in the BAS report in this manner; instead the BAS report treats

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
	which can be modified by the livestock management component of a farm management plan. (7) Adds provision stating that properties operating subject to an existing livestock management farm plan have met the standards in this section.		them as a minimum requirement. • It may be clearer to add back in language that the 20 feet is a buffer that is *in addition to* the existing grazing area buffer. • Council may wish to add a definition or more criteria for farm management plans, as they are not defined in the Code today. This existing code requires that BMPs for confinement recommended by KCD be installed and maintained. KCD staff note that it is typical that of 3-4 BMPs in the farm plan, only 1 or 2 are actually installed, usually due to the cost of installing BMPs. This means that this allowance would not apply to most farm plans.
K.C.C. 21A.30.060 - Animal regulations – Livestock management standards. SECTION 84. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows: Property owners with farms containing either large livestock at densities greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a((n)) livestock management plan if the owners adhere to the management standards in subsections A. through G. of this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards. A. To minimize livestock access to aquatic areas, property owners shall utilize the following livestock watering options: 1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from the aquatic areas so that livestock are not required to enter aquatic areas for their water supply. 2. Livestock access to type S((and)), F, and N waters((, including their buffers)) and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas. a. Fencing shall be used as necessary to prevent livestock access to type S ((and)), F, and N waters. b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of crossings. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a county building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits. B.1. Existing grazing areas not addressed by K.C.C. chapter 21A.24 shall maintain a ((vegetative buffer of fifty feet)) fifty-foot-wide grazing area buffer from the ((wetland)) edge of a category I, II((or)), III, or IV wetland, except those wetlands meeting the definition of grazed wet meadows, or the ordinary high water mark of a type S((or)), F, or N water, and a twenty-five-foot-wide grazing area buffer from the edge of a category IV	(1) Adds type N waters to aquatic area types to which livestock access standards apply. (2) Adds category IV wetlands to the wetland categories to which grazing area buffer standards apply. (3) Updates the term	(1) Type N waters flow into fish bearing streams and are proposed to be added to provide greater protection of riparian area functions while limiting the reduction of the amount of farmable land. (2) Category IV wetlands should be protected similarly to other wetland types from the	*Section Notes:* • This section addresses livestock on farms without a farm management plan. *Policy Analysis:* • Although the buffers are proposed to increase in this proposed ordinance, they are significantly below the buffer widths recommended to achieve no net loss and therefore are depart from the County's BAS. The BAS report states: "King County has high confidence that there is high risk to riparian-area functions over the long term because the areas between 50 feet and SPTH (approximately 200 feet) will lack protections" (page 96). The BAS report indicates that buffer widths are intended to protect agricultural lands, consistent with GMA goals. The BAS also indicate that "King County employs a broad array of nonregulatory measures to protect critical

Code	Executive's Proposed Change	Executive's Intent/Rationale	Policy Staff Comments
wetland except those wetlands meeting the definition of grazed wet meadows. 2. ((~~Forested 1~~))Lands being cleared for grazing areas shall comply with the riparian area widths and critical area buffers and the associated regulations in K.C.C. chapter 21A.24. 3. The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((~~forested~~)) lands are being cleared for grazing areas. 4. Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock. 5. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements. 6. Grazing areas within two hundred feet of a type S((~~or~~)), F, or N water or category I, II((~~or~~)), III, or IV wetland shall not be plowed during the rainy season from October 1 through April 30. 7. Grazing areas may extend to the property line, provided that type S((~~or~~)), F, or N waters and category I, II((~~and~~)), III, or IV wetlands that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection B.1., 2., or 3. of this section. C.1. In addition to the buffers in subsection B.((~~1. and 2.~~)) of this section, confinement areas located within two hundred feet of any type S((~~or~~)), F, or N waters or category I, II((~~or~~)), III, or IV wetlands with the exception of grazed wet meadows shall: a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover; b. not be located in ((~~the buffer of~~)) a riparian area adjacent to any type S((~~or~~)), F, or N water or any wetland buffer required by the critical areas ordinance in effect at the time the confinement area is built, or within fifty feet of the wetland edge of any category I, II((~~or~~)), III, or IV wetland or the ordinary high water mark of any type S((~~or~~)), F, or N water. Fencing shall be used to establish and maintain the buffer except where existing natural vegetation is sufficient to exclude livestock from the buffer((~~. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and c. have roof drains of any buildings in the confinement area diverted away from the confinement area. 2. Confinement areas may extend to the property line((~~,~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section. D.1. Manure storage areas shall be managed as follows: a. Surface flows and roof runoff shall be diverted away from manure storage areas; b. All manure stockpiled within two hundred feet uphill of any the ordinary high water mark of a type S ((~~or~~)), F, or N water or the edge of a category I, II((~~or~~)), III, or IV wetland shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; c. Manure shall not be stored in any ((~~aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed or tilled wet meadows unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands. Manure piles shall not be closer than one hundred feet uphill from: (1) any wetland edge excluding grazed or tilled wet meadows; (2) the ordinary high water mark of any aquatic area; or (3) any ditch to which the topography would generally direct runoff from the manure; and d. The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system. 2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields. E. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities permitted in accordance with K.C.C. chapter 21A.24, with the appropriate permits.	"vegetative buffer" to "grazing area buffer." (4) Clarifies that properties with existing fencing installed at distances other than those specified in this section for which livestock management farm plans have been developed are considered compliant if approved fencing is present for all type S and F aquatic areas.	impacts of livestock due to their importance for wildlife and water quality, although they are proposed to have a smaller grazing area buffer than the other categories. (3) The existing code uses the term "buffer" ambiguously; the term "grazing area buffer" is proposed to be used where the code sets standards for the distance from a feature that grazing is excluded. This is different from critical area buffers, in which additional restrictions apply. (4) Establishes when the proposed standards in this section would apply.	areas and reduce risk to critical area functions and values" (page 96). A summary of nonregulatory measures is at the end of this document. Maintaining the program and buffer widths for livestock is a policy choice. • "Existing grazing areas not addressed by K.C.C. chapter 21A.24" is intended to cover those areas without a farm plan. Council may wish to clarify this. • The proposed ordinance includes two grazing area buffer widths for Category IV wetlands. Executive staff indicate that the 25-foot grazing area buffer was intended. Council may wish to clarify the buffer width for a Category IV wetland. • Grazed wet meadows would not be subject to a grazing area buffer, which is a policy choice. Grazed wet meadows are defined as "an emergent wetland that has grasses, sedges, rushes or other herbaceous vegetation as its predominant vegetation and has been previously converted to agricultural activities. " Executive staff state that standard buffers and regulations from K.C.C. Chapter 21A.24 apply if any other alterations are proposed. • This existing provision would allow buffers to be reduced to 25 feet if "diverse, mature vegetation already exists" on properties without a farm management plan. This buffer would be lower than the buffers identified for properties with a farm management plan, meaning that the provisions would disincentivize property owners from obtaining a farm management plan. This provision could be removed to be consistent with the increased buffers proposed. Executive state they support removing this provision.

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F. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), provided approved fencing is present for all type S and F aquatic areas. G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.			It is unclear how these provisions would be applied within the shoreline jurisdiction. Council may wish to consider how address these standards in the shoreline jurisdiction.

Critical Areas Ordinance
Proposed Ordinance 2024-0408
Amendment Tracker

#	PAGE/LINE	EFFECT	SPONSOR	VOTING	Script
S1	n/a	**Striking Amendment S1** *(see effect statement or summary of changes)*	Perry	**PO 2024-0408** Moved by: **Striker S1** Moved by:	
1	Page 3, line 45	Farm management monitoring Adds a requirement for monitoring of county-approved farm management plans.	Quinn	Moved by:	
2	Att. A	Communication with federally-recognized Indian tribes Invites consultation with federally-recognized Indian tribes on Indigenous Knowledge and species and habitats of cultural importance on two proposed policies in the Comprehensive Plan.	Quinn	Moved by:	
T1	n/a	Title amendment Conforms the title to all changes in the amendments.	Perry	Moved by:	

CRITICAL AREA ORDINANCE
SUMMARY OF KEY CHANGES IN STRIKING AMENDMENT S1 – updated August 12, 2025

This summary covers, at a high level, key areas of substantive change in the Local Services and Land Use Committee Chair's striking amendment S1. It does not detail all substantive policy changes. Refer to the effect statement for a description of all substantive changes proposed in the Chair's striking amendment.

For each key change, there is a brief summary of the existing code/policies, the Executive's proposal, and the striking amendment changes. The summary of existing and Executive-proposed language is not exhaustive; it only references these insofar as they relate to changes in the striking amendment. See the Executive's I-208 Analysis and Plain Language Summary, dated December 2024, for a full accounting of the Executive's proposed changes.

SHORELINE MASTER PROGRAM – K.C.C. 20.20.200		
Existing	**Executive Proposal**	**Striking Amendment S1**
Identifies specific development standards in effect on December 23, 2024, are incorporated into the Shoreline Master Program.	Removes K.C.C. 21A.24.055, concerning rural stewardship plans, from the Shoreline Master Program.	Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program. The effective date of the development standards is replaced with a placeholder for ordinance adoption.
PUBLIC BENEFIT RATING SYSTEM – K.C.C. 20.36.100		
Existing	**Executive Proposal**	**Striking Amendment S1**
Under the farm and agricultural conservation land category, requires a farm management plan to be in accordance with K.C.C. 21A.24.051.	No changes.	Requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
To qualify for the rural open space category from a site must have a minimum of 10-acre contiguous open space area.	No changes.	Lowers the threshold from 10 acres to 5 acres.
STATE ENVIRONMENTAL POLICY ACT (SEPA) – K.C.C. 20.44.040		
Existing	**Executive Proposal**	**Striking Amendment S1**
Exemption threshold levels are specified for certain construction types and sizes.	No changes.	Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.

		Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
Grading up to 100 cubic yards is exempt in aquatic areas, wetlands, steep slopes or landslide hazard areas. Grading up to 500 cubic yards is exempt to correct for code violations in aquatic areas, wetlands, steep slopes or landslide hazard areas. Grading up to 500 cubic yards is exempt in all other areas.	Removes aquatic areas and wetlands and adds alluvial fans to the 100 cubic yard exemption. Removes aquatic areas and wetlands and adds alluvial fans to the exemption for code violations.	Adds an exemption for any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law. Lowers the exemption for code violations from 500 cubic yards to the standard exemption for fill and grade.
DEFINITIONS – K.C.C. 21A.06		
Existing	**Executive Proposal**	**Striking Amendment S1**
Buffer	Removes language specific to steep slopes and landslide hazard areas. Revises the definition to be an area adjacent and contiguous to a critical area that is intended to protect the functions and values of critical area and reduce impacts from adjacent land uses.	Maintains language removal. Reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
n/a	Adds a definition for commercial production of agricultural products.	Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.
Critical aquifer recharge area	No changes.	Modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
Fish habitat	No changes.	Broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises examples of fish habitat.
CRITICAL AREAS ALLOWED ALTERATIONS - K.C.C. 21A.24.045		
Existing	**Executive Proposal**	**Striking Amendment S1**
Maintenance or repair of existing structures: In landslide hazard area, only where there is little to no risk of injury, risk of landsliding is low and there is no expansion.	Maintains the existing code with the following changes: - Adds steep slope hazard and alluvial fan hazard areas	Maintains the Executive's proposal with the following changes: - Adds additional restrictions in severe channel migration hazard areas on footprint and

Allowed in all other critical areas. (Conditions 5, 6)	- Adds additional restrictions in alluvial fan hazard areas on footprint and substantial improvement.	substantial improvement (Condition 6).
Expansion of existing structure: Expansion is not allowed in a landslide hazard area or steep slope hazard area (Conditions 5 and 7) Expansion is allowed in all other critical areas, subject to conditions. (Condition 5, 6, 7) Replacement of existing structure Replacement of existing structures are allowed in all critical areas, subject to conditions on expansion, size, location, or risk. (Conditions 5, 6, 7, 8)	Maintains the existing code with the following changes: - Prohibits expansion in alluvial fan hazard areas. - Allows replacement in alluvial fan hazard areas, only where there is little to no risk of injury, risk of landsliding is low, there is no expansion or substantial improvement, no addition towards an alluvial fan hazard, and subject to other locational and size requirements.	Splits this alteration allowance in two, as follows: - *Expansion* of existing structures: o Maintains prohibiting the alteration in a landslide or steep slope hazard area o Allows in severe channel migration hazard areas and alluvial fan hazard areas with limitations under the same conditions as maintenance or repair (Condition 6, above). o Allows in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area. Modifies the condition to require the alteration to be on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and with limitations on original establishment, location, revegetation and/or footprint expansion (Condition 7). - *Replacement* of existing structures: o Allows in a landslide or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low (Condition 5). o Allows in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area. Modifies the condition to require the alteration on an existing footprint or has the least impact on the critical area, does not expand the footprint of all structures and impervious surfaces, is on an existing impervious area, lawn or landscaped area, farm field, or grazed area, and includes revegetation (Condition 8).
Construction/maintenance/repair of a pier or dock: Limited to piers or seasonal floating docks in a category II, III, or IV wetland or associated buffer, a lake shoreline, or adjacent	No changes.	For wetlands and buffers, clarifies that that the alteration is only to provide access to an aquatic area (Condition 9).

riparian area outside of a severe channel migration hazard area. No toxic substances are allowed in Type N or O aquatic areas. Allowed in Type S or F aquatic areas outside severe channel migration hazard area or in a lake in compliance with K.C.C. 21A.25.180 (Conditions 9, 10, 11, 12)		For aquatic or riparian areas, prohibits the alteration in a salmonid spawning area and prohibits hazardous substances in all aquatic areas (Condition 10).
Cutting of firewood: Allowed in all critical areas and buffers except wildlife habitat conservation area. Cutting is limited to personal use with a forest management plan or rural stewardship plan. (Condition 21)	Adds prohibition in wetlands, aquatic areas, steep slope hazard areas, or trees containing an active nest. Allows cutting for nonpersonal use. When for personal use, must be done with a forest management plan.	Along with the Executive's proposal, adds prohibition in wetland buffers, riparian areas, and severe channel migration hazard area. Reverts back to limiting the cutting of firewood for only personal use with a forest management plan.
Construction of new public road right-of-way structure on unimproved right-of-way: Allowed in wetland, wetland buffers, aquatic areas, riparian areas, and severe channel migration hazard areas, subject to conditions. (Condition 26)	No changes.	Maintains allowance for construction of new public road right-of-way structure on unimproved right-of-way. Prohibits new roads in unimproved right-of-way as allowed alteration in all critical areas.
CRITICAL AREA ALTERATION EXCEPTIONS AND REASONABLE USE EXCEPTIONS K.C.C. 21A.24.070		
Existing	**Executive Proposal**	**Striking Amendment S1**
Critical area alteration exceptions may be applied for private or public development.	No change.	Splits critical area alteration exceptions into public agency/utility and private development exceptions.
A reasonable use exception in the shoreline jurisdiction is treated as a shoreline variance.	No change.	Clarifies that all exceptions in the shoreline jurisdictions are processed as shoreline variances.
Nonlinear critical area alteration exceptions are not permitted in a critical area used as a salmonid spawning area.	Nonlinear critical area alteration exceptions are not permitted in a critical area that is potential salmonid spawning habitat.	Nonlinear critical area alteration exceptions are not permitted in a critical area that is a fish spawning area.
CRITICAL AREA DISCLOSURE – K.C.C. 21A.24.090		
Existing	**Executive Proposal**	**Striking Amendment S1**
An applicant is required to submit an affidavit which declares whether the applicant has knowledge of any illegal alteration to critical areas or buffers on the site and whether the applicant has been found to be in violation of K.C.C. chapter 21A.24.	Adds a requirement for disclosure of critical areas on the development proposal site. Requires an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.	Removes the requirement for an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.

CRITICAL AREA DESIGNATIONS – K.C.C. 21A.24.500		
Existing	**Executive Proposal**	**Striking Amendment S1**
A critical area designation may be for part or all of a site.	A critical area designation may be for a site containing part or all of a parcel. A designation does not apply to any part of a parcel than what is identified and approved.	Reverts critical area designations from a parcel to a site.
CRITICAL AREA REPORTS - K.C.C. 21A.24.110 AND SECTIONS 58 AND 59		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Requirements are added for ecological and geological critical area reports.	Identifies what type of critical area report would be required for each critical area.
n/a	A geological critical area report must contain a description of site conditions, a site plan, evaluation of geological conditions, hazard analysis, evaluation of proposed development, and a determination of whether the alterations minimize risk.	Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
n/a	An ecological critical area report must contain a critical area delineation, wildlife study and habitat assessment, description of site conditions, impact analysis, mitigation plan, monitoring plan, site plan, and any additional information.	Revises requirements for an ecological critical area report, such as monitoring plans and site plans.
CRITICAL AREA MITIGATION K.C.C. 21A.24.125 and K.C.C. 21A.24.130		
Existing	**Executive Proposal**	**Striking Amendment S1**
Impacts to a wetland, aquatic area, wildlife habitat conservation area, or wildlife habitat network, must be mitigated on or contiguous to the development site.	Adds wetland buffers and riparian areas.	Broadens the list of specific critical areas to apply to all critical areas. Prioritizes, instead of requires, mitigation to occur on-site.
If monitoring reveals deviations from the predicted impact or failure of mitigation requirements, a contingency plan is required subject to mitigation, including a monitoring plan and financial guarantees.	Clarifies that a revised monitoring plan and revised financial guarantees are needed where mitigation is not performing.	Adds an extension of the monitoring period by at least 2 years where mitigation is not performing.
REVEGETATION SECTION 63		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Establishes the use of climate-smart plants.	Changes terminology of "climate-smart plants" to "climate-adaptive plants"

	In K.C.C. chapter 21A.06, defines climate-smart plants as native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as identified by the department of natural resources and parks.	Revises the definition of climate-adaptive plants as plant species identified by DNRP as current or formerly native to the surround ecoregion and that are predicted to maintain their abundance under climate change. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.
n/a	In K.C.C. chapter 21A.06, defines revegetation as the reestablishment of vegetation within an area that reflects historic natural conditions or native vegetation types that are well suited to thrive in the area.	Revises the definition to state that it is the reestablishment of vegetation within an area that is well suited to thrive in the area.
Where mitigation involves enhancement, creation, restoration, or revegetation, requires planting of native vegetation.	Adds climate-smart plants along with native vegetation. Prohibits the use of plants not indigenous to the Puget Sound region except for climate-smart plants.	Establishes a new section for revegetation in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary. Allows modification to planting plans based on site-specific conditions.
CRITICAL AREA SETBACKS - K.C.C. 21A.24.200		
Existing	**Executive Proposal**	**Striking Amendment S1**
Buildings and other structures must be set back 15 feet from the edge of all critical areas and critical area buffers.	Structures must be set back 15 feet from the edge of all critical areas and critical area buffers.	Reduces the critical area setback from 15 feet to 10 feet.
Uncovered decks, with no height limitation, are allowed in a critical area setback area.	Limits uncovered decks to 18 inches above grade.	Reverts back to existing code and removes the 18-inch height limitation.
GEOLOGICALLY HAZARDOUS AREAS - K.C.C. 21A.24.210, 220, 280, 310		
Existing	**Executive Proposal**	**Striking Amendment S1**
Alterations in a landslide hazard area with slopes less than 40% are allowed if the proposed alteration does not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.	No changes.	Requires all alterations in landslide hazard areas to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.

Required a public rule to be adopted specifying the requirements for geologic hazard areas and geological technical reports.	n/a	Adds a factor of safety requirement for slope stability for landslide and steep slope hazard areas.
n/a	n/a	Requires alterations to comply with a geological critical area report.
ALLUVIAL FAN HAZARD AREAS SECTION 72		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	n/a	Allows for buffers from alluvial fan hazard areas, if needed.
n/a	Requires alterations in alluvial fans to not increase risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.	Requires alterations in alluvial fans to minimize and not increase risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.
n/a	n/a	Prohibits vegetation removal from an alluvial fan hazard area or associated buffer except as part of an allowed alteration.
n/a	n/a	Requires alterations to minimize disturbance to alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization.
CRITICAL AQUIFER RECHARGE AREAS - K.C.C. 21A.24.316		
Existing	**Executive Proposal**	**Striking Amendment S1**
For critical aquifer recharge areas on Vashon-Maury Island, if test results indicate saltwater intrusion is likely to occur, the County recommends appropriate measures.	No changes.	Requires a property owner to implement all recommended measures.
n/a	n/a	Adds a requirement to transmit updated critical aquifer recharge area maps by December 31, 2027.
WETLANDS – K.C.C. 21A.24.335, 340, 342		
Existing	**Executive Proposal**	**Striking Amendment S1**
All sites in the Urban Growth Area are designated as high impact for the purposes of establishing wetland buffer widths.	No changes.	Classifies moderate-intensity active recreation or open space and passive recreation inside the Urban Growth Area as moderate and low impact, respectively.
Wetland buffer averaging is allowed if certain criteria are met: - the total area is equal or greater to the standard buffer area; - the additional buffer is contiguous with the standard buffer; - the buffer is never less than 75% of the standard width or 75 feet for Category I and	Changes to remove the numeric widths (for example, 75 feet for Category I and II) and use a maximum 75% width reduction only, prohibits buffer averaging with other reductions, and requires indirect impacts to be assessed.	When buffer averaging is proposed, requires revegetation where native vegetation does not current exist and requires no net loss of wetland functions and values.

II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater; - no degrading wetland functions and values; - the buffer is increased adjacent to the higher functioning or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion		
Requires wetland complexes inside the Urban Growth Area with a "high" basin designation to include a corridor if buffers do not connect, subject to conditions.	n/a	Requires corridors for all wetland complexes inside the Urban Growth Area if buffers do not connect, subject to conditions.
The buffer widths for any high impact land uses can be reduced to the widths for moderate impact land uses, subject to required measures. One of the required measures is using privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion.	Limits the buffer reduction to only dwelling units within the urban growth area. One of the required measures is planting an area of dense native vegetation or climate-smart plants within the remaining buffer that is equal to or greater than the area by which the buffer is reduced.	Adds mixed-use, daycares, and social services within the urban growth area to the uses that can have a reduced buffer width. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse. Adds a measure requiring noise-generating activities to be sited away from the wetland.
The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 10:1 E.	The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 16:1 E.	The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 20:1 E, consistent with Department of Ecology guidance.
The rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands is 4.5:1.	No changes.	The rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands is 6:1, consistent with Department of Ecology guidance.
AQUATIC AREAS AND RIPARIAN AREAS - K.C.C. 21A.24.355, .358, .365, .380		
Existing	**Executive Proposal**	**Striking Amendment S1**
Aquatic areas are typed as Type S, F, N, or O based on characteristics.	Revises Type F waters, which may be ephemeral, to include the presence of fish, a stream segment with a defined channel of two feet or greater at bankfull width, or any stream in a floodplain of a Type S or F water.	Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
Aquatic area widths: Inside the urban growth area: - S or F in basin or shoreline designated as	Riparian area widths: Inside the urban growth area: - S or F in basin or shoreline designated	Maintains the Executive's proposal with a change inside the urban growth area to removes the differentiation based on "high" basin conditions:

"high": 165 feet - All other S or F: 115 feet - N: 65 feet - O: 25 feet Outside the urban growth area: - S or F: 165 feet - N: 65 feet - O: 25 feet	as "high": 200 feet - All other S or F: 180 feet - N: 100 feet - O: 50 feet Outside the urban growth area: - S or F: 200 feet - N: 100 feet - O: 50 feet	- S or F: 180 feet
Aquatic area buffer averaging is allowed if certain criteria are met: - the total area is not reduced; - the additional buffer is contiguous with the standard buffer; and - the reduction does not occur for buffer area waterward of the top of an associated steep slope or for a severe channel migration hazard area	Maintains the existing code with the following changes: - the riparian area is never less than 75% of the standard width - the area is increased adjacent to the higher functioning or more sensitive portion and decreased adjacent to the lower-functioning or less-sensitive portion; - no net loss of riparian area or aquatic area functions and values occurs; - the reduction does not occur waterward of a hazard area; - if the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and - averaging is not combined with any other riparian area width modifications	Maintains the Executive's proposal with the following changes: - requires revegetation where native vegetation does not current exist
Applicants with projects with woody debris in Type S aquatic areas shall consider the potential for recreational hazards in project design.	No changes.	Requires projects to also minimize the potential for recreational hazards.
The Department of Local Services accepts the addition of buffer area or riparian area as a form of on-site mitigation that is contemplated by the code.	No changes.	Requires mitigation for riparian areas to be restoration or creation.

<table>
<tr>
<td>n/a</td>
<td>Establishes alternative mitigation ratios for riparian areas. Ratios may be reduced when compared to standard ratios when primary or second actions are completed with mitigation.
<table>
<tr><th>Adjacent Aquatic Area Type</th><th>Impacts to Woody Vegetation</th><th>Impacts to Non-Woody Vegetation or Unvegetated Areas</th></tr>
<tr><td>Shoreline (S)
Fish bearing (F)
Non-fish bearing (N)</td><td>2:1 ratio with at least one primary action or three secondary actions</td><td>1:1 ratio with at least two secondary actions</td></tr>
<tr><td>Other (O)</td><td>1:1 ratio with at least one primary action or two secondary actions</td><td>1:1 ratio with at least secondary action</td></tr>
</table>
</td>
<td>For alternative mitigation ratios:
- Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
- Increases the ratio for Type O riparian areas with impacts to woody vegetation.
- Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas</td>
</tr>
<tr>
<td>n/a</td>
<td>Secondary actions for alternative mitigation include:
- planting native trees, climate-smart plants, and shrubs in areas of riparian area addition lacking native vegetation that are contiguous with existing riparian areas, within an area equal to one-half of the area of impact
- placing large wood in riparian areas or an adjacent floodplain
- installing wildlife snags or similar wildlife nesting or rearing habitat
- removing floodplain fill and replating with native vegetation or climate-smart plants as appropriate
- other similar actions as determined by the department</td>
<td>Revises the secondary action from replanting riparian area addition to increasing the size of the riparian area with replanting.

Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.</td>
</tr>
<tr>
<td>Mitigation for illegal alterations to an aquatic area or buffer is 1:1.</td>
<td>Revises the mitigation ratio for illegal alterations to 4:1 for aquatic area and S, F, or N riparian areas, and 3:1 for O riparian</td>
<td>Revises the mitigation ratio for illegal alterations to 3:1 for all aquatic areas and riparian areas.</td>
</tr>
</table>

	areas.	
AGRICULTURAL ACTIVITIES		
Agricultural Activities Development Standards (K.C.C. 21A.24.051)		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Adds a definition of commercial production of agricultural products, where an operator has done one or more of the following: 3 years of IRS filings, a USDA organic certification, or enrolled in the current use classification.	Removes the definition and adds a section in the agricultural activities development standards (K.C.C. 21A.24.051) which requires 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation, to prove commercial production of agricultural products for the purposes of critical area regulations.
As part of a farm management plan, requires a plan for monitoring the effectiveness of measures taken to protect critical areas and buffers and to modify the plan if impacts occur.	Modifications to the plan should occur if impacts are identified.	Requires modifications if impacts are identified.
Farm management plans are not effective until approved by the County.	No changes.	Clarifies that farm management plans are not effective for the purposes of critical areas until approved by the County.
A public rule for farm management plans was adopted in 2005.	The Executive indicates that the farm management plan public rule will be updated after the adoption of the critical area ordinance.	Adds requirements and procedures for adopting a public rule for farm management plans, including an adoption deadline of December 31, 2026.
Horticulture activities / Commercial Fish Farm Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
In all critical areas, alterations are allowed for horticultural and commercial fish farm <u>activities in continuous existence</u> since January 1, 2005, with no expansion within the critical area or critical area buffer. (K.C.C. 21A.24.045 Condition 53)	Revises the cyclical operations and managed periods of soil restoration, enhancement, or other fallow states for "continuous existence" to be seven years.	Adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing.
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alterations are allowed for the <u>expansion of existing or new horticultural and commercial fish farm activities</u> on sites that are *predominantly involved in the practice of agriculture* - Expansion is prohibited in critical areas: o cleared under certain forest practice	Maintains the existing code with the following changes: - Sites must be *predominantly involved in the practice of agricultural activities* - Expansion is prohibited in: o Critical areas cleared under certain forest practice permits; or o Wetland, wetland buffers, or riparian areas that contains predominantly native forest overstory, shrub, or	Maintains the Executive's proposal with the following changes: - Sites must have *agriculture as the primary activity on the site* - Expansion and new activities are prohibited in: o Critical areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with

permits; or o that are more than 10,000 sf with tree cover at a uniform density more than 90 trees per acre with a predominant diameter of 4 inches at diameter at breast height, excluding those for managed as agricultural crops. - Activities are in compliance with an approved farm management plan - Best management practices associated with the activity specified in a farm management plan are installed and maintained (K.C.C. 21A.24.045 Condition 54)	herbaceous layer, excluding those managed as agricultural crops	predominantly native plants, excluding those managed as agricultural crops.
Grazing of Livestock Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
In all critical areas, alteration is allowed for activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. (K.C.C. 21A.24.045 Condition 53)	Revises the cyclical operations and managed periods of soil restoration, enhancement, or other fallow states for "continuous existence" to be seven years.	Adds clarity for uses established after January 1, 2005 and continuous existence to include transfer of ownership, sale, or leasing.
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alteration is allowed for the expansion of existing or new grazing of livestock activities *on sites that are predominantly involved in the practice of agriculture* - Expansion is prohibited in critical areas: o cleared under certain forest practice permits; or o that are more than 10,000 sf with tree cover at a uniform density more than 90 trees per acre with a predominant diameter of 4 inches at diameter at breast height, excluding those for managed as agricultural crops - Activities are in compliance with an approved farm management plan - Best management practices associated with the activity specified in a farm	Maintains the existing code with the following changes: - Sites must be *predominantly involved in the practice of agricultural activities* - Expansion is prohibited in: o Areas cleared under certain forest practice permits; or o Wetland, wetland buffers, or riparian areas that contains predominantly native forest overstory, shrub, or herbaceous layer, excluding those managed as agricultural crops.	Maintains the Executive's proposal with the following changes: - Sites must have *agriculture as the primary activity on the site* - Expansion and new activities are prohibited in: o Areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with predominantly native plants, excluding those managed as agricultural crops.

management plan is installed and maintained (K.C.C. 21A.24.045 Condition 54)		
Grazing area buffers for sites with farm management plans: - Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 25 feet (K.C.C. 21A.30.045)	- Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 40 feet - Type N aquatic areas: 35 feet - Category IV wetlands: 20 feet	Clarifies that grazed wet meadows have no grazing area buffer. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover. Clarifies that clearing of land for new grazing areas must comply with critical area or buffer widths in K.C.C. 21A.24 based on type of adjacent aquatic area or wetland.
Grazing area buffers for sites without farm management plan: - Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 50 feet - The grazing area buffer may be reduced to 25 feet where diverse, mature vegetation already exists (K.C.C. 21A.30.060)	- Type S, F, N aquatic areas and Category I, II, III, IV wetlands, except grazed wet meadows: 50 feet - Category IV wetlands: 25 feet - The grazing area buffer may be reduced to 25 feet where diverse, mature vegetation already exists.	Removes a 50-foot grazing area buffer for Category IV wetland and maintains the 25-foot grazing area buffer. Clarifies that grazed wet meadows have no grazing area buffer. Removes a 25-foot grazing area buffer reduction where there is existing diverse, mature vegetation.
Livestock Manure Storage Facility, Livestock Heavy Use Area, Farm Pads Allowed Alterations		
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alteration for these activities is allowed in a grazed or tilled wet meadow or their buffers - Facilities are designed to the standard of an approved farm management plan - There is no other feasible alternative location on site - Facilities are located as close to the outer edge of the buffer as possible (K.C.C. 21A.24.045 Condition 55)	No changes.	Maintain the existing code with the following changes: - Sites must have a horticulture or livestock grazing activity - Allowed in existing grazed, tilled, or impervious area - Expansion and new activities are prohibited in: o Areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with predominantly native plants, excluding those managed as agricultural crops.
On sites without a farm management plan, manure cannot be stored in an aquatic area buffer or wetland buffer except for grazed or	No changes.	Removes an allowance for manure storage on tilled wet meadows.

tilled wet meadows, unless there is no other alternative on the property. (K.C.C. 21A.30.060)		
Farm Field Access Drives Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
Farm field access drive is defined as an impervious surface constructed to provide a fixed route for moving livestock, produce, equipment, or supplies to and from farm fields and structures. (K.C.C. 21A.06.451)	Clarifies that the drive may also be paved and narrows the definition to only be on a property in an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.	Removes the restriction that limits the definition to only farm field access drives on properties in the A zone, Agricultural Production District, or Farmland Preservation Program. Move these regulations into another section of code.
Exempt from a clearing and grading permit only if consistent with an adopted farm management plan. (K.C.C. chapter 16.82)	In addition to the existing code, adds the following conditions to the exemption: - Only on sites with agricultural activities; - Constructed using best management practices; - Access is not greater than 14 feet wide; - There is no other alternative location with less impacts to critical areas and associated buffers available; - Complies with farmland dispersion requirements in the Surface Water Design Manual; - Is sited in an area least subject to channel migration; - Obtains a floodplain development permit and state and federal permits when required.	In addition to the Executive's proposal, adds the following conditions to the exemptions: - Adds a limitation to only properties in the A zone, Agricultural Production District, or Farmland Preservation Program; and - Creates less than 2,000 sf of new impervious surface.
In all critical areas, the alteration is allowed only in compliance with a farm management plan. (K.C.C. 21A.24.045 Condition 29)	In addition to the existing code, adds the following conditions to the exemption: - Sites must be currently involved in the practice of agricultural activities; - In compliance with a farm management plan and constructed using best management practices; - There is no other feasible location with less impacts to critical areas and associated buffers available; - Complies with the farmland dispersion requirements in the Surface Water Design Manual;	Maintains the Executive's proposal with the following changes: - Sites must have a horticulture or livestock grazing activity; and - Complies with any other applicable flow control best management practices in the Surface Water Design Manual for projects that do not qualify for farmland dispersion. (Condition 59)

	- Is sited in an area least subject to channel migration; - Obtains a floodplain development permit and state and federal permits when required.	
Nonresidential Farm Buildings Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
Nonresidential buildings are limited to farm buildings on grazed or tilled wet meadows, wetland buffers, or aquatic areas on sites that are *predominantly used for agriculture*, subject to other conditions. (K.C.C. 21A.24.045 Condition 3)	Limited to grazed or tilled wet meadows, wetland buffers, or riparian areas on sites that are *predominantly used for agricultural activities*, subject to other conditions.	Limited to grazed or tilled wet meadows, wetland buffers, or riparian areas on sites where the *primary use of the site qualifies as horticulture or grazing livestock activities*, subject to other conditions. (Condition 60)
COMPREHENSIVE PLAN POLICIES		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	n/a	In Chapter 3, adds a new policy exploring implementation of a Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District. In Chapter 5, adds lead-in text regarding supporting critical area protections and the long-term viability of agriculture and Voluntary Stewardship Programs. Adds a new policy on exploring adaptive management techniques within or adjacent to agricultural activities, such as enrollment through the Voluntary Stewardship Program, collection of data, engagement with Indian tribes, the King Conservation District, farmers, and other parties.
n/a	n/a	In Chapter 5, adds a new policy recognizing Indigenous Knowledge as an important aspect in developing rules, regulations, projects, and programs for the protection of critical areas.
n/a	n/a	In Chapter 5, adds a new policy on consideration of species and habitats of cultural importance to Indian tribes in planning, development review, and capital projects.

S1

7-15-25
Committee Chair Striker

Sponsor: Perry

[J. Ngo plus LUT]

Proposed No.: 2024-0408

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0408, VERSION 1

On page 4, beginning on line 87, strike everything through page 246, line 4766, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. The Washington state Growth Management Act ("GMA") requires counties to include the best available science ("BAS") in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and consider critical areas regulations as part of the comprehensive plan review and evaluation required by RCW 36.70A.130.

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881. Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

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

D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates and nonregulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk.

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

F. The proposed updates to critical areas regulations strengthen protections for critical areas functions and values while advancing the goals of GMA, including the

designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County.

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

SECTION 2.

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

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

C. The elements of the King County Shoreline Master Program in sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

definitions in K.C.C. chapter 21A.06, the definitions in K.C.C. 16.82.020 ((~~shall apply~~)) control.

B. The activities in subsection D. of this section are exempted from the requirement of obtaining a clearing or grading permit but only if those activities conducted in critical areas ((~~are in compliance~~)) comply with the standards in this chapter and in K.C.C. chapter 21A.24 and are legally established. Activities exempt from obtaining a clearing and grading permit are not exempt from other code requirements and may require other permits, including, but not limited to, a floodplain development permit.

C. Clearing and grading permit ((~~requirement~~)) exemptions in the table in subsection D. of this section shall be interpreted as follows:

1. The use of "NP" in a cell means that a clearing or grading permit is not required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24 are met;

2. A number in a cell means the numbered condition in subsection E. of this section applies, and:

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

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

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

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

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

D. Clearing and grading permit ((~~requirement~~)) exemptions.

	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian Area	Wildlife Habitat Conservation Area, Wildlife Habitat Network and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~NP 1,~~		NP 1, 2			

								~~2~~))					
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~NP 3~~))		NP 3	((~~NP 4~~))	((~~NP 4~~))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~NP 5~~))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP <u>6</u>	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~NP 6~~))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((~~NP 25~~))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~NP 7~~))	<u>NP 8</u>	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((~~NP 9~~))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((~~NP 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10

Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	((~~N P 11~~))	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((~~N P 12~~))	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((~~N P 13, 14, 15~~))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((~~Construction of farm field access drive~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))
((~~Maintenance of farm field access drive~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((~~N P 19~~))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or	NP		NP				NP	((~~N		NP			

maintenance of utility corridors or facility outside of the right-of-way	1, 2, 3 NP 27		1, 2, 3				1, 2, 3	~~P 1, 2, 3~~))		1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((~~N P 20~~))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat	NP	NP	NP	NP	NP	NP	NP	((~~N~~	NP	NP	NP	NP	NP

((~~restoration~~))creation or enhancement project		21	21	21	21	21	21	~~P 21~~))	21		21	21	21
Drilling and testing for critical areas((~~s~~)) report or monitoring and data collection	NP 1, 2, 22	NP ((~~1, 2~~)) 22	NP ((~~1, 2~~)) 22	NP 22	NP 22	NP 22	NP ((~~1, 2,~~)) 22	((~~NP 1, 2~~))	NP 22	NP ((~~1, 2~~)) 22	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		NP ((~~16~~)) 17	((~~NP 16~~))		NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~NP 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~NP 26~~))	NP 26	NP 26	NP 26	NP 26	NP 26

Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~N P 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17		NP 17	NP 17	NP 17	NP 17	NP 17
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P~~))	NP 13	NP 13	NP 13	NP 13	NP 13

E. The following conditions apply:

1. Excavation less than five feet in vertical depth((~~,~~)) or fill less than three feet in vertical depth that, cumulatively on a single site since January 1, 2005, does not involve more than one hundred cubic yards on a single site.

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two

thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

3. Cumulative clearing on a single site since January 1, 2005 shall be limited to less than seven thousand square feet, including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exemption shall not apply to development proposals:

a. regulated as a Class IV forest practice under chapter 76.09 RCW;

b. in a critical drainage areas established by administrative rules;

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

d. subject to Urban Growth Area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

4. ((~~Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.~~)) Repealed.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan((~~,~~)) or forest management plan((~~, or rural stewardship plan~~)).

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

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

b. limited to removal with hand labor.

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

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

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

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

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

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

a. The King Conservation District;

b. King County department of natural resources and parks;

c. King County department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

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

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

b. less than two-thousand square feet of impervious surface is created;

c. access is not greater than fourteen feet wide;

d. there is no alternative location with less impact on critical areas and associated buffers;

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

f. located where it is least subject to risk from channel migration;

g. a floodplain development permit is obtained for any activity within the floodplain; and

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

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

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

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

20. When:

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

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

21. Only if:

a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation((;)), and

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

~~(1)~~))) revegetation of the critical area and ((~~its~~)) associated buffer with native vegetation or climate-adaptive plants, or the removal of noxious weeds or invasive vegetation using only hand labor; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

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

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

a. King Conservation District;

b. department of natural resources and parks;

c. department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

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

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

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

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

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

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

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

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

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

f. tree removal and pruning to provide up to ten feet between tree crowns and utility and facility structures; and

g. clearing may be allowed up to one hundred feet from the utility facility structure if such clearing activity is advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risks. The removal and pruning of trees to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees located between thirty and sixty feet from a utility facility structure; and

(2) six feet between tree crowns for trees located between sixty and one hundred feet from a utility facility structure.

SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881, and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

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

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

1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

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

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

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

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

g. Section 63 of this ordinance;

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

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

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

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

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

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

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

m. Section 72 of this ordinance;

n. Section 73 of this ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The following:

a. K.C.C. 20.18.050;

b. K.C.C. 20.18.056;

c. K.C.C. 20.18.057;

d. K.C.C. 20.18.058;

e. K.C.C. 20.22.160;

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

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

h. K.C.C. 21A.44.100; ((~~and~~))

i. K.C.C. 21A.50.030; and

5. The 2024 King County Flood Management Plan.

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

C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology ((~~as provided~~)) in accordance with RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of an electronic copy, with the clerk of the council, who shall retain the original and provide electronic copies to all councilmembers, the chief of staff, and the lead staff of the local services and land use committee or its successor.

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

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

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

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

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

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not

extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

4. Ecological enhancement land – eighteen points. "Ecological enhancement land" means open space lands undergoing recovery of significantly degraded or lost ecological function or processes. The following requirements shall be met:

a. A jurisdiction, natural resource agency, or appropriate organization has committed to sponsoring the ecological enhancement project, with secured funding in place before the application's public hearing;

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

c. The owner is responsible for providing and implementing an ecological enhancement plan for the proposed project. The approved enhancement plan shall include at least a statement of purpose, detailed description of work to be done, site map of the project area, and specific timeline for the enhancement activities to be completed. The enhancement plan is subject to approval by the department; and

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project

and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ((~~rural stewardship land or~~)) resource restoration ((~~categories~~)) category;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may

also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~that is acceptable to the department~~)) and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and

implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ((~~or rural stewardship land categories~~)) category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed

on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for

medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

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

a. has a plant community in which native plants are dominant; or

b. is former open farmland, woodlots, scrublands, or other lands that are in the process of being replanted with native vegetation and for which the property owner is implementing an approved farm management, ecological enhancement, forest stewardship, ((~~rural stewardship,~~)) or resource restoration plan acceptable to the department;

13. ((~~Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a~~

~~plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;~~

~~14.~~)) Scenic resource, viewpoint, or view corridor – five points.

a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.

b. A "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. A site shall provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area, allow unlimited public access, and be identified by a permanent sign readily visible from a road or other public right-of-way.

c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. The site shall have ((~~a~~)) significant cultural areas and contain significant

inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction;

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

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

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

(1) an area used by animal species listed as endangered, threatened, sensitive, or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources or used by species of local ((~~significance~~)) importance that are listed by the King County Comprehensive Plan or a local jurisdiction;

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

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

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

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

((~~17.~~)) 16. Special animal site - three points. "Special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or a biodiversity area and corridor identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of the date of the application as identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of

disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

((~~18.~~))17. Surface water quality buffer – five, eight, or ten total points. "Surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine waters on or abutting the property, that provides buffers beyond that required by any applicable regulation. To receive five points, the buffer shall be at least fifty percent wider than the buffer required by any applicable regulation. To receive eight points, the buffer shall be at least two times the required width. To receive ten points, the buffer shall be at least three times the required width. The qualifying buffer shall be longer than twenty-five feet and shall be preserved from clearing or maintenance, unless this area is part of a department-approved ecological enhancement, farm management, forest stewardship, ((~~rural stewardship,~~)) or resource restoration plan. Grazing use by livestock on such land is prohibited;

((~~19.~~)) 18. Urban open space - five points.

a. "Urban open space" means land located within the boundaries of a city or within the Urban Growth Area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more-intensive development or use. The enrolling area shall be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

(1) the land conserves and enhances natural or scenic resources;

(2) the land protects streams or water supply;

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

(4) the land enhances the value to the public of adjacent parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open space;

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

(6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

((~~20.~~)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((~~, or rural stewardship~~)) plan that addresses this need and is acceptable to the department.

D. Property qualifying for an open space category in subsection C. of this section may receive credit for additional points as follows:

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

2. Contiguous parcels under separate ownership - two points.

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

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

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

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

c. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Each parcel need not meet the minimum acreage requirements for a resource category so long as the total area of all enrolling land combined meets any required minimum acreage requirements. The owners of each parcel included in the application shall agree to identical terms and conditions for enrollment in the program.

d. Individual parcels or portions of parcels may be withdrawn or removed from open space classification, consistent with all applicable rules and regulations. The continued eligibility of all parcels and associated acreage remaining in open space classification accepted under the same application is dependent upon the continued qualification for a resource category or categories.

e. Points are awarded for each participating owner above one owner and accrue to all owners of a single application. The withdrawal or removal of all enrolled acreage associated with an owner results in the loss of two points for each remaining owner;

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property

designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

4. Public access - points depend on type and frequency of access allowed. "Public access " means the general public is allowed access on an ongoing basis for uses such as recreation, education, or training. Access shall be allowed on the portion of the property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, agreed to by the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. A property owner shall demonstrate that the property is open to public access and is used by the public. Award of public access points for historic properties is subject to approval by the historic preservation officer of King County or a certified officer of another local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed without special arrangements with the property owner.

b. Limited public access ((~~because of~~)) due to resource sensitivity - five points. Access may be reasonably limited by the property owner due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed should generally be for an educational, scientific, or research purpose and may require special arrangements with the owner.

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

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

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

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

located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land((~~,~~)) or forest stewardship land((~~, or rural stewardship land~~)) categories.

SECTION 7. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

A.1. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations ((~~subject to the following:~~)).

((~~1.~~)) 2. The ((~~following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)~~)) exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level. The exemptions in subsection A.3. of this section shall not apply when the proposal:

a. is undertaken wholly or partly on lands covered by water;

b. requires a license governing discharges to water that is not exempt under RCW 43.21C.0383;

c. requires a license governing emissions to air that is not exempt under RCW 43.21C.0381 or WAC 197-11-800(7) or (8); or

d. requires a land use decision that is not exempt under WAC 197-11-800(6).

3. The county adopts the following thresholds for minor new construction under WAC 197-11-800(1):

a. The construction or location of ((~~any residential structures of~~)) up to twenty dwelling units within the ((~~boundaries of an u~~))Urban ((~~g~~))Growth ((~~a~~))Area((~~,~~)) or ((~~of any residential structures of~~)) up to eight dwelling units outside ((~~of~~)) the ((~~boundaries of an u~~))Urban ((~~g~~))Growth ((~~a~~))Area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering up to thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service, or storage building with up to twelve thousand square feet of gross floor area, and with associated parking facilities designed for up to forty automobiles;

d. The construction of a parking lot designed for up to forty automobiles; and

e. ((~~Any f~~))Fill or excavation ((~~of~~)) as follows:

(1) up to five hundred cubic yards throughout the total lifetime of the fill or excavation ((~~and~~)) for activities not otherwise specified in this section;

(2) any fill or excavation necessary for the projects in subsections A.3.a. through A.3.d. of this section;

(3) any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder((~~: The categorical exemption threshold shall be~~)); and

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

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

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

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

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

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

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

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

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

A. Horticultural, viticultural, floricultural, and apiary products;

B. Livestock and livestock products;

C. Animal products, including, but not limited to, upland finfish, dairy products, meat, poultry, and eggs;

D. Feed or forage for livestock;

E. ((~~Christmas t~~))Trees((~~, hybrid cottonwood and similar hardwood trees~~)) grown as crops and harvested within twenty years of planting; and

F. Turf, sod, seed, and related products.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a sudden change in sediment transport capacity, such as a significant change in slope or confinement.

NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan hazard areas are a type of geological hazard area.

SECTION 12. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows:

A. Aquatic areas include:

1. ((~~Nonwetland w~~))Water features ((~~including: all~~)), such as shorelines of the state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water((~~, such as lakes, ponds and reservoirs~~));

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

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

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

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

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

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

acting as recharge and discharge areas, functions to allow the conveyance of water, sediment, organisms, and other organic matter, functions that facilitate food chain production and nutrient cycling, and functions that provide habitat for plants and animals, including nesting, rearing, feeding, and resting habitat.

SECTION 14. Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122 are hereby amended to read as follows:

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

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Climate-adaptive plants: plant species identified by the department of natural resources and parks currently or formerly native to the surrounding ecoregion that are predicted to maintain their abundance under climate change.

SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows:

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

SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby amended to read as follows:

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

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

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

A. ((~~Aquatic areas;~~

~~B. Coal mine hazard areas;~~

~~C.~~)) Critical aquifer recharge areas;

((~~D. Erosion hazard areas;~~

~~E. Flood hazard areas;~~

~~F. Landslide hazard areas;~~

~~G. Seismic hazard areas;~~

~~H. Steep slope hazard areas;~~

~~I. Volcanic hazard areas;~~

~~J.~~)) B. Frequently flooded areas, regulated as flood hazard areas, including;

1. Floodplains;

2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;

3. Zero-rise flood fringe;

4. Zero-rise floodways;

5. FEMA floodways; and

6. Channel migration zones;

C. Fish and wildlife habitat conservation areas, including:

1. Aquatic areas;

2. Riparian areas;

3. Wildlife habitat conservation areas; and

4. Wildlife habitat networks;

D. Geologically hazardous areas, including:

1. Alluvial fan hazard areas;

2. Channel migration zones;

3. Coal mine hazard areas;

4. Erosion hazard areas;

5. Landslide hazard areas;

6. Seismic hazard areas;

7. Steep slope hazard areas;

8. Tsunami hazard areas; and

9. Volcanic hazard areas; and

E. Wetlands((~~;~~

~~K. Wildlife habitat conservation areas; and~~

~~L. Wildlife habitat networks~~)).

NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within shorelines of the state, and floodplains designated as shorelines of the state in the shoreline master program.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Debris flow: a moving mass of rock fragments, soil, and mud, where more than half of the particles are larger than sand size.

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

Ecological professional: a person having a degree in ecology, wildlife biology, wetland biology, fisheries, botany, soil science, environmental science, natural resource management, or a closely related field, with a minimum of five years of professional experience related to the subject ecological field. Professional certification in a relevant ecological field can be substituted for two years of professional experience.

SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows:

Erosion hazard area: ((~~an~~)) a geologically hazardous area underlain by soils that ((~~is~~)) are subject to severe erosion when disturbed. ((~~These~~)) Such soils include, but are not limited to((~~,~~)):

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Fish and wildlife habitat conservation areas:

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

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

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

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

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

of the barriers. ((~~This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.~~))

NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

A. Alluvial fan hazard areas;

B. Channel migration zones;

C. Coal mine hazard areas;

D. Erosion hazard areas;

E. Landslide hazard areas;

F. Seismic hazard areas;

G. Steep slope hazard areas;

H. Tsunami hazard areas; and

I. Volcanic hazard areas.

NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

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

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

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

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

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

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

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

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

A. An area with a combination of:

1. Slopes steeper than fifteen percent of inclination;

2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and

3. Springs or ground water seepage;

B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;

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

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

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

SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows:

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

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

Notice of map amendment:

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

1. Critical aquifer recharge areas;

2. Wildlife habitat networks;

3. Channel migration zones; or

4. Flood hazard areas.

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

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

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

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

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

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

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

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

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

C. ((~~Brown trout;~~

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

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

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

F. Mountain whitefish.

NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows:

Stream: an aquatic area where surface water produces a channel, not including a wholly artificial channel((~~,~~)) unless ((~~it~~)) the artificial channel is:

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

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

NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but not limited to, tsunami hazard areas shown on the Washington Geological Survey Digital Data Series 22, version 2.1, October 2024, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.

SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows:

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

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

Wetland:

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

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

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

1. Surface water conveyances for drainage or irrigation;

2. Grass-lined swales;

3. Canals;

4. Detention facilities such as flow control facilities or wetponds;

5. Wastewater treatment facilities;

6. Farm ponds;

7. Landscape amenities; or

((~~9.~~)) 8. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

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

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

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

Wetland values: estimates of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to benefit society. Values vary by watershed or by community. Examples of wetland values include education, research, aesthetics, and recreation.

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

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

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

The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 36.70A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

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

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

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

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

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

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

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

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

I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas;

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

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

SECTION 48. Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows:

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

B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter.

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

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

E. This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC.

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

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

1. Critical aquifer recharge areas;

2. Coal mine hazard areas;

3. Erosion hazard areas;

4. Flood hazard areas except in the severe channel migration hazard areas;

5. Landslide hazard areas under forty percent slope;

6. Moderate channel migration hazard area;

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

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

9. Volcanic hazard areas.

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

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

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

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

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

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

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

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

8. Wildlife habitat conservation areas; and

9. Wildlife habitat networks.

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

1. If a cell is blank, the alteration is prohibited in the given critical area;

2. An "A" in a cell indicates that an alteration is allowed if the listed conditions and any applicable requirements in this chapter are met;

3. A number in a cell indicates that the numbered condition in subsection D. of this section applies;

4. Where a series of numbers separated by commas are in a cell, each of the applicable numbered conditions for that alteration applies;

5. Where more than one letter-number combination appears in a cell, the conditions of at least one letter-number combination shall be met;

6. In cases where an ((~~activity~~)) alteration is included in more than one ((~~activity~~)) category, ((~~the numbered conditions applicable to~~)) the most specific description of the ((~~activity~~)) alteration shall govern((~~s. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies.~~)); and

7. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

((~~A= alternation~~ Alteration ~~is allowed. Numbers indicate applicable development condition in subsection D. of this section.~~))	Landslide Hazard Areas Over 40%, Steep Slope Hazard Areas, and	Alluvial Fan Hazard Areas	((~~Steep Slope Hazard and Buffer~~)) Severe Channel Migration Hazard	Wetland and Buffer	Aquatic Areas ((~~and Buffer~~)), Riparian Areas ((~~and Severe Channel Migration~~	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks

	Buffers		Area		))	
Structures						
Construction of new single detached dwelling unit				A 1	((~~A 2~~))	
Construction of a new tree-supported structure				A ((~~64~~)) 2	A ((~~64~~)) 2	A ((~~64~~)) 2
((~~Construction of nonresidential structure~~))				((~~A 3~~))	((~~A 3~~))	((~~A 3, 4~~))
Maintenance or repair of existing structure	A 5	A 6	A 6	A	A	A 4
Expansion ((~~or replacement~~)) of existing structure	((~~A 5, 7~~))	A 6	A ((~~5, 7~~)) 6	A 7((~~, 8~~))	A ((~~6,~~)) 7((~~, 8~~))	A 4, 7
Replacement of existing structure	A 5			A 8	A 8	A 4, 8
Interior remodeling	A	A	A	A	A	A
Construction of new dock or pier				A 9	A ((~~9,~~)) 10((~~, 11~~))	
Maintenance, repair or replacement of dock or pier				A ((~~12~~)) 9	A 10((~~, 11~~))	A 4
Grading						
Grading	A 13 A 14	A 14	A ((~~13~~)) 14	A 14	A 14	A 4, 14
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ((~~13~~)) 16, 17	A 16, 17	A 16, 17	A 4
Mineral extraction	A		((~~A~~))			

Clearing						
Clearing	A 18	A 18	A 18, 20	A 18, 20	A ((~~14,~~)) 18, 20	A 4, ((~~14,~~)) 18, 20
Cutting firewood	A 21	A 21	((~~A 21~~))	((~~A 21~~))	((~~A 21~~))	A 4, 21
Vegetation removal with a vegetation management plan	A 19	A 19	A 19	A 19	A 19	A 4, 19
((~~Removal of vegetation for fire safety~~)) Clearing for the purposes of wildfire preparedness	A 22	A 22	((~~A 22~~))	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A ((~~23~~)) 57	A 57	A ((~~23~~)) 57	A ((~~23~~)) 57	A ((~~23~~)) 57	A 4, ((~~23~~)) 57
Forest Practices						
Forest management activity	A	A	A	A	A	A 25
Roads						
Construction of new road within unimproved right-of-way						
Construction of ((~~new~~)) public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a ((~~plat~~)) land division				A 26	A 26	
Maintenance of public road	A 16	A 16	A 16	A 16	A 16	A 16,

right-of-way structure						27
Expansion beyond public road right-of way structure	A	A 26	A 26	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 14, 28	A 28	A 28	A 28	A 28
((~~Construction of farm field access drive~~))	((~~A 29~~))		((~~A 29~~))	((~~A 29~~))	((~~A 29~~))	((~~A 29~~))
Maintenance of driveway, private access road, ((~~farm field access drive~~)) or parking lot	A	A 17	A 17	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 14, 39	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16, 30	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A ((4))27
Utilities and other						

infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33, 34	A 32, ((33)) 34	A 32, 34	A 32, 34	A 4, ((27,)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) generation facility	A 67	A 66, 67	A ((67)) 66	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 29, 32, 33	A 29, 32((, 33))	A 29, 32((, 60))	A 29, 32((, 60))	A 27, 29, 32((, 60))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, ((33)), 34, 36	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((A 24))		((A 24))	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 37	A 4, 37
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24, 37	A 24, 37	A 24, 37	A 4, 24, 37
Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, ((33)) 38	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat				A 68	A 68	

exchanger						
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 16, 32, ((~~33~~)) 38, 40, 41	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37
Construction of new surface water flow control or surface water quality treatment facility		A 32	A 32	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16
Construction of new flood protection facility		A 16, 42	A 42	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A ((~~33,~~)) 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16, 44, 45	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((~~16~~))	A	A	A	A	A 4
Recreation						
Construction of new trail	A 46	A 46	A ((~~46~~)) 47	A 47	A 47	A 4, 47

Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		A 50	A 50	A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51((, 52))	A 51((, 52))	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62
((Agriculture)) Agricultural Activities						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance			A 55	A ((53,	A ((53,	A ((53,

of livestock manure storage facility				~~54,~~)) 55	~~54,~~)) 55((~~,~~ ~~56~~))	~~54~~)) 55
Construction of a livestock heavy use area			A 55	A ((~~53, 54,~~)) 55	A ((~~53, 54,~~)) 55((~~,~~ ~~56~~))	A ((~~53, 54~~)) 55
Construction or maintenance of a farm pad			A 55	A ((~~56~~)) 55	A ((~~56~~)) 55	
Construction of agricultural drainage			A 56	A ((~~57~~)) 56	A ((~~57~~)) 56	A 4((~~,~~ ~~57~~)) 56
Maintenance or replacement of existing agricultural drainage	A ((~~23, 58~~)) 57	A 57	A ((~~23, 58~~)) 57	A ((23~~,~~ ~~53, 54, 58~~)) 57	A ((~~23, 53, 54, 58~~)) 57	A 4, ((~~23, 53, 54, 58~~)) 57
Maintenance of agricultural waterway		A 58	A 58	A ((~~69~~)) 58	A ((~~69~~)) 58	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((~~A 53~~))	A 53, 54	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or expansion of farm field access drive	A 59	A 59	A 59	A 59	A 59	A 59
Construction of nonresidential farm structure		A 60	A 60	A 60	A 60	A 4, 60
Other						
Shoreline water dependent or					A 65	

shoreline water oriented use						
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((~~59~~)) 64	A 64	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

h. exterior lighting shall meet the following criteria:

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

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

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

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

k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-adaptive plants according to an approved mitigation plan.

3. ((~~Limited to nonresidential farm structures in grazed or tilled wet meadows, or buffers of wetlands or aquatic areas where:~~

~~a. the site is predominantly used for the practice of agriculture;~~

~~b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;~~

~~c. the structure is either:~~

~~(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas and the area was not used for crop production;~~

~~(2) higher in elevation and no closer to the critical area than its existing position; or~~

~~(3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;~~

~~d. all best management practices associated with the structure specified in the farm management plan are installed and maintained~~;

~~e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and~~

~~f. in a severe channel migration hazard area portion of an aquatic buffer only if:~~

~~(1) there is no feasible alternative location on-site;~~

~~(2) the structure is located where it is least subject to risk from channel migration;~~

~~(3) the structure is not used to house animals or store hazardous substances; and~~

~~(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site~~)) Repealed.

4. No clearing, grading, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for existing legally established structures when:

a. the ((~~landslide~~)) hazard poses little ((~~or~~)) to no risk of injury; and

b. the risk of landsliding or slope instability is low((~~; and~~

~~c. there is not an expansion of the structure~~)).

6. Within an alluvial fan hazard area or severe channel migration hazard area allowed for:

a. existing legally established primary structures if:

(1) there is not an increase of the footprint of any existing structure; and

(2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

b. existing legally established accessory structures if:

(1) additions to the footprint will not make the total footprint of all existing structures more than one((-)) thousand square feet; and

(2) there is no((~~t an~~)) expansion of the footprint towards any source of alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only ((~~in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area~~)) if:

a. the structure was not established as the result of an alteration exception, variance, buffer averaging, or reasonable use exception;

b. the location of the expansion has the least impact on the critical area;

c. the expansion is on an existing legally established impervious surface, lawn or landscaping area, farm field, or grazed area;

d. for a nonresidential structure, the expansion ((~~or replacement~~)) does not increase the footprint of a nonresidential structure;

((~~b.(1)~~)) e. for a legally established dwelling unit or accessory structure, the expansion ((~~or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b.,~~)) does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, cumulatively since January 1, 2005. The footprint limitation does not ((~~including~~)) include any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the ((~~replacement or~~)) expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and ((~~its~~)) associated buffer;

(((~~(2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not result in a cumulative increase in the footprint of the accessory structure and the dwelling unit by more than one thousand square feet;~~

~~(3) the location of the expansion has the least adverse impact on the critical area; and~~

~~(4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative plants and replacement with native vegetation in accordance with an approved landscaping plan;~~

~~c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception;~~

~~d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area; and~~

~~e. The expansion of a residential structure in the buffer of a Type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:~~

~~(1) the expansion is within thirty-five feet of the ordinary high water mark; or~~

~~(2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet~~)).

8. Allowed ((~~upon another portion of an existing impervious surface outside a severe channel migration hazard area~~)) only if:

a. ((~~except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area~~)) the location of the replacement is within the footprint of the existing structure or has the least impact on the critical area;

b. ((~~except as otherwise allowed under subsection D.7. of this section, the existing~~)) the total footprint of all structures and impervious surfaces within the critical area or associated buffer is not expanded; ((~~and~~))

c. the replacement is on an existing legally established impervious surface, lawn or landscaping area, farm field, or grazed area; and

d. the ((~~degraded buffer area is enhanced through removal of nonnative plants and replacement~~)) footprint of an existing structure at an alternative location is

revegetated with native vegetation or climate-adaptive plants in accordance with an approved ((~~landscaping~~)) mitigation plan.

9. ((~~Limited to piers or seasonal floating docks~~)) Allowed in a category II, III, or IV wetland or ((~~its~~)) associated buffer ((~~or along a lake shoreline or its buffer where~~)) to access an aquatic area if:

a. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law;

b. the wetland or ((~~lake shoreline~~)) aquatic area is not a salmonid spawning area; and

c. hazardous substances or toxic materials are not used((~~; and~~

~~d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C. 21A.25.180~~)).

10. Allowed ((~~on type N or O aquatic areas~~)) if:

a. hazardous substances or toxic materials are not used;

b. the aquatic area is not a salmonid spawning area; and

c. on type S or F aquatic areas, complies if in compliance with K.C.C. 21A.25.180.

11. ((~~Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180~~)) Repealed.

12. ((~~When located on a lake, must be in compliance with K.C.C. 21A.25.180~~)) Repealed.

13. Limited to steep slope hazard areas and associated buffers only, for the purposes of regrading and stabilizing of a slope formed as a result of a legal grading activity.

14. ((~~The following are allowed in the severe channel migration hazard area if conducted more than one hundred sixty-five feet from the ordinary high water mark in the rural area and natural resource lands and one-hundred fifteen feet from the ordinary high water mark in the urban area:~~

~~a. grading of up to fifty cubic yards on lot less than five acres; and~~

~~b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.~~)) Allowed for emergency work in alluvial fan hazard area and overlapping critical areas if:

a. in response to an emergency event where channel avulsion or migration is imminent or has occurred as a result of a pulse of in-channel sediment or debris deposition;

b. to prevent an imminent threat to:

(1) public roadways, utilities, and other infrastructure;

(2) sole access driveways and roads;

(3) dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures;

(4) farm structures necessary to store equipment, produce, or livestock;

c. conducted under an approved emergency authorization request per K.C.C. 16.082.065;

d. the emergency work is completed within thirty days of receiving a written emergency authorization;

e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat;

f. proposed in-stream work is minimized or results in the least impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;

g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;

h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;

i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:

(1) mitigate any adverse ecological impacts of the emergency actions;

(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and

(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and

j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.

15. Only where erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, ((~~aquatic area or wetland if,~~)) and to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

16. Allowed ((~~when~~)) for projects performed by((~~,~~)) or at the direction of ((~~or authorized by~~)) a government agency in accordance with regional road construction and maintenance guidelines.

17. Allowed ((~~when~~)) for projects not performed under the direction of a government agency only if:

a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((~~their~~)) associated buffers; and

b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids:

(1) the work ((~~is in compliance~~)) complies with ditch standards in public rule; and

(2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

19. The limited trimming, pruning, or removal of vegetation under a vegetation management plan approved by the department:

a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and

b. in all critical areas, for habitat enhancement, invasive species control, or forest management activities.

20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or fruits, for restoration and enhancement projects is allowed.

21. ((~~Cutting of firewood is subject to the following~~:

~~a. within~~)) Allowed only for personal use in a buffer or wildlife habitat ((~~conservation area, cutting firewood is not allowed;~~)) network if:

b. done in accordance with an approved forest management plan;

c. no tree containing an active nest is cut; and

d. within a wildlife habitat network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386((~~; and~~

~~c. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan~~)).

22. ((~~Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal~~)) Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.

23. ((~~Allowed as follows:~~

~~a. if conducted in accordance with an approved forest management plan, farm management plan, or rural stewardship plan; or~~

~~b. without an approved forest management plan, farm management plan, or rural stewardship plan, only if:~~

~~(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods;~~

~~(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~

~~(3) the cleared area is revegetated with native vegetation and stabilized against erosion; and~~

~~(4) herbicide use is in accordance with federal and state law;~~)) Repealed.

24. Allowed to repair or replace existing on-site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by ((~~the P~~))public ((~~H~~))health - Seattle & King County and:

a. there is no alternative location available with less impact on the critical area;

b. ((~~impacts to the critical area are minimized to the maximum extent practicable;~~

~~c.~~)) the alterations will not subject the critical area to increased risk of landslide or erosion;

((~~d.~~)) c. vegetation removal is the minimum necessary to accommodate the septic system; and

((~~e.~~)) d. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources ((~~M~~))management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

a. there is ((~~not another~~)) no other feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the ((~~corridor~~)) road is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site((~~.~~));

c. the ((~~corridor~~)) width is minimized to the maximum extent practical;

d. the construction occurs during approved periods for instream work;

e. the ((~~corridor~~)) alteration will not change or diminish the overall aquatic area flow peaks, duration, or volume or the flood storage capacity; and

f. no new ((~~public right-of-way is~~)) roads are established within a severe channel migration hazard area.

27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy equipment are not operated within a wildlife habitat conservation area.

28. Allowed only if:

a. an alternative access is not available;

b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;

c. the risk associated with landslide and erosion is minimized;

d. access is located where it is least subject to risk from channel migration; and

e. construction occurs during approved periods for instream work.

29. ((~~Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.~~)) Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

a. there is no alternative location with less impact on the critical area or the critical area buffer;

b. the residential utility service distribution lines meet ((~~all of~~)) the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is minimized;

(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled, or other trenchless crossings are encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and

(10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry.

30. Allowed only if:

a. the new construction or replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

b. the site is ((~~restored~~)) revegetated with ((~~appropriate~~)) native vegetation or climate-adaptive plants in accordance with an approved mitigation plan.

31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

a. there is no((~~t an~~)) other feasible alternative available with less impact on the aquatic area and ((~~its buffer~~)) adjacent riparian area; and

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and ((~~its buffers~~)) adjacent riparian area.

32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines.

33. ((~~Allowed~~)) When outside the roadway, allowed if:

a. the alterations will not subject the critical area to an increased risk ((~~of~~)) from landslide, alluvial fan, or erosion hazards;

b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and

c. significant risk of personal injury is eliminated or minimized in the landslide or alluvial fan hazard area.

34. Limited to the pipelines, cables, wires, and support structures of utility facilities within utility corridors if:

a. there is no alternative location with less ((~~adverse~~)) impact on the critical area and critical area buffer;

b. new utility corridors meet ((~~all of~~)) the following to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) the mean annual flow rate is less than twenty cubic feet per second; and

(3) paralleling the channel or following a down-valley route near the channel is avoided;

c. to the maximum extent practical utility corridors are located so that:

(1) the width is the minimized;

(2) the removal of trees greater than twelve inches diameter at breast height is minimized;

(3) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;

d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

(1) to the maximum extent practical, the width of the maintenance road is minimized and in no event greater than fifteen feet; and

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;

f. the construction occurs during approved periods for instream work;

g. the utility corridor serves multiple purposes and properties to the maximum extent practical;

h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;

i. bored, drilled, or other trenchless crossings ((~~is~~)) are laterally constructed at least four feet below the maximum depth of scour for the base flood;

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and ((~~equivalent or greater~~)) equal or better environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical, and no hazardous substances, pesticides, or fertilizers are applied.

38. Allowed if:

a. conveying the surface water into the wetland buffer or ((~~aquatic area buffer~~)) riparian area, and discharging into the wetland buffer, ((~~or aquatic area buffer~~)) riparian area, or at the wetland or aquatic area edge, has less ((~~adverse~~)) impact upon the wetland ((~~or~~)), wetland buffer, aquatic area ((~~or wetland or aquatic area buffer~~)), or riparian area than if the surface water were discharged at the buffer((~~'s~~)) or riparian area edge and allowed to naturally drain through the buffer or riparian area;

b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the ((~~King County~~)) Surface Water Design Manual;

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

e. the outfall is designed to minimize ((~~adverse~~)) impacts to critical areas.

39. Allowed only if:

a. there is no feasible alternative with less impact on the critical area and ((~~its~~)) associated buffer;

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and ((~~its~~)) associated buffer;

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site;

d. construction occurs during approved periods for in-stream work; and

e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area, or waterward of the ordinary high water mark.

40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if:

a. fish habitat features necessary for feeding, cover, and reproduction are included when appropriate;

b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments, or shade the water; and

c. bioengineering techniques are used to the maximum extent practical.

41. Allowed for a closed, tightlined conveyance system and outfall structure if:

a. necessary to avoid erosion of slopes; and

b. bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area, riparian area, or an ((~~aquatic area buffer~~)) alluvial fan hazard area to prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical area((~~s~~)) report, the department determines that the new flood protection facility will not cause ((~~significant~~)) impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

(1) public roadways;

(2) sole access routes in existence before February 16, 1995;

(3) new primary dwelling units, accessory dwelling units, or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before

February 16, 1995. The buildings, sole access routes, or bank stabilization ((~~must~~)) shall be located no more than six hundred feet apart as measured parallel to the migrating channel; and

(b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures on abutting or adjacent properties; or

(4) existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures if:

(a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists;

(b) the structure is in imminent danger, as determined by a ((~~geologist, engineering geologist or geotechnical engineer~~)) geological professional;

(c) the applicant has demonstrated that the existing structure is at risk, and the structure and supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and

(d) nonstructural measures are not feasible.

43. Applies to ((~~lawfully~~)) legally established existing structures if:

a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

c. the footprint of the facility is not expanded waterward;

d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;

e. the site is restored with appropriate native vegetation or climate-adaptive plants and erosion protection materials in accordance with an approved mitigation plan; and

f. based on a critical area((~~s~~)) report, the department determines that the maintenance, repair, replacement, or construction will not cause ((~~significant~~)) impacts to upstream or downstream properties.

44. Allowed in type N and O aquatic areas if done in the least impacting way at the least impacting time of year, in conformance with applicable best management practices, and all affected instream and ((~~buffer~~)) riparian area features are restored.

45. Allowed in ((~~a~~)) type S or F ((~~water~~)) aquatic areas when such work is:

a. included as part of a project to evaluate, restore, mitigate, or ((~~improve~~)) enhance habitat((~~, and~~));

b. sponsored or cosponsored by an Indian tribe, ((~~public~~)) government agency, nonprofit organization that has natural resource management as a function, or ((~~by a federally recognized tribe~~)) a higher education institution; and

c. in compliance with the criteria of subsection D.49. of this section.

46. Allowed ((~~as long as~~)) if the trail surface is ((~~not~~)) constructed of ((~~im~~))pervious surfaces that ((~~will~~)) does not contribute to surface water run((~~-~~))off, ((~~unless~~)) except when the construction is necessary for soil stabilization, ((~~or~~)) soil erosion prevention, or ((~~unless the trail system is specifically designed and~~)) intended to be accessible to ((~~handicapped~~)) persons with disabilities.

47. ((~~Not allowed in a wildlife habitat conservation area. Otherwise, a~~))Allowed only in ((~~the buffer~~)) a riparian area or wetland buffer, or for crossing a category II, III, or IV wetland or a type F, N, or O aquatic area, or a wildlife habitat network, if:

a. the trail surface is ((~~made~~)) constructed of pervious materials, except ((~~that public multipurpose trails~~)) when a public trail is intended to be accessible to persons with disabilities may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;

b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat network areas are expanded equal to the width of the trail corridor including disturbed areas;

c. there is not another feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

d. the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

e. the trail width is minimized to the maximum extent practical and private foot trails are limited to three feet in width;

f. the construction occurs during approved periods for instream work; ((~~and~~))

g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity((~~.~~));

h. the trail shall minimize impacts within a wetland buffer, riparian area, or wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to the maximum extent practical;

i. trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands, or associated buffers;

j. the trail may be ((~~located across a critical area buffer~~)) allowed to cross a riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform or to a permitted dock or pier; and

((~~i. A~~)) k. a private viewing platform may be allowed if it is:

(1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;

(2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or ((~~its~~)) associated buffer;

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

(5) on footings located outside of the wetland or aquatic area.

48. Only if the maintenance:

a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;

b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and

c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope, or other improved area being maintained.

49. Limited to alterations to create, restore, or enhance habitat forming processes or ((~~directly restore~~)) habitat functions and values, including ((~~access for~~)) construction access necessary for the project, as follows:

a. ((~~projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;~~

~~b. restoration and enhancement plans prepared by a qualified biologist;~~ ~~or~~

~~c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan~~)) projects shall provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the critical area; and

b. an ecological critical area report shall include:

(1) an evaluation of the anticipated net change in ecological functions from pre-project to post project; and

(2) a monitoring and reporting plan to demonstrate the gain of ecological function.

50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

51.a. Allowed ((~~for the~~)) if done with minimal clearing and grading, including site access, necessary to prepare critical area reports.

((~~52.~~)) b. The following are allowed in a wetland, wetland buffer, aquatic area, riparian area, and severe channel migration hazard area if associated spoils are contained:

((~~a.~~)) (1) data collection and research if carried out to the maximum extent practical by nonmechanical or hand((~~-~~))held equipment;

((~~b.~~)) (2) survey monument placement;

((~~c.~~)) (3) site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand((~~-~~))held equipment ((~~and~~)); or

(4) similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

52. Repealed.

53. ((~~Limited to~~)) a. Allowed for agricultural activities in the same footprint if:

(1) in continuous existence ((~~since~~)) as of January 1, 2005((~~, with no expansion within the critical area or critical area buffer~~)); or

(2) legally established after January 1, 2005, and in continuous existence since establishment.

b. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these ((~~horticultural and~~)) agricultural activities. Transfer of ownership, sale, or leasing of land shall not affect continuous existence.

54. Only ((~~A~~))allowed ((~~for~~)) as follows:

a. Limited to the following activities:

(1) expansion of existing agricultural activities qualifying under subsection D.53. of this subsection;

(2) conversion of one type of agricultural activity to another, including changing the types of crops harvesting method or changing from crops to livestock, qualifying under subsection D.53. of this section; or

(3) establishment of new agricultural activities; ((~~where:~~

~~a. the site is predominantly involved in the practice of agriculture;~~))

b. agriculture is the primary activity on the site;

c. there is no expansion or new activity in((~~to~~)) an area that:

(1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; ((~~or~~))

(2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including~~)) an aquatic area or a wetland, except grazed or tilled wet meadows; or

(3) is a wetland buffer or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or

herbaceous layer excludes areas ((~~that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock~~)) where native species are commercially planted and harvested as crops; and

((~~c.~~)) d. the activities are ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity((~~; and~~

~~d. all best management practices associated with the activities specified in the farm management plan are installed and maintained~~)).

55. Only allowed if:

a. associated with an activity that qualifies under subsection D.53. or D.54. of this section;

b. located in an existing grazed, ((~~or~~)) tilled ((~~wet meadows or their buffers if:~~

~~a. the facilities are designed to the standards of an approved farm management plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with K.C.C. chapter 21A.30~~)), or impervious area;

c. there is no expansion or new activity in areas identified in subsection D.54.c. of this section;

((~~b.~~)) d. there is ((~~not a~~)) no other feasible alternative location available on the site that is located outside of the critical area or associated buffer; ((~~and~~

~~c.~~)) e. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity; and

f. the ((~~facilities are~~)) alteration is located as close to the outside edge of the critical area or critical area buffer to the maximum extent practical; and

g. within a severe channel migration hazard area, the alteration is located:

(1) outside of the shoreline jurisdiction; and

(2) in an area with the least risk from channel migration.

56. ((~~Only allowed in:~~

~~a.(1) a severe channel migration hazard area located outside of the shorelines jurisdiction area;~~

~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~

~~(3) aquatic area buffer; and only if:~~

~~b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;~~

~~(2) there is not another feasible location available on the site that is located outside of the critical area or critical area buffer;~~

~~(3) the farm pad is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and~~

~~(4) for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.~~

~~57.~~)) Allowed for new agricultural drainage ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~and all~~)), including any best management practices ((~~associated with~~)) applicable to the ((~~activities specified in the farm management plan are installed and maintained~~)) activity.

((~~58. If~~)) 57. Allowed as follows:

a. if conducted in accordance with an approved forest management plan or farm management plan in accordance with K.C.C. 21A.24.051; or

b. without an approved forest management plan or farm management plan, only if:

(1) the agricultural drainage is not used by salmonids((~~, maintenance shall be in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051~~));

(2) vegetation removal is undertaken with hand labor, including handheld mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides, or biological control methods;

(3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

(4) the cleared area is revegetated with native vegetation or climate-adaptive plants and stabilized against erosion; and

(5) herbicide use is in accordance with federal and state law.

58. Only for maintenance of agricultural waterways if:

a. the purpose of the maintenance is to improve agricultural production on a site predominately engaged in the practice of agriculture;

b. the maintenance is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife in accordance with chapter 77.55 RCW;

c. the maintenance complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;

d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;

e. the maintenance complies with K.C.C. chapter 16.82; and

f. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed ((~~within existing landscaped areas or other previously disturbed areas~~)) on sites with an activity that qualifies under subsections D.53. or 54. of this section when:

a. consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity;

b. there is no other feasible location with less impact on critical areas and associated buffers;

c. in compliance with the Surface Water Design Manual, which includes:

(1) farmland dispersion requirements for properties within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A; or

(2) any applicable flow control best management practices for all other properties;

d. access is located where it is least subject to risk from channel migration;

e. a floodplain development permit is obtained for any action within the floodplain; and

f. all other required state and federal permits have been obtained and actions comply with such permits.

60. ((~~Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~

~~a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;~~

~~b. the residential utility service distribution lines meet all of the following, to the maximum extent practical:~~

~~(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;~~

~~(2) not located over a type S aquatic area;~~

~~(3) paralleling the channel or following a down-valley route near the channel is avoided;~~

~~(4) the width of clearing is minimized;~~

~~(5) the removal of trees greater than twelve inches diameter at breast height is minimized;~~

~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;~~

~~(7) access for maintenance is at limited access points into the critical area buffer.~~

~~(8) the construction occurs during approved periods for instream work;~~

~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and~~

~~(10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry.~~)) Limited to nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers, riparian areas where:

a. the primary use of the site is an activity qualifying under subsection D.53. or 54. of this section;

b. the structure is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the structure;

c. the structure is either:

(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;

(2) higher in elevation and no closer to the critical area than its existing position; or

(3) at a location away from existing impervious surface areas that is determined to be the optimum location in the farm management plan;

d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and

e. in an alluvial fan hazard area or a severe channel migration hazard area if:

(1) there is no feasible alternative location on-site;

(2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration;

(3) the structure is not used to house animals or store hazardous substances; and

(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.

61. Allowed if sponsored or cosponsored by the countywide flood control zone district, or the department of natural resources and parks and the department of local services, permitting division, determines that the project and its location:

a. is the best flood risk reduction alternative ((~~practicable~~)) practical;

b. is part of a comprehensive, long-term flood management strategy;

c. is consistent with the King County Flood Management Plan policies;

d. will have the least ((~~adverse~~)) impact on the ecological functions of the critical area or ((~~its~~)) associated buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

e. has been subject to public notice in accordance with K.C.C. 20.44.060.

62.a. Not allowed in wildlife habitat conservation areas;

b. Only allowed if:

(1) the project is sponsored or cosponsored by a public agency whose primary function ((~~deals with~~)) is natural resources management;

(2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function ((~~deals with~~)) is natural resources management;

(3) there is not a feasible alternative location available on the site with less impact to the critical area or ((~~its~~)) associated buffer;

(4) the aquatic area or wetland is not for salmonid rearing or spawning;

(5) the project minimizes the footprint of structures and the number of access points to any critical areas; and

(6) the project meets the following design criteria:

(a) to the maximum extent practical size of platform shall not exceed one hundred square feet;

(b) all construction materials for any structures, including the platform, pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an ((~~adverse~~)) impact on water quality;

(c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;

(d) structures shall be located outside of the wetland or aquatic area landward of the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark or open water component, ((~~(~~))if applicable((~~)~~)), to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark;

(f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons;

(g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;

(h) trail access is designed in accordance with public rules adopted by the department;

(i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the ((~~proposal~~)) project. Only minimal hand clearing of vegetation is allowed; and

(j) disturbed bare ground areas around the structure ((~~must~~)) shall be ((~~replanted~~)) revegetated with native vegetation or climate-adaptive plants approved by the department.

63. ((~~Not a~~))Allowed ((~~in the severe channel migration zone,~~)) if there is no alternative location with less ((~~adverse~~)) impact on the critical area and buffer, and clearing is minimized to the maximum extent practical.

64. ((~~Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:~~

~~a. not allowed in wildlife habitat conservation areas or severe channel migration hazard areas;~~

~~b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;~~

~~c. the structure shall be located as far from the critical area as practical, but in no case closer than seventy-five feet from the critical area;~~

~~d. only one tree-supported structure within a critical area buffer is allowed on a lot;~~

~~e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;~~

~~f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;~~

~~g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:~~

~~(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;~~

~~(2) the attachments shall be constructed using the best available tree anchor bolt technology; and~~

~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;~~

~~h. exterior lighting shall meet the following criteria:~~

~~(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and~~

~~(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;~~

~~i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons;~~

~~j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;~~

~~k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and~~

~~l. vegetated areas within the critical area buffer that are temporarily impacted by construction of the structure shall be restored by planting native vegetation according to a vegetation management plan approved by the department.~~)) Allowed within existing landscaped areas or other previously disturbed areas.

65. Shoreline water dependent and shoreline water oriented uses are allowed in ((~~the aquatic area and aquatic area buffer of a T~~))type S aquatic area and adjacent riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ((~~King County~~)) Comprehensive Plan.

66. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14., and only as follows:

a. there is ((~~not another~~)) no other feasible location within the aquatic area with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the facility and corridor ((~~is~~)) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ((~~8~~)) eight points or greater;

d. the corridor width is minimized to the maximum extent practical;

e. paralleling the channel or following a down-valley route within ((~~an aquatic area buffer~~)) a riparian area is avoided to the maximum extent practical;

f. the construction occurs during approved periods for instream work;

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. ((~~the facility and corridor is not~~)) no new facilities are located within a severe channel migration hazard area;

i. to the maximum extent practical, buildings will be located outside the wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~));

j. to the maximum extent practical, access for maintenance is at limited access points into the critical area or associated buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

(1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

k. the facility does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility, or other infrastructure owned or operated by a public utility.

67. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows:

a. there is no((~~t an~~))other feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the alterations will not subject the critical area to an increased risk of landslide or erosion;

c. the corridor width is minimized to the maximum extent practical;

d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. the facility and corridor do not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and ((~~is~~)) are consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury ((~~is~~)) are eliminated or minimized in the landslide hazard area; and

f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger ((~~must~~)) shall be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. ((~~Only for maintenance of agricultural waterways if:~~

~~a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;~~

~~b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife pursuant to chapter 77.55 RCW;~~

~~c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;~~

~~d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and~~

~~e. the maintenance project complies with K.C.C. chapter 16.82~~)) Repealed.

SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows:

A. ((~~The alterations identified in K.C.C. 21A.24.045 for a~~))Agricultural activities ((~~are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance~~ with an approved farm management plan ~~in accordance with~~)) allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

B. For the purposes of this chapter, proof of agricultural activities and commercial production of agricultural products may be demonstrated through one or more of the following:

1. filing of an IRS schedule F for the preceding year;

2. currently holds a USDA organic certification producer certification;

3. enrolled in the current use classification "farm and agricultural land" under chapter 84.34 RCW;

4. meets the eligibility for current use classification "farm and agricultural land" under chapter 84.34 RCW with proof of enrollment within two years; or

5. other comparable documentation of commercial farming activity accepted by the department.

C. Farm management plans shall be consistent with this section and, for livestock activities, ((~~a farm management plan in accordance~~)) also consistent with K.C.C. chapter 21A.30.

((~~B.~~)) D. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

((~~C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.~~

~~D.~~)) E. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;

2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;

3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site;

4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

((~~E.~~)) F. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;

2. Consider the priorities of the King County shoreline protection and restoration plan; and

3. Ensure no net loss of shoreline ecological functions and critical area functions and values.

((~~F. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~)) G. The plan shall include, but is not limited to, the following elements:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

2. Site-specific performance standards and best management practices to maintain, restore, or enhance critical areas and ((~~their~~)) associated buffers, and maintain and enhance native vegetation on the site, including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((~~their~~)) associated buffers ((~~and to modify~~)). Modification to the farm management plan shall occur if ((~~adverse~~)) impacts ((~~occur~~)) to critical areas or associated buffers are identified.

((~~G.~~)) H. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

((~~H. A~~)) I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((~~which may be through a program offered or~~

~~approved by King County,~~)) to verify that the plan is ((~~reasonably~~)) likely to accomplish the goals in subsection ((~~D.~~)) E. of this section and consistent with subsection ((~~E.~~)) F. of this section.

((~~I.~~)) J. ((~~Once approved, a~~))Activities carried out ((~~in compliance~~)) consistent with ((~~the~~)) an approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows:

A. The King County council recognizes that ((~~rural stewardship plans and~~)) farm management plans ((~~are key elements of this chapter that~~)) provide flexibility to natural resource land and rural area residents to establish and maintain a rural lifestyle that includes activities such as farming ((~~and forestry~~)), while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks shall be responsible for farm management plans that are filed with the county and serve as the primary county agency point of contact. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out the responsibilities under this chapter relating to farm management plans. King County and the King

Conservation District may enter into agreements to carry out the provisions of this title relating to farm management plans.

C.1. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 ((~~and~~)), 21A.24.051 ((~~relating to rural stewardship plans and farm management plans~~)), and K.C.C. 21A.30.045, consistent with the provisions of this section. The rules shall ((~~not compromise~~)) be consistent with the King Conservation District's mandates or standards for farm management planning. The rules may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the rule making under this section required by this ordinance and each subsequent update to the public rule, the director of natural resources and parks shall:

a. Request comment from Indian tribes no less than sixty days before the adoption of the final rule;

b. Meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. Provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the proposed rule, and a response with how the final rule addresses the comments.

3. The public rule required as a result of this ordinance shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including, but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

((~~C.~~)) D. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ((~~the assistance shall be provided at little or no cost to landowners~~)) the cost of such assistance shall be minimal to the landowner. ((~~In addition, t~~))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ((~~and make available to the public,~~)) model farm management((~~, forest management and rural stewardship~~)) plans illustrating examples of plan application content, drawings, and site plans, ((~~to assist landowners in their development of site-specific plans for their property~~)) and make them available to the public.

((~~D. The department of natural resources and parks is the primary county agency responsible for rural stewardship plans and farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out its responsibilities under this chapter relating to rural stewardship plans and farm~~

~~management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to rural stewardship plans and farm management plans.~~))

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural stewardship and~~)) farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. ((~~The director may approve alterations to~~)) If application of this chapter denies all reasonable use or prohibits a development proposal, an applicant may apply for an exception in accordance with this section. Except in flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, an exception under this section may be allowed in critical areas, critical area buffers, and critical area setbacks((~~, except for flood hazard areas, not otherwise allowed by this chapter as follows:~~

~~1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when~~)).

B. A request for an exception in the shoreline jurisdiction shall be processed as a shoreline variance under K.C.C. 21A.44.090.

C. A public agency or utility may apply for a critical area alteration exception if application of this chapter denies a development proposal. A public agency or utility critical area alteration exception shall meet all of the following criteria ((~~are met~~)):

((~~a.~~))1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

((~~b.~~)) 2. ((~~t~~))The development proposal minimizes ((~~the adverse~~)) impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~c.~~)) 3. ((~~t~~))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

~~d.~~)) 4. ((~~t~~))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~e. the~~)) 5. For linear alterations:

(((~~(1)~~))) a. the alteration connects to or is ((~~an alteration to~~)) a public roadway, regional light rail transit line, public trail, ((~~a~~)) utility corridor or utility facility, railroad, hydroelectric generation facility, or other public infrastructure owned or operated by a public utility; or

(((~~(2)~~))) b. the alteration is required to overcome limitations due to gravity;

((~~2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may~~

~~impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer~~;)) and

((~~3. F~~)) 6. For nonlinear alterations ((~~the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met~~)):

a. a regional light rail transit facility under RCW 36.70A.200 may be allowed in any critical area, critical area buffer, or critical area setback, except those identified in subsection A. of this section;

b. a public school in a category II, III, and IV wetland may be allowed; and

c. all other nonlinear alterations shall not be located in an aquatic area, wildlife habitat conservation area, wetland, or fish spawning area;

D. A property owner may apply for a private development critical area alteration exception if application of this chapter denies a development proposal in a steep slope hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat network, critical area buffer, or critical area setback. A private development critical area alteration exception shall meet all of the following criteria:

1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~b.~~)) 3. ((~~t~~))The alteration is the minimum necessary to accommodate the development proposal;

((~~c.~~)) 4. ((~~t~~))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

((~~d.~~)) 5. ((~~t~~))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~e.~~)) 6. ((~~f~~))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations ((~~and landscaping~~)), but not including the area used for a driveway or for an on-site sewage disposal system((~~. When the site disturbance is within a critical area buffer, the building setback line shall be measured from the building footprint to the edge of the approved site disturbance;~~

~~f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer~~)); and

~~g.~~)) 7. ((~~t~~))The critical area is not ((~~used as~~)) a ((~~salmonid~~)) fish spawning area((~~; and~~

~~h. the director may approve an alteration in a category II, III, and IV wetland for development of a public school facility.~~

~~B. The director may approve alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas,~~)).

E. An applicant may apply for a reasonable use exception if the application of this chapter would deny all reasonable use of the property ((~~as follow~~)). A reasonable use exception shall meet all of the following:

1. ((~~If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all of the following criteria are met:~~

~~a. t~~))There is no other reasonable use with less ((~~adverse~~)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

3. The alteration is the minimum necessary to allow for reasonable use of the property; and

((~~b.~~)) 4. The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property;~~)) and

((~~d.~~)) 5. ((~~f~~))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~))

critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system((~~; and~~

~~2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090~~)).

((~~C.~~)) F. For the purpose of this section:

1. ((~~"Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities~~)) When a site disturbance is within a critical area or associated buffer, the critical area setback line shall be measured from the edge of a structure to the edge of the approved site disturbance; and

2. ((~~For purposes of subsections A. and B. of this section, a~~))Areas located ((~~within the shoreline jurisdiction that are~~)) below the ordinary high water mark shall not be included in calculating the site area.

((~~D. Alteration~~)) G. ((~~e~~))Exceptions approved under this section shall meet the mitigation requirements of this chapter.

((~~E.~~)) H. An ((~~applicant~~)) application for an ((~~alteration~~)) exception shall ((~~submit~~)) provide a critical area report((~~, as required by~~)) consistent with K.C.C. 21A.24.110.

I. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.

SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows:

((~~If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether~~)) An applicant for a development permit or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide:

A. A disclosure of critical areas on the development proposal site, including mapped or identifiable critical areas within the largest potential critical area buffer; and

B. An affidavit indicating whether ((~~T~~))the applicant has knowledge of any illegal alteration to ((~~any or all~~)) critical areas or associated buffers on the development proposal site((~~; and~~

~~B. The applicant previously has been found in violation of this chapter, in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant shall declare whether the violation has been corrected to the satisfaction of King County~~)).

SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows:

A.((~~1.~~)) A property owner or ((~~the property owner's agent~~)) applicant may ((~~request~~)) apply for a critical area designation for part or all of a site ((~~, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department~~)).

1. ((~~If the request is for review of a portion of a site, t~~))The application shall include a map identifying ((~~the portion of~~)) the ((~~site for which the designation is sought~~)) parcel.

2. ((~~The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.~~)) Supporting critical area reports consistent with K.C.C. 21A.24.110 may be required by the department.

B. ((~~In preparing the critical area designation, the department shall perform a critical area review to:~~

~~1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;~~

~~2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;~~

~~3. Evaluate the critical area report, if required; and~~

~~4. Document the existence, location and classification of any critical area.~~

~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or~~

~~aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~

~~D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. If the determination applies to less than an entire site, the determination~~)) The department shall evaluate and determine the existence, location, and classification of any critical areas within the area indicated on the application. The designation shall clearly identify the portion of the ((~~site~~)) parcel to which the determination applies.

((~~E.1.~~)) C. The written determination made under this section is final and effective for five years from the date of issuance as to the existence, location, classification of any critical area ((~~and critical area buffers~~)) on the site, unless:

((~~a.~~)) 1. ((~~t~~))There is a change in site conditions;

((~~b.~~)) 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration or the adoption of revised methods for critical area classification; or

3. A county, state, or federal agency adopts one of the following critical area maps that conflict with the department's ((~~written~~)) determination((~~.~~)):

a. Critical aquifer recharge areas;

b. Wildlife habitat network;

c. Channel migration zones;

d. Flood hazard areas.

((~~2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.~~

~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.~~))

SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ((~~Before any clearing, grading or site preparation, t~~))The department shall perform a critical area review ((~~for any~~)) of development ((~~proposal~~)) permit applications or other request ((~~for permission~~)) to alter a site to determine ((~~whether there is~~)):

1. The existence, location, and classification of ((~~A~~)) critical areas and active breeding sites of protected species:

a. on the ((~~development proposal~~)) site; and

((~~2. An active breeding site of a protected species on the development proposal site; or~~

~~3. A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible from the boundaries of the site~~)) b. within three hundred feet of the site that can be identified by use of available data and methods, including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, and other critical area determinations and critical area reports;

2. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and

3. Compliance with all other standards and regulations of this chapter.

B. As part of the critical area review, the department shall review ((~~the critical area reports and determine~~)) whether:

1. ((~~There has been an accurate identification of all critical areas~~)) Critical area designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

2. ((~~An alteration will occur to a critical area or a critical area buffer~~)) Critical area reports are required;

3. ((~~The development proposal is consistent with this chapter~~)) Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified in the application;

4. ((~~The sequence~~)) Proposed alterations comply with avoidance and mitigation sequencing in K.C.C. 21A.24.125 ((~~has been followed to avoid impacts to critical areas and critical area buffers~~)); ((~~and~~))

5. Proposed ((~~M~~))mitigation measures to compensate for ((~~adverse~~)) impacts to critical areas ((~~is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,~~)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable requirements of this chapter; and

6. Proposed alterations are consistent with the goals, purposes, objectives, and requirements of this chapter.

C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a:

1. Flood hazard area;

2. Critical aquifer recharge area; or

3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure.

D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an standalone decision under K.C.C. 20.20.020.

SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:

A. ((~~An applicant for a development proposal that requires~~)) A critical area report may be required with a critical area review under K.C.C. 21A.24.100 ((~~shall submit~~)) or K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit the scope of a critical area report ((~~at a level determined by the department~~)) if information is not needed to adequately evaluate the proposal and all probable impacts.

B. In addition to the requirements in this section, critical area reports shall also include ecological and geological report information in sections 58 and 59 of this ordinance based on the affected critical area:

1. Geological critical area report requirements under section 58 of this ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and associated buffers; and

2. Ecological critical area report requirements under section 59 of this ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, and associated buffers.

B. ((~~The applicant may combine a c~~))Critical area reports may be combined with any additional studies required by other laws and regulations.

C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. ((~~A~~))a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. ((~~D~~))documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. ((~~D~~))documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

d. ((~~A~~))an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((~~2010~~)) April 2011. The assessment shall determine if the project ((~~would~~)) adversely affects any ((~~one or more~~)) of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

(5) water quality;

(6) water quantity, including flood and low flow depths, volumes, and velocities;

(7) the river or stream channel's natural planform pattern and migration process;

(8) spawning substrate, if applicable; and

(9) floodplain refugia, if applicable.

((~~2. The department must require a project with adverse effects to comply with the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130~~)).

NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. A geological critical area report shall meet the requirements of this section.

B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The geological critical area report shall be prepared, stamped, and signed by a geological professional. The geological assessment shall include a field investigation and may include the use of historical aerial photo analysis, review of public records and

documentation, and interviews with adjacent property owners or others knowledgeable about the area, as well as other methods approved by the department. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

D. The geological critical area report shall contain, at a minimum, the following information:

1. Basic information including:

a. the name and contact information of the applicant; the name, qualifications, and contact information for the primary author or authors of the report; and a description of the proposal; and

b. parcel number or numbers of the site;

2. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and above and below ground utilities;

b. the extent, quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient;

d. a description and location of the surface and subsurface hydrology, including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface expressions of groundwater. The director may require a hydrogeologic report to accompany the geotechnical assessment if impacts are anticipated;

e. identification and characterization of all critical areas and buffers and areas within the shoreline jurisdiction;

3. A site plan that includes:

a. the existing topography with vertical contour intervals of five feet or less, for the entire site and abutting public rights-of-way, private roads, or access easements;

b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site;

c. all identified geologically hazardous areas, buffers, and critical area setbacks;

d. exploration locations;

e. locations of proposed development and clearing limits, if known;

f. transects of any provided cross-sections;

g. drainage flow characteristics including pipes, drains, catch basins, drainage structures, culverts, underdrain pipes, and other structures;

4. A description of the geological conditions of the soils and bedrock that includes:

a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines;

b. data regarding underlying geology, slope gradients, soil types, and subsurface information including boring or test pit logs describing soil stratification, and results of soil tests conducted.

c. a description of the soils in accordance with the Natural Resource Conservation Service, indicating the potential for erosion;

d. review of the site history regarding landslides, erosion, and prior grading;

e. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours;

f. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region;

g. engineering properties of the subsurface soils or bedrock or both;

h. identification of all existing fill areas;

i. the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction;

5. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property, including, but not limited to:

a. slope stability;

b. potential for liquefaction hazard;

c. debris runout, including from upslope on the site or from neighboring properties and on down slope properties from the site and proposed development;

d. channel migration;

e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other

erosional forces to determine the recommended solution for bank or shoreline stabilization in conformance with K.C.C. 21A.25.170;

6. An evaluation of proposed development which includes:

a. the location and description of proposed development activity;

b. the method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the Surface Water Design Manual;

c. the locations and methods for temporary and permanent erosion control;

d. recommendations for temporary and permanent structure siting limitations, and foundation type and depth;

e. recommendations on minimum buffers and setbacks for the specific geological hazard;

f. recommendations for grading procedures, fill placement and compaction criteria, handling contaminated soils and materials, temporary and permanent slope inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

g. an estimate of bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;

h. recommendations for engineering mitigation of hazards; and

i. recommendations for vegetation management to mitigate hazards;

7. A determination stating whether the alterations minimize risks to people and development in accordance with the development standards of this chapter, and rationale

to support the determination based on the presented data, analysis, and scientific and engineering practice;

8. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

9. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

10. Any other information determined by the department to be necessary to determine compliance with this chapter, including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, or models for estimating how far landslide materials will travel.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An ecological critical area report shall meet the requirements of this section.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. Wetland, aquatic area, and riparian area delineation that includes:

a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional

supplement as set forth in WAC 173-22-035, including completed data forms and data point locations;

b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms;

c. identification of aquatic area locations, typing, and ordinary high water mark;

d. identification of severe channel migration hazard areas and floodplains; and

e. determination of applicable wetland buffers and riparian areas;

2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks;

3. A description of existing on-site and adjacent site conditions that includes:

a. existing development, including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established;

b. the extent and dominant species composition of existing vegetative cover;

c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology;

d. functions and values of all critical areas present; and

e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development activity. The department may require tree locations to be surveyed;

4. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

5. If impacts to critical areas or buffers are proposed, an analysis that includes:

a. calculation of square footage of direct permanent impacts to each critical area and buffer;

b. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

c. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021;

d. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

e. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the Surface Water Design Manual; and

f. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers;

6. A mitigation plan that includes:

a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required;

b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year;

e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable;

f. plan for installation of wildlife lighting;

g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

h. rationale for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equal or better ecological functions will be achieved;

7. A monitoring plan that includes:

a. a monitoring schedule of at least five years, unless otherwise directed by the department to address site-specific conditions such as inclination over twenty percent, excessively drained soils, or mitigation occurs in wetland;

b. success criteria for mitigation activities to meet at the end of each monitoring year;

c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area;

d. a maintenance plan to ensure success criteria are met; and

e. a contingency plan if it is determined that mitigation fails to meet success criteria;

8. A site plan depicting:

a. critical areas on the site and within three hundred feet of the site;

b. buffer widths;

c. critical area setbacks;

d. existing and proposed alterations, including, but not limited to, structures, impervious surfaces, utilities, clearing, landscaping, and grading; and

e. property lines, setbacks, and easements; and

9. Additional information determined by the department to be necessary to comply with this chapter.

SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C. 21A.24.125 are hereby amended to read as follows:

((~~A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority,~~)) When an alteration to a critical area is proposed, the following avoidance and mitigation sequencing shall be applied in the following order of priority to avoid and minimize impacts to critical areas and critical area buffers:

((~~1.~~)) A. Avoiding the impact or hazard by not taking a certain action;

((~~2.~~)) B. Minimizing the impact or hazard by:

((~~a.~~)) 1. limiting the degree or magnitude of the action with appropriate technology; or

((~~b.~~)) 2. taking affirmative steps to avoid or reduce impacts, such as project redesign, relocation, or timing;

((~~3.~~)) C. Rectifying the impact ((~~to critical areas~~)) by repairing, rehabilitating, or restoring the affected critical area or its buffer;

((~~4.~~)) D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

((~~5.~~)) E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the ((~~development proposal or~~)) alteration;

((~~6.~~)) F. Compensating for the ((~~adverse~~)) impact by replacing or enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and

((~~7.~~)) G. Monitoring the impact, hazard, or success of required mitigation and taking ((~~remedial~~)) corrective action.

((~~B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.~~))

SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. ((~~If m~~))Mitigation ((~~is~~)) required under this chapter ((~~to compensate for adverse impacts, unless otherwise provided, an applicant~~)) shall:

1. ((~~Mitigate adverse impacts to:~~

~~a. critical areas and their buffers; and~~

~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~

~~2. Monitor the performance of any required mitigation~~)) Only occur after avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

2. Achieve no net loss of critical area functions;

3. Prevent risk from hazards posed by the critical area; and

4. Not create impacts on other critical area functions.

B. ((~~The department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers~~)) Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

C. ((~~Whenever mitigation is required, an applicant shall submit a critical area report that includes:~~

~~1. An analysis of potential impacts;~~

~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~

~~3. A monitoring plan that includes:~~

~~a. a demonstration of compliance with this title;~~

~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~

~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or~~

~~(2) the mitigation involves the creation of a wetland; and~~

~~c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.~~)) A critical area report and mitigation and monitoring plan is required for any development proposal that includes mitigation.

D. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area functions as conditions of approval for mitigation measures, including, but not limited to, conservation easements, financial guarantees in accordance with K.C.C. Title 27A, and performance monitoring.

E. Mitigation shall ((~~not~~)) be implemented ((~~until~~)) after the department approves ((~~the~~)) mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ((~~is~~)) has commenced and shall provide King County with reasonable access to the ((~~mitigation~~)) site for the purpose of inspections during ((~~any~~)) the monitoring period.

((~~E.~~)) F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan, ((~~and~~)) revised financial guarantees, ((~~requirements~~)) and an extension of the monitoring period by at least two years.

SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. ((~~To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat network~~)) Mitigation shall be prioritized on or contiguous to the development site. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

B. The department may approve mitigation that is off-site ((~~the development site~~)) if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal site; ((~~and~~))

2. The off-site mitigation will achieve ((~~equivalent or greater~~)) equal or better hydrological, water quality, and ((~~wetland or aquatic area~~)) habitat functions((~~.~~)); and

3. The off-site mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact.

B. ((~~When off-site mitigation is authorized, t~~))The department shall give priority to locations within the same drainage subbasin as the development proposal site and that meet the following:

1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;

2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ((~~and~~)) or

3. Public mitigation sites that have been ranked in a process ((~~that has been~~)) supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ((~~basin plans or other~~)) watershed plans.

C. The department ((~~may~~)) shall require ((~~documentation~~)) that the mitigation site ((~~has been~~)) be permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The applicant shall provide documentation ((~~may include, but is not limited to,~~)) such as a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

D. The department shall maintain a list of sites available for use for off-site mitigation projects.

E.1. The department ((~~and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.~~)) may approve mitigation through the King County mitigation reserve program. The program addresses:

a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and

b. the use of the fees for mitigation on public or private sites that have been ((~~ranked according to ecological criteria through one or more programs that have included a public process~~)) selected using a watershed approach, in accordance with the approved in-lieu fee program instrument.

2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ((~~a paper original and~~)) an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:

a. information on the amount and source of revenues received by the program;

b. a description and rationale for projects selected for funding;

c. an accounting of budgeted and actual expenditures made; and

d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. Revegetation in critical areas and critical area buffers shall:

1. Meet the mitigation requirements under this chapter;

2. Provide equal or better ecological function compared to existing conditions;

3. Replicate the structure and function of the historic natural plant community, except when restoring temporary impacts to a legally altered plant community;

4. Use only native or climate-adaptive plant species that are well suited to thrive in the current and future site conditions;

5. Prioritize the selection of native vegetation, with the use of climate-adaptive plants only when appropriate for site conditions; and

6. Include measures to restore soil and hydrologic functions when necessary.

B. The department shall consider site-specific conditions and may allow modifications to planting plans for planting success.

C.1. The department of natural resources and parks shall adopt a public rule establishing a list of climate-adaptive plants after consultation with Indian tribes and the department of local services.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the initial rule making under this section and each subsequent update to the public rule, the director of natural resources and parks shall:

a. request comment from Indian tribes no less than 60 days before the adoption of the final rule;

b. meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the list of climate-adaptive plants, and a response to each of the comments with how the final rule addresses the comments.

3. The initial public rule shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows:

A. Except as otherwise provided in subsection ((~~of~~)) C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established ((~~as a result of development~~)) shall file a notice on title ((~~approved by King County~~)) with the records and licensing services division. The notice on title shall be on a form approved by the department and inform the public of:

1. The presence of critical areas ((~~or~~)), buffers, or mitigation sites on the property;

2. The application of this chapter to the property; ((~~and~~))

3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and

4. The existence of approved wetland buffer or riparian area averaging or reductions on the property.

B. ((~~The applicant for a development proposal shall submit p~~))Proof that the notice ((~~required by this section~~)) on title has been filed ((~~for public record~~)) shall be submitted before ((~~King County~~)) the department approves any development proposal for

the property or((~~,~~)) before recording in the case of subdivisions, short subdivisions, and binding site plans((~~, at or before recording of the subdivision, short subdivision, or binding site plan~~)).

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility;

2. The development proposal does not require ((~~sensitive~~)) critical area review under K.C.C. 21A.24.100.C.; or

3. The property only contains a critical aquifer recharge area or an erosion hazard area.

D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances:

1. The department, as part of a critical area review of a permit application or a critical area designation, determines the information contained in an existing notice on title is no longer accurate, such as in its type or location; or

2. An adopted critical areas map was updated indicating a reclassification or declassification of one of the following critical areas on the subject property:

a. critical aquifer recharge areas;

b. wildlife habitat network;

c. channel migration zones;

d. flood hazard areas.

SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:

A. ((~~The applicant~~)) Critical area tracts protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to delineate and protect ((~~those~~)) the following critical areas and associated buffers ((~~listed below in development proposals for subdivisions, short subdivisions or binding site plans and shall record the tracts on all documents of title of record for all affected lots~~)):

1. ((~~All l~~))Landslide hazard areas and buffers that are one acre or more in size;

2. ((~~All s~~))Steep slope hazard areas and buffers that are one acre or more in size;

3. ((~~All w~~))Wetlands and buffers; ((~~and~~))

4. ((~~All a~~))Aquatic areas ((~~and buffers~~));

5. Riparian areas;

6. Alluvial fan hazard areas that are one acre or more in size; and

7. Wildlife habitat networks.

B. A critical area tract established under subsection A. of this section shall be held either:

1. ((~~held~~)) in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot((~~,~~));; or

2. ((~~shall be held~~)) by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract.

C. ((~~The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.~~)) The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan.

D. For an off-site mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.

E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

((~~E.~~)) F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate:

1. ((~~All f~~))Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;

2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas;

3. Aquatic areas, riparian areas, and wetlands;

4. Wildlife habitat conservation areas and ((~~the~~)) wildlife habitat networks;

5. Critical area ((~~B~~))buffers; and

6. ((~~Building~~)) Critical area setbacks as required by K.C.C. 21A.24.200.

((~~F.~~)) G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows:

Unless otherwise provided, ((~~an applicant shall set buildings and other~~)) structures shall be set back a minimum distance of ((~~fifteen~~)) ten feet from the outside edges of all critical areas and critical area buffers ((~~or from the edges of all critical areas, if no buffers are required~~)). ((~~When the~~)) If site disturbance is within a critical area or an associated buffer, the ((~~building~~)) critical area setback ((~~line~~)) shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance. The following are allowed in the ((~~building~~)) critical area setback area:

A. Landscaping;

B. Uncovered decks;

C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area;

D. Impervious ground surfaces, such as driveways and patios((~~, but the~~));

however, improvements are required to meet any special drainage provisions specified in public rules adopted for ((~~the various~~)) critical areas and the Surface Water Design Manual;

E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and

F. Minor encroachments if adequate protection of the buffer will be maintained.

SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

A. The development standards that apply to the ((~~aquatic area buffers~~)) riparian areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((~~zone~~)) hazard areas and the portion of the moderate channel migration ((~~zone~~)) hazard areas that is within the ((~~aquatic area buffer~~)) riparian areas. The more-restrictive standards apply where there is a conflict;

B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and

C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area:

1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2. New primary dwelling units, accessory dwelling units, or accessory living quarters, and required infrastructure, are allowed if:

a. the structure is located on a ((~~separate~~)) legally established lot in existence on or before February 16, 1995;

b. a feasible alternative location outside of the channel migration hazard area is not available on((-)) the site; and

c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:

(1) the least subject to risk; or

(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:

a. a feasible alternative location is not available on-site; and

b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside ((~~an aquatic area buffer~~)) a riparian area if:

a. All lots contain five-thousand square feet or more of net buildable ((~~land~~)) area outside of the moderate channel migration hazard area;

b. Access to all lots does not cross the moderate channel migration hazard area; and

c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area ((~~with a slope of forty percent or greater~~)) or associated buffer;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist.~~));

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ((~~is~~)) shall be fifty feet((~~.~~));

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ((~~building~~)) critical area setback in K. C. C. 21A.24.200 to one-hundred feet; and

4. For alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the landslide hazard area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or associated buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; ((~~and~~))

E. Alterations ((~~in a landslide hazard area located on a slope less than forty percent are allowed if:~~

~~1. The proposed alteration will~~)) shall not decrease slope stability on contiguous properties; ((~~and~~

~~2.~~)) F. The risk of property damage or injury resulting from landsliding ((~~is~~)) shall be eliminated or minimized;

G. The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

H. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. ((~~Except as provided in subsection D. of this section, u~~))Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the following alterations ((~~identified in K.C.C. 21A.24.045~~)) are allowed within a steep slope hazard area or associated buffer((~~,~~)):

1. Alterations identified in K.C.C. 21A.24.045;

2. Alterations to steep slopes with a vertical elevation change of up to twenty feet where no impact will result. The department may approve this exemption based on a review of and concurrence with a geological critical area report; and

3. Regrading of any slope that was created through previous legal grading activities. Any slope that remains forty percent or steeper after alterations are completed are subject to requirements for steep slope hazard areas.

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a critical area report~~)).

1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer;

b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1. of this section:

a. If a geological critical area report is not submitted to or required by the department, the minimum buffer shall be fifty feet; and

b. For ((~~building permits for~~)) alterations associated with single detached dwelling units only, the department may waive the ((~~special study~~)) geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the ((~~critical area~~)) steep slope hazard area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; ((~~and~~))

D. ((~~All alterations are allowed in the following circumstance:~~

~~1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King~~

~~County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and~~

~~2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes~~)) The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ((~~containing seismic hazard areas~~)) where potential seismic hazard areas are mapped:

A. The department may approve alterations ((~~to seismic hazard areas~~)) only if:

1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ((~~proposed~~)) development proposal site is not ((~~located in~~)) a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. ((~~Mobile~~)) Manufactured homes;

2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and

3. One-story buildings with less than two-thousand-five hundred((~~s~~)) square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A buffer may be required from the edge of the alluvial fan hazard area. To eliminate or minimize the risk of property damage or injury resulting from inundation, sedimentation, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report.

C. A geological critical area report is required for alterations that are on an alluvial fan or within fifty feet of an alluvial fan;

D. Alterations shall minimize and not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties;

E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from an alluvial fan hazard area or associated buffer is prohibited;

F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization; and

G. The alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.

NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. This section applies to development proposals on sites that are within tsunami hazard areas.

B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practical, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment ((~~prepared in accordance with this chapter~~)), the department shall classify coal mine hazard areas as follows:

A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited

to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((,)) overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow section that77, as recodified by this ordinance.

SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, as modified by notices of map amendment in K.C.C. 21A.24.312.

SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((~~s~~)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area ((~~that is or is not classified as a~~)) on the critical aquifer recharge area ((~~on the~~)) map adopted under K.C.C. 21A.24.311:

((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks to the property owner, applicant, if applicable, and the county assessor.

SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined ((~~are~~)):

1. Are ((~~H~~))highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. Are ((~~I~~))in an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system;

B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:

1. Have a medium susceptibility to ground((-))water contamination and are located in a sole source aquifer or a wellhead protection area; or

2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island.

SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;

2. Sand and gravel, and hard rock mining unless:

a. the site has mineral zoning as of January 1, 2005; or

b. ((~~mining~~)) mineral extraction is an ((~~permitted~~)) allowed use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. ((~~Mining of any type~~)) Mineral extraction below the upper surface of the saturated ground((-))water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17;

8. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

9. Golf courses;

10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington ((~~S~~))state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground((-))water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Underground storage tanks with hazardous substances, as defined in chapter 70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and K.C.C. Title 17, ((~~E~~))except for a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater, underground storage~~

~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17~~)) Vashon-Maury Island; and

b. For a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17;

6. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter ((~~43.200~~)) 70A.384 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the

standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the ((~~King County~~)) Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are ((~~permitted~~)) allowed within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((~~family~~)) detached residence if the requirements of ((~~K.C.C.~~)) King County Board of Health Code BOH 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3599 3.a. The owner of a new well located within the sea level rise risk area shall test
3600 the well for chloride levels using testing protocols approved by the Washington state
3601 Department of Health.
3602 b. The owner shall report the results of the test to ((~~Seattle-King County~~
3603 ~~department of~~)) public health – Seattle & King County and to the department of natural
3604 resources and parks.
3605 c. If the test results indicate saltwater intrusion is likely to occur, the
3606 department of natural resources and parks, in consultation with ((~~Seattle-King County~~
3607 ~~department of~~)) public health - Seattle & King County, shall recommend appropriate
3608 measures.
3609 d. The owner shall implement all recommended measures in addition to the
3610 minimum requirements of this title to prevent saltwater intrusion
3611 H. On a site greater than twenty acres, the department may approve a
3612 development proposal otherwise prohibited by subsections A., B., and C. of this section if
3613 the applicant demonstrates through a critical area report that the development proposal is
3614 located outside the critical aquifer recharge area and that the development proposal will
3615 not cause an ((~~significant~~)) adverse ((~~environmental~~)) impact to the critical aquifer
3616 recharge area.
3617 I. The provisions relating to underground storage tanks in subsections A. through
3618 D. of this section apply only when the proposed regulation of underground storage tanks
3619 has been submitted to and approved by the Washington state ((~~d~~))Department of
3620 ((~~e~~))Ecology, in accordance with ((~~90.76.040~~)) RCW 70A.355.030 and WAC ((~~173-360-~~
3621 ~~530~~)) 173-360A-0130.

SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows:

A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035.

B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((~~14-06-029~~)) 23-06-009, published October 2014 and updated July 2023.

C. Wetland rating categories shall not recognize illegal modifications.

SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((~~250~~)) 300 feet	((~~190~~)) 225 feet	((~~125~~)) 150 feet

Bog	((~~250~~)) <u>300</u> feet	((~~190~~)) <u>225</u> feet	((~~125~~)) <u>150</u> feet
Estuarine	((~~200~~)) <u>300</u> feet	((~~150~~)) <u>225</u> feet	((~~100~~)) <u>150</u> feet
Coastal Lagoon	((~~200~~)) <u>300</u> feet	((~~150~~)) <u>225</u> feet	((~~100~~)) <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet

Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((~~50~~)) 60 feet	((~~40~~)) 45 feet	((~~25~~)) 35 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;

(2) commercial, institutional, or industrial use on a site regardless of the zoning classification;

(3) nonresidential use on a site zoned ((~~for residential use~~)) RA, UR, or R, such as telecommunication towers and associated equipment;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ((~~ball~~)) sports fields, and similar use;

(5) all sites within the Urban Growth Area, except recreational uses in subsection A.2.b.(6) and A.2.c.(2) of this section; ((~~or~~))

(6) Residential zoning greater than one dwelling unit per acre;

(7) railroads; or

(8) federal and state highways, including on-ramps and exits, state routes, and other roads associated with high impact land uses;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned ((~~rural area, agriculture or forestry~~)) RA, A, or F;

(3) agricultural uses without an approved farm management plan;

(4) forest service roads and roads associated with moderate impact land uses;

(5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(((~~5~~))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and

c. Low impact includes:

(1) forestry uses on a site regardless of zoning classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures((~~,~~)) on a site regardless of zoning;

(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045((~~.D.53. and K.C.C. 21A.24.045.D.54.~~)); or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. ((~~The department may approve a modification of the minimum~~)) Wetland buffer width ((~~required by this section by averaging the buffer width~~)) averaging may be allowed if an ecological critical area report demonstrates:

1.a. ((~~The department determines that:~~

~~a. the b~~))Buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a ((")dual-rated(") wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; ((~~and~~

~~2. The resulting buffer meets the following standards:~~

~~a.~~)) 2. ((~~t~~))The total area of the buffer after averaging is ((~~equivalent~~)) equal to or greater than the area of the buffer before averaging;

((~~b.~~)) 3. ((~~t~~))The additional buffer is contiguous with the standard buffer;

((~~c.~~)) 4. ((~~t~~))The buffer at its narrowest point is ((~~never~~)) no less than ((~~either~~)) seventy-five percent of the required width ((~~or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater~~));

((~~d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by critical area report from a qualified wetland professional; and~~))

5. No net loss of wetland functions and values shall occur as a result of buffer averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

((~~e.~~)) 6. ((t))The buffer is increased adjacent to the higher functioning ((~~area of~~)) habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((~~as demonstrated by a critical area report from a qualified wetland professional~~));

7. Buffer averaging is not combined with other buffer reductions or modifications; and

8. Indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.((~~6~~))5. of this section ((~~and~~)) or the buffer averaging rules in subsection B. of this section((~~;~~)).

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((~~buffer~~)) width ((~~is~~)) shall be the greater of:

a. the wetland buffer width ((~~required by the wetland's category in this section~~)); or

b. the wetland buffer width, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex ((~~located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051~~)), the buffer widths ((~~is determined~~)) are as follows:

a. ((~~t~~))The buffer width for each individual wetland ((~~in the complex is the same width as the buffer width required for the category of wetland~~)) shall be consistent with subsection A. of this section;

b. ((~~i~~))If the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. ((~~w~~))Wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. ((t))The department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

e. ((t))The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements ((as wetland buffers as long as)) if the alteration is designed so as not to disrupt wildlife movement through the corridor;

4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the ((minimum)) required buffer width to the edge of the roadway if:

a. the part of the buffer on the other side of the roadway sought to be reduced:

((a.)) (1) does not provide additional protection of ((the proposed development or the)) wetland functions and values from the proposed alteration; and

((b.)) (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and

b. the applicant provides a written evaluation that includes:

(1) a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway;

(2) an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and

(3) an analysis of how the roadway fully disconnects the buffer from providing the assessed functions, and whether the disconnection affects the entirety of the buffer; and

5. ((~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

~~6. The buffer widths required for proposed land uses with~~)) For developments with residential uses, mixed-use, daycares, and social services within the Urban Growth Area that are categorized as high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate ((~~intensity~~)) impacts ((~~under the following conditions~~)) if:

a. all the following measures to minimize impacts of the proposed land uses are applied:

(1) revegetate with dense native vegetation or climate-adaptive plants along the edge of the buffer and in any other portion of the buffer wherever existing vegetation is sparse;

(2) install wildlife lighting and direct all light away from the wetland;

(3) locate noise-generating activities away from the wetland;

(4) install wildlife passable fencing at the edge of the wetland buffer;

(5) attach critical area signs to wildlife passable fencing every fifty to seventy-five linear feet, as determined by the department, so that a sign is visible from any point along the edge of the critical area or buffer;

(6) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

(7) demonstrate how each of the following meets the core requirements in the Surface Water Design Manual, including:

(a) stormwater runoff;

(b) change in water regime; and

(c) erosion and dust control; and

b. ((~~F~~))for wetlands that score moderate or high for habitat functions((~~, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~

~~(1) A~~))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((~~any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list~~)) a legally-protected, relatively undisturbed and vegetated area. The corridor ((~~must~~)) shall be protected for the entire distance ((~~between the wetland and the priority habitat~~)) and ((~~legally~~)) recorded via a conservation easement; and

~~(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and~~

~~b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:~~

~~**Disturbance**~~	~~**Measures to minimize impacts**~~
~~Lights~~	~~Direct lights away from wetland.~~

~~Noise~~	~~Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.~~
~~Toxic runoff~~	~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.~~
~~Stormwater runoff~~	~~Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.~~
~~Change in water regime~~	~~Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.~~
~~Pets and human disturbance~~	~~Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.~~
~~Dust~~	~~Use best management practices to control dust.~~))

c. the development proposal does not impact the reduced buffer.

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.

SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or ((~~their~~)) associated buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. ((~~The a~~))Applicants may include climate-adaptive plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound ((~~lowland~~)) region into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and

C. ((~~A category IV wetland less than two-thousand-five-hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and~~

~~D.~~)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045.D.20. and D.((~~52~~))51.

SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.125 and 21A.24.130~~)) this chapter, the following applies to wetland and wetland buffer mitigation ((~~to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer~~)):

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better wetland functions and values, including, but not limited to:

1. Habitat functions such as complexity, connectivity, and other biological and ecological functions; and

2. Hydrological functions, such as ((~~S~~))seasonal hydrological dynamics, as provided in the ((~~King County~~)) Surface Water Design Manual;

B. For permanent impacts to a wetland or wetland buffer, ((~~T~~))the following ratios of ((~~area of~~)) mitigation area to ((~~area of alteration~~)) impact area apply ((~~to mitigation measures for permanent alterations~~)):

1. For ((~~alterations~~)) impacts to a wetland buffer, a ratio of ((~~one to one; and~~)) 1:1 on-site, and 2:1 off-site;

2. For ((~~alterations~~)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

((~~Category~~ and type of wetland	**~~Wetland reestablishment or creation~~**	**~~Wetland rehabilitation~~**	**~~1:1 Wetland reestablishment or wetland creation~~**	**~~Wetland enhancement only~~**

			~~(R/C) and wetland enhancement (E)~~	
~~Category IV~~	~~1.5:1~~	~~3:1~~	~~1:1 R/C and 2:1 E~~	6:1
~~Category III~~	~~2:1~~	~~4:1~~	~~1:1 R/C and 2:1 E~~	8:1
~~Category II estuarine~~	~~Case-by-case~~	~~4:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	Case-by-case
~~All other Category II~~	~~3:1~~	~~8:1~~	~~1:1 R/C and 4:1 E~~	12:1
~~Category I forested~~	~~6:1~~	~~12:1~~	~~1:1 R/C and 10:1 E~~	Case-by-case
~~All other Category I~~	~~4:1~~	~~8:1~~	~~1:1 R/C and 6:1 E~~	Case-by-case
~~Category I wetlands of high conservation value~~	~~Not allowed~~	~~6:1 rehabilitation of a wetland of high conservation value~~	~~Case-by-case~~	Case-by-case
~~Category I coastal lagoon~~	~~Not allowed~~	~~6:1 rehabilitation of a coastal~~	~~Case-by-case~~	Case-by-case

		~~lagoon~~		
~~Category I bog~~	~~Not allowed~~	~~6:1 rehabilitation of a bog~~	~~Case-by-case~~	Case-by-case
~~Category I estuarine~~	~~Case-by-case~~	~~6:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	~~Case-by-case~~))

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Category and type of wetland	**Wetland reestablishment or creation**	**Wetland rehabilitation**	**1:1 Wetland reestablishment or creation (R/C) and wetland enhancement (E)**	**Wetland enhancement only**
Category I wetlands of high conservation value	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I bog	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I estuarine	Case-by-case	8:1	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	8:1	Not allowed	Case-by-case
Category I	6:1	12:1	1:1 R/C and 20:1 E	Case-by-case

forested				
All other Category I	4:1	8:1	1:1 R/C and 12:1 E	Case-by-case
Category II estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

3. For indirect impacts to a wetland, one half of the ratio required by subsection B.2. of this section.

C. The following ratios ((~~of area~~)) of mitigation area to ((~~area of alteration~~)) impact area apply to ((~~mitigation measures for~~)) temporary ((~~alterations~~)) impacts where wetland((~~s will~~)) functions are expected to take longer than one year to be restored. Temporary impacts do not ((~~be impacted by~~)) include permanent fill material((~~:~~)) or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023

Wetland category	**Permanent conversion of forested and shrub wetlands into emergent wetlands**			**Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities**		
	Enhancement	Rehabilitati	Reestablish	Enhanceme	Rehabilitati	Reestablis

		on	ment or ((~~C~~))creation ((~~or restoration~~))	nt	on	hment or ((~~C~~))creation ((~~or restoration~~))
Category I	((~~6~~)) 8:1	((~~4.5~~)) 6:1	3:1	((~~3~~)) 4:1	2:1	1.5:1
Category II	((~~3~~)) 6:1	((~~2~~)) 3:1	1.5:1	((~~1.5~~)) 3:1	1.5:1	.75:1
Category III	((~~2~~)) 4:1	((~~1.5~~)) 2:1	1:1	((~~1~~)) 2:1	((~~.75~~)) 1:1	.5:1
Category IV	((~~1.5~~)) 3:1	1.5:1	.75:1	((~~Not applicable~~)) 1.5:1	((~~Not applicable~~)) .75:1	((~~Not applicable~~)) .25:1

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((~~or~~))

4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the impact;

5. The proposed mitigation site differs from the development proposal site in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;

6. The development proposal site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or

7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

E. ((~~The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances~~)) Wetland mitigation bank or in lieu fee program credits may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. Instead of mitigation ratios in subsection B. or C. of this subsection, wetland mitigation bank or in lieu fee program mitigation ratios are as follows:

1. ((~~The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~

~~3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

~~b. the category of the area with a different class is lower than that of the entire wetland; and~~

~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.~~)) For wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument, with a minimum bank credit to impact acre ratio of 1:1;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be 1:1; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the ((~~altered~~)) wetland or wetland buffer; and

G. Mitigation of ((~~an alteration to a buffer of a~~)) wetland buffers ((~~that occurs along an aquatic area~~)) in a lake shoreline ((~~in accordance with an allowed alteration under this chapter~~)) shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ((~~categorized or "~~))typed((~~"as follows~~)) using the water typing system in WAC 222-16-030 and the following criteria:

1. Type S ((~~waters include~~)) means all aquatic areas, within their bankfull width, inventoried as ((~~"~~))shorelines of the state((~~"~~)) under King County's ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program,((~~ K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW~~)) including periodically inundated areas of their associated wetlands;

2. Type F ((~~waters include all~~)) means segments of aquatic areas ((~~that are not~~)) other than type S ((~~waters~~)), which are within the bankfull widths of defined channels and

periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and that contain fish or fish habitat ((~~, including~~)) or are described by one of the following categories:

a. waters diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F upstream from the point of such diversion for one-thousand-five-hundred feet or until the drainage area is reduced by fifty percent, whichever is less;

b. waters diverted for use by a federal, state, ((~~or~~)) tribal, or private fish hatchery from the point of diversion for one((-)) thousand((-)) five((-)) hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality;

c. waters within a federal, state, local, or private campground having more than ten camping units. Water is considered to enter a campground when it reaches the boundary of the park lands available for public use and comes within one-hundred feet from a camping unit, trail, or other park improvement; or

d. riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These habitats are identified by their connection to a fish habitat stream and accessible during some period of the year and accessible to fish.

3. Type N ((~~waters include~~)) means all segments of aquatic areas that are not type S or F ((~~waters~~)) and that are physically connected to type S or F ((~~waters~~)) by ((~~an above-ground~~)) a channel or piped system, stream, or wetland; and

4. Type O ((~~waters include~~)) means all segments of aquatic areas that are not type S, F, or N ((~~waters~~)) and that are not physically connected to type S, F, or N ((~~waters~~)) by a((~~n above-ground~~)) channel or piped system, ((~~pipe or culvert,~~)) stream, or wetland, and which infiltrates water into the ground.

B. For the purposes of ((~~the water~~)) aquatic area types in subsection A. of this section((~~, an above-ground~~)):

1. A channel system is ((~~considered to be~~)) present if the ((~~one-hundred year~~)) floodplains of both the contributing and receiving waters are connected; and

2. Fish habitat may be classified by:

a. the presence of fish;

b. a stream segment, that is perennial or ephemeral, with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or

c. any stream located within the floodplain of type S or F water.

((~~C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:~~

~~1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;~~

~~2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~

~~3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~

~~4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.~~))

SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows:

A. ((~~Aquatic area buffers~~)) Riparian areas shall ((~~be measured as follows~~)):

1. ((~~From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;~~

~~2. If~~)) Where the adjacent aquatic area is ((~~located within~~)) in a mapped severe channel migration hazard area((~~, the aquatic area buffer width shall be the greater of the aquatic area buffer width as measured consistent with subsection A.1. of this section or~~)):

a. include the severe channel migration hazard area; and

b. extend from the outer edge of the severe channel migration hazard area;

2. Where the adjacent aquatic area is not in a mapped severe channel migration hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; and

3. ((~~If the aquatic area buffer includes a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~

~~this section or the top of the hazard area~~)) Extend in all directions from the point at which the adjacent aquatic area enters or exits an underground conveyance system.

B.1. ((~~Within the Urban Growth Area, aquatic area buffers~~)) Riparian area widths shall be as follows:

((~~1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;~~

~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;~~

~~3. A type N aquatic area buffer is sixty-five-feet; and~~

~~4. A type O aquatic area buffer is twenty-five-feet.~~))

Adjacent Aquatic Area Type	**Riparian Area Width**
S or F outside the Urban Growth Area	200 feet
S or F in the Urban Growth Area	180 feet
N	100 feet
O	50 feet

2. If the riparian area is in a steep slope hazard area or a landslide hazard area, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the landslide or steep slope hazard area upslope up to a maximum total width of twice the riparian area width, as measured perpendicular to the topographic contours;

3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the alluvial fan hazard area.

C. ((~~Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~

~~1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;~~

~~2. A type N aquatic area buffer is sixty-five-feet; and~~

~~3. A type O aquatic area buffer is twenty-five-feet.~~

~~D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one-hundred-feet.~~

~~E. The department may approve a modification of buffer widths if~~)) Riparian area width averaging may be allowed if an ecological critical area report demonstrates:

1.((~~a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:~~

~~(1) the total area of the buffer is not reduced;~~

~~(2) the buffer area is contiguous; and~~

~~(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;~~

~~b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide;~~

~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and~~

~~shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;~~

~~d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or~~

~~e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and~~

~~2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.~~)) The total area of the riparian area after averaging is equal to or greater than the total area of the riparian area before averaging;

2. The additional riparian area is contiguous with the standard riparian area;

3. The riparian area at its narrowest point is no less than seventy-five percent of the standard width;

4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological functions and values shall occur as a result of the averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the riparian area where native vegetation does not currently exist;

5. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower functioning or less sensitive portion;

6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the hazard areas; and

7. Riparian area averaging is not combined with any other riparian area width modifications.

SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or ((~~their buffers~~)) riparian areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ((~~aquatic area buffers~~)) riparian areas;

B. Clearing, ((~~G~~))grading ((~~for allowed alterations in aquatic area buffers is~~)), and other site disturbances are only allowed from May 1 to October 1. ((~~This~~)) The period may be modified or restricted when the department determines it is necessary along ((~~marine shorelines~~)) aquatic areas to protect critical forage fish and salmonid migration, ((~~or~~)) as provided in K.C.C. 16.82.095, or as required by a state or federal permit;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:

1. Minimizing soil compaction, or

2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within a((~~n aquatic area buffer~~)) riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ((~~and~~))

E. To the maximum extent practical:

1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;

2. A spatial connection should be provided between vegetation within and outside the ((~~aquatic area buffer~~)) riparian area to prevent creation of wind throw hazards; and

3. Hazard trees ((~~should be retained~~)) approved for removal in ((~~aquatic area buffers~~)) riparian areas ((~~and~~)) should be either topped or pushed over toward the aquatic area, and not removed from the riparian area; ((~~and~~))

F. A project may include climate-adaptive plants, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound region into an aquatic area or riparian area unless authorized by state or federal approval; and

G. If a ((~~restoration, enhancement or mitigation~~)) project ((~~proposes to place~~)) includes large wood ((~~woody debris~~)) waterward of the ordinary high water mark of a ((~~T~~))type S aquatic area, the applicant shall ((~~consider~~)) minimize the potential for recreational hazards in project design.

SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate for the~~

~~adverse impacts associated with an alteration to~~)) in an aquatic area or ((~~aquatic area buffer~~)) riparian area:

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better aquatic or riparian area functions than prealteration conditions, including, but not limited to:

1. Habitat complexity, connectivity, and other biological and ecological functions;

2. Seasonal hydrological dynamics((~~,~~)) and water storage capacity ((~~and water quality~~)); ((~~and~~))

3. ((~~Geomorphic and habitat processes and functions~~)) Shade and temperature control, pollution removal, water purification, and other water quality functions; and

4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions;

B. ((~~To the maximum extent practical, permanent alterations that require restoration or enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area buffer must consider~~)) The mitigation plan shall address the following design factors, as applicable ((~~to the function being mitigated~~)):

1. The natural channel or shoreline reach dimensions including its depth, width, length, and gradient;

2. The horizontal alignment and sinuosity;

3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;

4. Bank ((~~and buffer~~)) configuration and erosion and sedimentation rates;

((~~and~~))

5. ((~~Similar~~)) Native vegetation or climate-adaptive plant species diversity, size, and densities ((~~in the channel, sea bed or lake bottom and on the~~)) comparable to a nearby relatively undisturbed riparian ((~~bank or buffer~~)) area with similar configuration, spatial arrangement, and solar aspect;

6. Similar slope and elevation; and

7. Similar soil conditions, including moisture, saturation, and organic content;

C. Mitigation ((~~to compensate~~)) for ((~~adverse impacts~~)) aquatic areas shall meet the following standards:

1. Mitigation shall ((~~N~~))not be located upstream of a barrier to fish passage;

2. ((~~Is equal or greater in biological function; and~~

~~3.~~)) To the maximum extent practical ((~~is~~)), mitigation shall be located on the development proposal site ((~~of the alteration~~)) or within one-half mile of the site and in the same aquatic area reach ((~~at a 1:1 ratio of area of mitigation to area of alteration; or~~

~~4. Is~~)). If mitigation cannot be located on the site or within one-half mile of the site, it shall be located in the same ((~~aquatic area~~)) drainage subbasin or marine shoreline ((~~and attains the following ratios of area of functional mitigation to area of alteration:~~

~~a. a 3:1 ratio for a type S or F aquatic area; and~~

~~b. a 2:1 ratio for a type N or O aquatic area~~)); and

3. Mitigation ratios for aquatic areas are as follows:

Aquatic Area and Location	**Mitigation Location**	**Mitigation Ratio (mitigation area to impact area)**
All aquatic areas	On the development proposal site	2:1
All aquatic areas	Within 1/2 mile of the development proposal site and in the same aquatic reach	2:1
Type S or F	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	3:1
Type N or O	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	2:1

D. For purposes of subsection C. of this section, ((~~a~~)) mitigation ((~~measure~~)) is in the same aquatic area reach if the length of aquatic area ((~~shoreline~~)) or riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

2. Similar processes including erosion and transport of sediment and ((~~woody debris~~)) large wood;

3. ((~~Equivalent~~)) Equal or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and

4. ((~~Equivalent~~)) Equal or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((~~or~~)) and

5. For tributary streams, a distance of no more than one-half mile from the main stem;

E. ((~~The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:~~

~~1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;~~

~~2. Financing or funding guarantees for the duration of the monitoring program;~~ and

~~3. Experienced, qualified staff to perform the monitoring;~~)) For riparian areas, on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation shall consist of restoration or creation, including through revegetation with native vegetation or climate-adaptive plants and removing invasive species, or both.

1. Standard on-site mitigation ratios for riparian areas are as follows:

Adjacent Aquatic Area Type	**On-site Mitigation Ratio (mitigation area to impact area)**
Shoreline (S)	3:1
Fish bearing (F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

2. The department may approve alternative on-site mitigation ratios for riparian areas, if the alternative mitigation provides equal or better ecological function than the

standard mitigation requirements. Alternative mitigation is based on the type of existing vegetation impacted, as follows:

Adjacent Aquatic Area Type	**Impacts to Woody Vegetation (Trees and Shrubs)**	**Impacts to Non-Woody Vegetation or Unvegetated Areas**
Shoreline (S) Fish bearing (F) Non-fish bearing (N)	2:1 ratio with at least one primary action or three secondary actions	1.5:1 ratio with at least one primary action or two secondary actions
Other (O)	1.5:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one primary or secondary action

a. Primary actions include:

(1) placing large wood in adjacent aquatic areas, when not installed for shoreline stabilization or flood protection facilities;

(2) removing a fish passage barrier, if not required by the development permit;

(3) removing an aquatic area transportation crossing, such as a road, bridge, or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate. Utility-only crossings are not included under this action;

(4) removing shoreline armoring, revetments, or levees; or

(5) other similar actions as determined by the department.

b. Secondary actions include:

(1) adding area contiguous to the existing riparian area at a ratio of 0.5:1 where otherwise not required. If the area of addition does not have an equal ecological function to the impact area, the area shall be revegetated with native vegetation or climate-adaptive plants;

(2) placing large wood in riparian areas or an adjacent floodplain;

(3) installing wildlife snags or similar wildlife nesting or rearing habitat;

(4) removing floodplain fill and replanting with native vegetation or climate-adaptive plants as appropriate; or

(5) removing a fish passage barrier if required by a development permit;

(6) other similar actions as approved by the department;

F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be allowed if the mitigation is unable to be located on or within one-half mile of the site. Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve, or conservation easement if on private property.

2. Off-site compensatory mitigation ratios riparian areas are as follows:

Adjacent Aquatic Area Type	**Off-Site Compensatory Mitigation Ratio**
Shoreline (S)	4:1
Fish bearing (F)	4:1
Non-fish bearing (N)	4:1
Other (O)	3:1

G. For rectifying an illegal alteration to ((~~any type of~~)) an aquatic area or ((~~its buffer~~)) riparian area, mitigation ((~~measures must meet the following standards~~:

~~1.~~)) shall be ((~~L~~))located on the site of the illegal alteration, at a ((~~1:1~~)) compensatory mitigation ratio of ((~~area of mitigation to area of alteration and~~

~~2. To the maximum extent practical,~~)) of 3:1, replicate((~~s~~)) the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((~~; and~~

~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~

~~H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer~~)) to the maximum extent practical.

SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

((~~2~~)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders, or other heavy equipment, ((~~may~~)) shall not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is ((~~an area with~~)) an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;

D. For a marbled murrelet, the wildlife habitat conservation area is ((~~an area with~~)) a one-half-mile radius around an active nest;

E. For a northern goshawk, the wildlife habitat conservation area ((~~is an area~~)) with a one-thousand-five-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area;

F. For an osprey:

1. The wildlife habitat conservation area is ((~~an area with~~)) a two-hundred-thirty-foot radius around an active nest; and

2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;

G. For a peregrine falcon:

1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff;

2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within one-half mile of the eyrie; and

3. New power lines ((~~may~~)) shall not be constructed within one-thousand feet of the eyrie;

H. For a spotted owl, the wildlife habitat conservation area is ((~~an area with~~)) a three-thousand-seven-hundred-foot radius from an active nest;

I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony;

2. Between November 1 and March 31, the wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area serving as a winter hibernacula;

3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting ((~~may~~)) shall not be altered or destroyed;

4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence ((~~is~~)) shall be protected from human entry; and

5. A gate across the entrance to a cave or mine that is protected because of bat presence ((~~must~~)) shall be designed to allow bats to enter and exit the cave or mine;

J. For a Vaux's swift:

1. The wildlife habitat conservation area is ((~~an area with~~)) a three-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Areas;

2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest;

K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((~~not listed in subsections B. through J. of this section~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385 are hereby amended to read as follows:

A. ((~~The department shall make certain that s~~))Segments of the wildlife habitat network ((~~are~~)) shall be set aside and protected along the designated wildlife habitat network adopted by the ((~~King County~~)) Comprehensive Plan ((~~as follows:~~)).

((~~A.~~)) This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network:

1. All ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions; and

2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement, or setback area, and a notice of the existence of the segment has been recorded;

B. Segments of the wildlife habitat network ((~~must~~)) shall be identified and protected in one of the following ways:

1. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous permanent open((-)) space tract with all developable lots sited on the remaining portion of the ((~~project~~)) development proposal site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or

2. For individual lots, the network is placed in a county-approved setback area. To the maximum extent practical, existing native vegetation is included in the network. The notice required by K.C.C. ((~~21A.27.170~~)) 21A.24.170 is required; and

C. All wildlife habitat network tracts or setback areas ((~~must~~)) shall meet the design standards in K.C.C. 21A.24.386.

SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386 are hereby amended to read as follows:

The following standards apply to development proposals and alterations on sites containing wildlife habitat network:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

B. The wildlife habitat network is sited to meet the following conditions:

1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary;

2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and

3. The network is contiguous with and includes critical areas and their buffers;

4. To the maximum extent practical, the network connects isolated critical areas or habitat; and

5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts, or wooded areas on adjacent properties, if present;

C. The wildlife habitat network tract ((~~must~~)) shall be permanently marked in accordance with this chapter;

D. An applicant proposing recreation, forestry, or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site ((~~must~~)) shall have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;

E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a

setback area on individual lots, unless the property owner has an approved management plan;

F. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate~~)) for ((~~the adverse impacts associated with~~)) wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to~~)) a wildlife habitat conservation area ((~~must~~)) shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site

mitigation is limited to sites that will enhance the ((~~wildlife~~)) habitat ((~~conservation area~~)) of the species impacted;

B. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to the~~)) a wildlife habitat network ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better biological functions, including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:

a. for mitigation on site:

(1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 1.5:1 ratio for enhancement or restoration; and

b. for mitigation off-site:

(1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 3:1 ratio for enhancement or restoration;

C. For temporary ((~~alterations~~)) impacts, the department may require ((~~rectification~~)) rehabilitation, restoration, or enhancement of the altered wildlife habitat network;

D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions;

E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including:

1. Soil type, conditions, and physical features;

2. Vegetation diversity and density; and

3. Biological and habitat functions; and

F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.

NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and K.C.C. Title 23.

SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows:

A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment;

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in accordance with each letter-number combination;

6. A shoreline use may be allowed in the aquatic environment only if that shoreline use is allowed in the adjacent shoreland environment; and

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with

all relevant county code provisions and with the King County ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program.

B. Shoreline uses.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-		C2	C2	C2				C2

salmonid finfish net pens								
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except automotive parking, and off-	P6							

street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.055)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							

In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.055)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation facilities								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								

Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C. 21A.08.030), adult family homes and community residential facility I (K.C.C. 21A.08.045)		P	P	P	P	C22	C22	
Houseplex, townhouse, apartment,	P23	P			P			

manufactured home community, cottage housing (K.C.C. 21A.08.030)								
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.045)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation	P29	P29	P29	C29	P29	P29	C29	C29

facilities								
Commuter parking lot (K.C.C. 21A.08.055)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.055)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal	P30							

water production (K.C.C. 21A.08.100)								

C. Development conditions:

1. In the ((~~N~~))natural shoreline environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture

activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

3.a. New marinas are not allowed along the east shore of Vashon-Maury Island, from Piner Point to Point Robinson.

b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4. Water-dependent personal services land uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water.

5.a. Water-dependent personal services land uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Nonwater-oriented personal services land uses shall provide a ((~~significant~~)) public benefit by ((~~helping to achieve~~)) achieving one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; ((~~and~~)) or

(5) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business service((~~s~~)) uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business service((~~s~~)) uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Nonwater-oriented retail uses shall provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

(5) protection and restoration of historic properties.

8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

a. economic development for water-dependent uses;

b. public access;

c. water-oriented recreation;

d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((~~N~~))natural environment.

10. The following standards apply to government services uses within the ((~~A~~))aquatic environment:

a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;

b. Water intakes shall not be located near fish spawning, migratory, or rearing areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;

c. Desalinization facilities shall not be located near fish spawning, migratory, or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and shall adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

d. Cable crossings for telecommunications and power lines shall:

(1) be routed around or drilled below aquatic critical habitat or species;

(2) be installed in sites free of vegetation, as determined by physical or video seabed survey;

(3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

(4) use the best available technology;

e. Oil, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition:

(1) pipelines shall be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and

(2) use the best available technology for operation and maintenance;

f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ((~~A~~))aquatic environment adjacent to the ((~~C~~))conservancy and ((~~N~~))natural shorelines.

11. In the ((~~N~~))natural shoreline environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices shall meet the standards in K.C.C. 21A.25.130.

12. Manufacturing uses in the shoreline environment shall give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:

a. ((~~N~~))nonwater-oriented manufacturing uses are allowed only:

(1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;

(2) on sites where navigability is severely limited; or

(3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and

(4) all nonwater-oriented manufacturing uses shall also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation, or water-dependent public education;

b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;

c. shall be located, designed, and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values;

d. restoration is required for all new manufacturing uses; and

e. boat repair facilities are not allowed within the Maury Island Aquatic Reserve, except as follows:

(1) engine repair or maintenance conducted within the engine space without vessel haul-out;

(2) topside cleaning, detailing, and bright work;

(3) electronics servicing and maintenance;

(4) marine sanitation device servicing and maintenance that does not require haul-out;

(5) vessel rigging; and

(6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline.

13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility, and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of

ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if:

a. there is no feasible alternate location;

b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and

c. the use complies with the standards in K.C.C. 21A.25.260.

15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:

a. shall meet the standards in K.C.C. chapter 21A.22;

b. shall be dependent upon a shoreline location;

c. shall avoid and mitigate ((~~adverse~~)) impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological

function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;

d. shall provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;

e. may be allowed within the active channel of a river only as follows:

(1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

(2) the mining and any associated ((~~permitted~~)) allowed activities will not have ((~~significant adverse~~)) impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and

(3) if no review has been previously conducted under this subsection C.17.e., before renewing, extending, or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

f. shall comply with K.C.C. 21A.25.190.

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ((~~H~~))high ((~~I~~))intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

19. Water-dependent and water-enjoyment recreational uses are allowed in the ((~~R~~))residential, ((~~R~~))rural, and ((~~F~~))forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ((~~C~~))conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the ((~~N~~))natural shoreline environment, only passive and low-impact recreational uses are allowed.

22. Single detached residences shall be located outside of the ((~~aquatic area buffer~~)) riparian area and set back from the ordinary high water mark to the maximum extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction.

24. Residential accessory uses shall meet the following standards:

a. docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180;

b. residential accessory structures located within the ((~~aquatic area buffer~~)) riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical.

25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ((~~N~~))natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows:

An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats.

D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions shall be prohibited.

E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses.

F. Aquaculture facilities shall be designed, located, and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species.

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are:

1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or

3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable ((~~significant~~)) adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates ((~~significant,~~)) adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate.

K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies.

L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities.

M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington state Department of Health. This prohibition does not apply to((÷)) Pacific, Olympia, Kumomoto, Belon, or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County.

O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark.

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict

compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:

1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail;

3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use

chemicals or antibiotics;

4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program;

5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing; and

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements.

U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected Indian tribes through the permit review process.

V. Aquaculture structures and equipment shall be of sound construction and shall

be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23.

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.

Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:

1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or

reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Finfish net pens shall not be located:

a. within three hundred feet of an area containing eelgrass or a kelp bed;

b. within one thousand five hundred feet of an ordinary high water mark; or

c. in a designated Washington state Department of Natural Resources aquatic reserve;

6. A finfish net pen may not be used to mitigate the impact of a development proposal; and

7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years.

Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows:

Recreational development ((~~must~~)) shall meet the following standards:

A. The recreational development ((~~must be~~)) is permitted in the underlying zone;

B. Recreational uses in the ((~~N~~))natural shoreline environment ((~~must~~)) shall be water-oriented;

C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;

D. The development of underwater sites for sport diving shall not:

1. Take place at depths of greater than eighty feet;

2. Constitute a navigational hazard; and

3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site;

E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180;

F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;

G. Campgrounds in the ((~~N~~))natural shoreline environment shall meet the following conditions:

1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((s)) and associated buffers;

2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

3. Removal of vegetation shall be limited to the maximum extent practical;

H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;

I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches, or shelter, consistent with public safety and security;

J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non((-))water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment;

3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table;

6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in

the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High Intensity	**Residential**	**Rural**	**Conservancy**	**Resource**	**Forestry**	**Natural**	**Aquatic**
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters,								

jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of	P8	P8	P8	P9	P8	P8	P9	P9

existing intact native vegetation								

C. Development conditions.

1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170((;)).

2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and Transportation, ((~~2003~~)) 2002). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so as~~)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King County Flood Management Plan and consistent with the ((~~Washington State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would

only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180((~~;~~)).

4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

(1) Place fill waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities; and

(2) Dispose of dredged material within shorelands or wetlands within a channel migration zone;

c. ((~~F~~))fill shall not be placed in critical saltwater or critical freshwater habitats except when all of the following conditions are met:

(1) the public's need for the proposal is clearly demonstrated and the proposal is consistent with protection of the public trust, ((~~as embodied~~)) in accordance with RCW 90.58.020;

(2) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

(3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(4) the project is consistent with the state's interest in resource protection and species recovery; and

d. In a channel migration zone, any filling shall protect shoreline ecological functions, including channel migration.

5.a. Breakwaters, jetties, groins, and weirs:

(1) are only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director;

(2) are not allowed in the Maury Island Aquatic Reserve except as part of a habitat restoration project or as an alternative to construction of a shoreline stabilization structure;

(3) shall not intrude into or over critical saltwater or critical freshwater habitats except when all of the following conditions are met:

(a) the public's need for the structure is clearly demonstrated and the proposal is consistent with protection of the public trust, ((~~as embodied~~)) in accordance with RCW 90.58.020;

(b) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

(c) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(d) the project is consistent with the state's interest in resource protection and species recovery.

b. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.

c. A conditional shoreline use permit is required, except for structures installed to protect or restore shoreline ecological functions.

6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone.

7.((~~a. If the department determines~~)) Limited to projects where the primary purpose is ((~~restoration~~)) to restore or enhance of the natural character and ecological functions of the shoreline, ((~~a shoreline habitat and natural systems enhancement~~)) as follows:

a. the project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline

stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling((~~.~~));

b. Within the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-215((~~.~~));

c. A shoreline habitat and natural systems enhancement project shall provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area; and

d. A restoration or enhancement plan shall include:

(1) an evaluation of the anticipated net change in ecological functions from pre-project to post-project; and

(2) a monitoring and reporting plan to demonstrate the gain of ecological function.

8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

SECTION 99. Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows:

A. The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ((~~is subject to the following:~~

~~A.~~)) shall require a shoreline variance ((~~I~~))if the proposed expansion ((~~will~~)):

1. ((~~r~~))Results in a total cumulative expansion of the dwelling unit and accessory structures ((~~of~~)) by more than one thousand square feet((~~, a shoreline variance is required; and~~

~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~));

2. Is within thirty-five feet of the ordinary high water mark; or

3. Is between thirty-five feet and fifty feet of the ordinary high water mark and the expansion extending towards the ordinary high water mark is greater than three hundred square feet.

SECTION 100. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows:

A. ((~~To achieve the maximum density allowances using~~)) The livestock densities in K.C.C. 21A.30.040 may be achieved through a livestock management plan component of a farm management plan((~~, the~~)). A livestock management plan ((~~must meet the following criteria~~)) component shall:

1. ((~~The plan is~~)) Comply with the requirements of K.C.C. 21A.24.051 for farm management plans;

2. Be developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are

consistent with all of the criteria of this section may substitute for a livestock ((~~management component of a farm~~)) management plan component for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans ((~~must~~)) shall meet the requirements of K.C.C 21A.30.060;

((~~2. The plan~~)) 3. ((~~i~~))Include((~~s~~)) site-specific best management ((~~measures~~)) practices for minimizing nonpoint pollution from agricultural activities and for managing wetland ((~~and~~)), wetland buffers, aquatic areas, and riparian areas, including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows((~~.~~));

((~~3. The plan is~~)) 4. Be implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

((~~4. A~~)) 5. Include a monitoring plan ((~~may be~~)), if required ((~~as part of the livestock management component of a farm management plan~~)), to demonstrate that there is no significant impact to water quality and ((~~salmonid fisheries~~)) fish habitat. Monitoring results shall be made available to the King County agriculture program.

B. The livestock ((~~management component of a farm~~)) management plan component shall, at a minimum:

1.a. ((~~Generally seek to achieve a twenty-five-foot buffer of~~)) Establish grazing area buffers with diverse, mature vegetation between grazing areas and ((~~the ordinary high water mark of all type S and F aquatic areas and~~)) critical areas as follows:

(1) forty feet from the ((~~wetland~~)) edge of a((~~ny~~)) category I, II, or III wetland, ((~~with the~~)) except((~~ion of~~)) grazed wet meadows((~~, using buffer averaging where necessary to accommodate existing structures.~~));

(2) forty feet from a type S or F aquatic area;

(3) thirty-five feet from a type N aquatic area;

(4) twenty feet from the edge of a category IV wetland, except grazed wet meadows;

(5) no minimum from grazed wet meadows; and

(6) the clearing of lands for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly native forest overstory, shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

b. The ((~~livestock management component of a farm management plans may vary the~~)) width of the grazing area buffer ((~~of an aquatic area or wetland,~~)) and the time and duration of animal exclusion throughout the year ((~~, according to guidelines agreed upon by King County and the King Conservation District~~)) may be modified consistent with the public rule established to implement farm management plans. The ((~~guidelines~~)) public rule may ((~~support a~~)) allow for different grazing area buffer widths based on both

the nature of the farm operation and the function and sensitivity of the aquatic area or wetland.

c. The livestock management plan ((~~must~~)) component shall include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O ((~~waters~~)) aquatic areas. ((~~Forested lands being cleared for grazing areas shall comply with the critical area buffers in K.C.C. chapter 21A.24~~));

2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty((~~-foot buffer~~)) feet of diverse, mature vegetation beyond the grazing area buffers identified in subsection B.1. of this section downslope of any confinement areas within two hundred feet of type S((~~and~~)), F ((~~waters~~)), and N aquatic areas. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices((~~, as recommended by the King Conservation District,~~)) in an approved farm management plan are implemented((~~,~~)) and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards ((~~must~~)) shall be addressed in ((~~a~~)) the livestock ((~~management component of a farm~~)) management plan component.

D. ((~~A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.~~

~~E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.~~)) Properties operating subject to an existing livestock management plan component based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.

E. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 101. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:

((~~Property owners with farms containing either large~~)) A. The livestock ((~~at~~)) densities ((~~greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow an livestock~~)) identified in K.C.C. 21A.30.040 without a farm management plan ((~~if the owners adhere~~)) are subject to ((~~the management standards in subsections A. through G. of~~)) this

section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.

((~~A.~~)) B. To minimize livestock access to aquatic areas, property owners shall utilize the following for livestock watering ((~~options~~)):

1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from ((~~the~~)) aquatic areas so that livestock are not required to enter aquatic areas for their water supply.

2.a. Livestock access to type S((~~and~~)), F ((~~waters, including their buffers~~)), and N aquatic areas and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.

((~~a.~~)) b. Fencing shall be used as necessary to prevent livestock access to type S ((~~and~~)), F ((~~waters~~)), and N aquatic areas.

((~~b.~~)) c. Bridges may be used((~~, in accordance with K.C.C. chapter 21A.24, in lieu of~~)) in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a ((~~county~~)) building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of a ((~~county~~)) building permit ((~~requirements~~)) does not constitute a waiver from other required agency permits.

((~~B.~~)) C.1. Existing grazing areas without a farm management plan and not addressed by K.C.C. chapter 21A.24 shall maintain a ((~~vegetative~~)) grazing area buffer ((~~of~~)) as follows:

a. fifty feet from the ((~~wetland~~)) edge of a category I, II, or III wetland, except ((~~those wetlands meeting the definition of~~)) grazed wet meadows((~~, or the ordinary high water mark of~~));

b. fifty feet from a type S ((~~or~~)), F ((~~water~~)), or N aquatic area;

c. twenty-five feet from the edge of a category IV wetland, except grazed wet meadows; and

d. no minimum from grazed wet meadows.

2. ((~~Forested~~)) The clearing of lands ((~~being cleared~~)) for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

3. ((~~The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when forested lands are being cleared for grazing areas.~~

~~4.~~)) Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock.

((~~5.~~)) 4. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements.

((~~6.~~)) 5. Grazing areas within two hundred feet of a wetland or type S((~~or~~)), F ((~~water or category I, II or III wetland~~)), or N aquatic area shall not be plowed during the rainy season from October 1 through April 30.

((~~7.~~)) 6. Grazing areas may extend to the property line, provided that wetlands and type S((~~or~~)), F ((~~waters and category I, II and III wetlands~~)), or N aquatic areas that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection ((~~B.1., 2. or 3.~~)) C. of this section.

((~~C.~~)) D.1. In addition to the grazing area buffers in subsection ((~~B.1. and 2.~~)) C. of this section, confinement areas located within two hundred feet of any wetland, except grazed wet meadows, or type S((~~or~~)), F, ((~~waters or category I, II or III, wetlands with the exception of grazed wet meadows~~)) or N aquatic areas shall:

a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover;

b. not be located in ((~~the buffer of~~)) a wetland buffer or a riparian area of a((~~ny~~)) type S((~~or~~)), F ((~~water or any wetland buffer required by the critical areas ordinance~~)), or N aquatic area in effect at the time the confinement area is built, or within fifty feet of ((~~the~~)) a wetland ((~~edge of any category I, II or III wetland~~)) or ((~~the ordinary high water mark of any~~)) type S((~~or~~)), F ((~~water~~)), or N aquatic area. Fencing shall be used to establish and maintain the wetland buffer ((~~except where existing natural vegetation is sufficient to exclude~~)) or riparian area unless the area is otherwise impenetrable to livestock ((~~from the buffer. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this~~

~~section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and

c. have roof drains of any buildings in the confinement area diverted away from the confinement area.

2. Confinement areas may extend to the property line((~~,~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section.

((~~D.~~)) E.1. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas;

b. All manure stockpiled within two hundred feet uphill of ((~~any the ordinary high water mark of~~)) a wetland or type S ((~~or~~)), F ((~~water or the edge of a category I, II or III wetland~~)), or N aquatic area shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; and

c.(1) Manure shall not be stored in a((~~ny aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed ((~~or tilled~~)) wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

((~~(1)~~)) (a) any wetland edge excluding grazed ((~~or tilled~~)) wet meadows;

((~~(2)~~)) (b) the ordinary high water mark of any aquatic area; or

((~~(3)~~)) (c) any ditch to which the topography would generally direct runoff from the manure((~~; and~~)).

((~~d.~~)) (3) The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

((~~E.~~))F. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm((-))water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities ((~~permitted~~)) in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

((~~F.~~)) G. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall~~

~~have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), but only if approved fencing is present for type S and F aquatic areas.

((~~G.~~)) H. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

I. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ((~~chapter 23.08~~)) Title 23. When feasible, corrective work shall include restoration of the critical area and associated buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and associated buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ((~~buffer~~)) riparian area is altered in violation of this title, restoration of the ((~~stream and buffer~~)) aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced.

E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law.

F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130 are hereby amended to read as follows:

Fees for critical areas review, critical area designation, critical area alteration, flood hazard certification and variances for floodplain development, or sea level rise risk area shall be charged as follows:

A.	Critical areas review	
1.	Critical area notice on title only	$423.00
2.	Nonresidential review, basic, per discipline	$2,327.00
3.	Nonresidential review, complex, per discipline	$3,813.00
4.	Stewardship planning	$3,390.00

B.	Critical areas designations		
1.	Minimum fee per application		
a.	For sites less than 1 acres	$1,438.00	
b.	For sites between 1 and 10 acres	$TBD	
c.	For sites over 10 acres	$TBD	
2.	Fee per discipline if the parcel or parcels for which designations are requested have one or more critical area, excepting critical aquifer recharge, seismic hazard, or erosion hazard area	$1,061.00	
3.	Fee for resubmittal of critical area study, per discipline	$1,061.00	
C.	Critical area alteration exception		
1.	Review, per discipline	$9,323.00	
2.	Base fee	$3,390.00	
3.	Extension of approval	$1,906.00	
4.	If applications for a shoreline permit and critical area alteration exception are reviewed concurrently, the critical area alteration exception application shall be charged fifty percent of the fees required by this section.		
D.	Floodplain development: flood hazard certificate review		
1.	Section A	$423.00	
2.	Section B.1, FEMA floodway	$284.00	
3.	Section B.2	$853.00	
E.	Floodplain development inspection	$635.00	
F.	Floodplain development review: floodway and channel migration zone		

1.	Screening and verification		$423.00
2.	Review of a request for FEMA floodway letter-of-map-amendment shall be charged at actual cost to the department including consultant costs, administrative costs and cost of review by other county departments and governmental agencies.		
G.	Floodplain development review: mapped floodplain		$212.00
H.	Floodplain development review: unmapped floodplain		
1.	Qualitative floodplain study		$212.00
2.	Minor floodplain study		$284.00
3.	Major floodplain study		$853.00

I. Review of variances for development in a floodplain or sea level rise risk area or for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be charged at actual cost to the department including consultant costs, administrative costs, and cost of review by other county departments and governmental agencies.

SECTION 104. The following are hereby repealed:

A. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;

B. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

C. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

D. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;

E. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;

F. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;

G. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and

H. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

SECTION 105. By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION 106. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 107. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 108. **Severability**. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment A, 2025 Update to 2024 King County Comprehensive Plan, dated August 2025. The clerk of the council is instructed to engross changes from any adopted amendments and

correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

EFFECT prepared by J. Ngo: Striking Amendment S1 would make the following changes:

<u>General Changes</u>

1. Updates various terminology for consistency and streamlines code language.
2. Addresses technical corrections, clarifying edits, drafting errors, code reviser notes, and engrosses changes from other ordinances.
3. Adds a cross reference to K.C.C. 21A.50.035 and K.C.C. Title 23 for violations in critical areas.
4. Removes a finding that identifies various county code sections as protection for critical aquifer recharge areas. No code sections are removed as part of this change.
5. Where required, clarifies that farm management plans must be approved.
6. Where applicable, clarifies that best management practices for farm management plans are required only for those applicable to the activity.

<u>Clearing and Grading Exemptions (K.C.C. chapter 16.82)</u>

7. Clearing: eliminates a clearing and grading permit exemption in wetlands, wetland buffers, aquatic areas, riparian areas and severe channel migration hazard areas. (Conditions 4, 23)
8. Emergency tree removal: limits the permit exemption in areas outside of critical areas to those to prevent imminent danger to person or structures (Condition 6)
9. Drilling and testing for critical area reports or monitoring and data collection: in critical areas, limits the permit exemption to only those done with hand equipment, minimal grading, no clearing, and equipment is removed when work is completed (Conditions 1, 2, 22)
10. Farm field access drives: limits the permit exemption to properties in the A zone, Agricultural Production District, or Farmland Preservation Program, has an approved farm management plan, meet applicable best management practices in an approved farm plan, creates less than 2,000 sf of new impervious surface, access is less than 14 feet wide, there is no other alternative location with less impacts to critical areas and associated buffers is available, complies with the

farmland dispersion requirements in the King County Surface Water Design Manual, is sited in an area least subject to channel migration, obtains a floodplain development permit and state and federal permits when required.

11. Where required, clarifies that farm management plans are to be approved.

Shoreline Master Program (K.C.C. chapter 20.12.200)

12. Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program.
13. Changes the effective date to the date of the ordinance.

Public Benefit Rating System (PBRS) (K.C.C. 20.36.100)

14. Under farm and agricultural conservation land, requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
15. Lowers the threshold for the rural open space category from a 10-acre contiguous open space area minimum to 5 acres.

State Environmental Policy Act (SEPA) (K.C.C. 20.44.040)

16. Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.
17. Clarifies the thresholds are up to a certain number (for example, “up to” twenty dwelling units), rather than exactly a certain number.
18. Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
19. Exempts any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law.
20. Lowers the SEPA exemption for code violations in steep slope, landslide, or alluvial fan hazard areas from 500 cubic yards to the standard exemption of 100 cubic yards.

Definitions (K.C.C. chapter 21A.06)

21. Agricultural products: removes specific tree types in the list of agricultural products
22. Aquatic areas: streamlines the definition of aquatic areas, integrates the definition of “impoundments” into this definition.
23. Aquatic area functions: adds a new definition and examples.
24. Buffer: reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
25. Commercial production of agricultural products: Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.

26. Critical aquifer recharge area: modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
27. Farm field access drives: removes regulatory language from the transmittal that limits farm field access drives to properties in the A zone, Agricultural Production District, or Farmland Preservation Program.
28. Fish habitat: broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises the examples of fish habitat.
29. Hazard tree: removes language that a parking area, road, or utility facility within striking distance of a structurally deficient tree must be approved to qualify.
30. Landslide hazard area: revises language that a landslide hazard area includes areas located on alluvial fan that is susceptible to episodic inundation, sedimentation, and erosional impacts.
31. Impoundments: repeals this definition and incorporates language into the definition of aquatic areas.
32. Mitigation: modifies the definition of mitigation to state that it is an action to compensate for unavoidable impacts after avoidance and mitigation sequencing is applied.
33. Notice of map amendment: identifies which maps are adopted and can be modified through a notice of map amendment.
34. Revegetation: revises the definition of climate-adaptive plants as plant species identified by DNRP as current or formerly native to the surround ecoregion and that are predicted to maintain their abundance under climate change.
35. Riparian area: identifies that riparian areas protect the functions and values of aquatic areas.
36. Tsunami hazard area: updates the Washington Geological Survey to the current available edition and names the areas on the map.
37. Wetlands: corrects a past code revising error.
38. Wetland values: adds language describing wetland values as estimates of the worth, merit, quality, or importance of wetlands, identifies that values vary by watershed or community, and provides examples.
39. Wildlife lighting: clarifies that it is exterior lighting, rather than applied measures to the exterior lighting, that are designed and installed to reduce impacts to wildlife.

Purpose (K.C.C. 21A.24.010)

40. Clarifies that avoidance and mitigation sequencing includes mitigation of impacts.
41. Clarifies that no net loss, rather than preventing overall loss, is the measure for wetlands, aquatic areas, and riparian area functions and values.
42. Adds a purpose statement for providing clear and objective development standards, application requirements, and review processes for the administration of critical areas protections.

Applicability (K.C.C. 21A.24.020)

43. Removes proposed language that if an area or site contains more than one critical area or natural resource land designation, all designations apply. All designations on a site would still apply, consistent with chapter K.C.C. 21A.24 and state law.

Critical Area Alteration (K.C.C. 21A.24.045)

44. Adds moderate channel migration hazard areas as a critical area where all alterations are allowed, with conditions.
45. Provides additional instruction on how to interpret the critical area alteration table.
46. Renumbering of certain conditions:
    a. Condition 64 is renumbered to Condition 2
    b. Condition 60 is renumbered to Condition 29
    c. Condition 57 is renumbered to Condition 56
    d. Condition 58 is renumbered to Condition 57
    e. Condition 69 is renumbered to Condition 58
    f. Condition 29 is renumbered to Condition 59
    g. Condition 3 is renumbered to Condition 60
    h. Condition 59 is renumbered to Condition 64
47. Consolidation of certain conditions:
    a. Conditions 11 and 12 are consolidated into Condition 10
    b. Condition 23 is consolidated into Condition 58 (which is renumbered to condition 57)
    c. Condition 52 is consolidated into Condition 51
    d. Condition 56 is consolidated into Condition 55
48. Repeal of certain conditions: Condition 11, 12, 23, 52, 59.
49. Remove proposed condition 70.
50. Maintenance or repair of existing structures:
    a. Applies Condition 6 in severe channel migration hazard areas and alluvial fan hazard areas. This condition would limit existing primary structures to no increase in the footprint and would not constitute substantial improvement, and limit accessory structures to a 1,000 square foot addition and no expansion towards an alluvial fan or channel migration hazard.
51. Expansion or replacement of existing structure: Splits this alteration in two, with the following:
    a. Expansion of existing structures:
        - Prohibits this alteration in a landslide hazard area or steep slope hazard area (no change from existing code)
        - Allows this alteration in severe channel migration hazard areas and alluvial fan hazard areas with limitations under Condition 6 (see above for description).
        - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 7. Condition 7 is modified so the alteration must be on an existing impervious surface, lawn or landscaping area, farm field, or grazed area with limitations on

original establishment, location, revegetation and/or footprint expansion.

b. Replacement of existing structures:
   - Allows this alteration in a landslide hazard area or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low under Condition 5.
   - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 8. Condition 8 is modified so the alteration is within an existing footprint or has the least impact on the critical area, does not expand the total footprint of all structures and impervious surfaces, is on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and includes revegetation.

52. Construction/maintenance/repair of a pier or dock:
    a. Allows this alteration in a Category II, III, or IV wetland or wetland buffer, subject to Condition 9. Condition 9 is clarified to state that that the alteration is only to provide access to an aquatic area and to remove a condition specific only to aquatic areas.
    b. Allows this alteration in an aquatic area or riparian area, subject to Condition 10. Condition 10 is modified prohibit the alteration in a salmonid spawning area and requires compliance with K.C.C. 21A.25.180 in type S or F aquatic areas.
53. Grading: allows grading in critical areas when addressing an emergency in an alluvial fan hazard area, subject to Condition 14.
54. Cutting of firewood: prohibits cutting of firewood in severe channel migration hazard area, aquatic area, riparian area, wetland, and wetland buffer. Reverts back to limiting the cutting of firewood for only personal use.
55. New road in unimproved right-of-way: prohibits new roads in unimproved right-of-way as allowed alteration.
56. Horticulture activities, grazing of livestock, and commercial fish farms:
    a. For existing activities, adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing (Condition 53).
    b. Allows for the conversion of existing land to other agricultural products, expansion of existing activities and establishment of new agricultural activities on sites where ethe primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants (Condition 54).
57. Livestock manure storage facility, livestock heavy use area, farm pads: allowed if associated with a horticulture or livestock grazing activity, in an existing grazed, tilled or impervious area, consistent with a farm management plan, subject to conditions, and outside of areas cleared under a forest practice permit, an aquatic

area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants.

58. Nonresidential buildings: allows nonresidential buildings only on sites where the primary use of the site is one that qualifies as horticulture or grazing livestock activities, subject to other conditions.
59. Farm field access drives: allows farm field access drives on sites with horticulture or grazing livestock activity, complies with the Surface Water Design Manual, and subject to other conditions.

Agricultural activities development standards (K.C.C. 21A.24.051)

60. Establishes criteria for proof of agricultural activities or commercial production of agricultural products, including 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation. These criteria would only apply to the critical area regulations, not other parts of the Code where agricultural activities are regulated.
61. Requires modifications to farm management plans if impacts to critical areas or associated buffers are identified with monitoring.
62. Clarifies that farm management plans are not effective for the purposes of critical areas until approved by the County.
63. Deletes language that a property owner or applicant may develop a farm management plan as part of a program offered or approved by King County.

Public Rules for Farm Management Plans (K.C.C. 21A.24.061)

64. Adds requirements and procedures for adopting a public rule for farm management plans, including an adoption deadline of December 31, 2026.

Critical area alteration exceptions/reasonable use exceptions (K.C.C. 21A.24.070)

65. Splits critical area alteration exceptions into public agency/utility exceptions and private development exceptions.
66. Clarifies that all exceptions in the shoreline jurisdictions are processed as shoreline variances.
67. Expands the prohibition of critical area alteration exceptions from salmonid habitat to fish habitat.
68. Removes language that an applicant can apply for a reasonable use exception without first having to apply for an alteration exception if relief from development standards are requested.

Disclosure (K.C.C. 21A.24.090)

69. Removes the requirement for an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.

Critical Area Designations (K.C.C. 21A.24.500)

70. Reverts critical area designations from a parcel to a site.
71. Removes review timelines, which are superseded by K.C.C. Title 20.

72. Specifies which adopted maps that may modify the effectiveness of a critical area designation.

Critical Area Review (K.C.C. 21A.24.100)

73. Development that does not involve site disturbance, clearing, or grading and only requires a permit or approval in K.C.C. chapters 16.04 or 17.04 in alluvial fans are not exempt from critical area review.

Critical Area Reports (K.C.C. 21A.24.110 and Sections 58 and 59)

74. Clarifies that the critical area report requirements may be modified or limited in scope as determined by the Department of Local Services.
75. Identifies what type of critical area report, geological or ecological, applies to each critical area.
76. Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report.
77. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
78. Revises requirements for an ecological critical area report, such as monitoring plans and site plans.

Critical Area Mitigation (K.C.C. 21A.24.125 and K.C.C. 21A.24.130)

79. Updates avoidance and mitigation sequencing to match state law.
80. Prioritizes, instead of requires, mitigation to occur on-site.
81. When monitoring identifies deficiencies in predicted impact or a failure in mitigation, requires an extension of the monitoring period by at least 2 years
82. Requires all development proposals, rather than only access for developments, to minimize impacts and comply with avoidance and mitigation sequencing.

Revegetation (Section 63)

83. Changes terminology of "climate-smart plants" to "climate-adaptive plants"
84. Establishes a new section for revegetation requirements in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary.
85. Allows modification to planting plans based on site-specific conditions.
86. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.

Notice on Title (K.C.C. 21A.24.170)

87. Adds buffer reductions to the notice on title.
88. Clarifies that a notice on title may be removed or amended as part of a critical area designation or a critical areas map update including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, or flood hazard areas.

Critical Area Setbacks (K.C.C. 21A.24.200)

89. Reduces the critical area setback from 15 feet to 10 feet.
90. Removes a proposed 18" height limitation for uncovered decks in critical area setbacks.

Channel Migration Zones (K.C.C. 21A.24.275)

91. Clarifies that new primary dwelling units, accessory dwelling units or living quarters, and required infrastructure are allowed if located on a legally established lot in existence on or before February 16, 1995.

Geologically Hazardous Areas

Landslide and Steep Slope Hazard Areas (K.C.C. 21A.24.280 and K.C.C. 21A.24.310)

92. Requires alterations on slopes greater than 40% to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.
93. Adds a factor of safety requirement for slope stability for landslide hazard areas and steep slope hazard areas.
94. Requires alterations to comply with a geological critical area report.
95. Recodifies K.C.C. 21A.24.310.

Alluvial Fan Hazard Areas (Section 72)

96. Allows for buffers from alluvial fan hazard areas if needed.
97. Requires alterations in alluvial fans to minimize risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.
98. Prohibits vegetation removal from an alluvial fan hazard area or associated buffer except as part of an allowed alteration.
99. Requires alterations to minimize disturbance to alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization.

Critical Aquifer Recharge Areas (K.C.C. 21A.24.316)

100. Updates mining to mineral extraction to reflect land uses in K.C.C. chapter 21A.08.
101. Requires a property owner to implement all recommended measures to prevent saltwater intrusion into a well.
102. Adds a requirement to transmit updated critical aquifer recharge area maps by December 31, 2027.

Wetlands (K.C.C. 21A.24.335, 340, 342)

103. Reclassifies moderate-intensity active recreation or open space and passive recreation inside the Urban Growth Area as moderate and low impact land uses, respectively.
104. When buffer averaging is proposed, requires revegetation where native vegetation does not current exist and requires no net loss of wetland functions and values.
105. Requires all wetland complexes inside the Urban Growth Area to include a corridor if buffers do not connect.

106. Allows mixed-use, daycares, and social services within the Urban Growth Area, which have a high intensity impact designation, to be lowered to moderate impacts if certain conditions are met. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse and requires noise-generating activities to be sited away from the wetland.
107. Increases the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands from 1:1 R/C and 16:1 E to 1:1 R/C and 20:1 E consistent with Department of Ecology guidance.
108. Increases the rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands from 4.5:1 to 6:1.

Aquatic Areas and Riparian Areas (K.C.C. 21A.24.355, .358, .365, .380)

109. Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
110. Standardizes the riparian area width for all Type S and F riparian areas in the Urban Growth Area to 180 feet.
111. Requires revegetation where native vegetation does not current exist when buffer averaging is proposed.
112. Prohibits clearing and other site disturbances from May 1 to October 1 in aquatic areas or riparian areas. Allows modifications or restrictions when required by a state or federal period.
113. Requires projects to minimize the potential for recreational hazards when large wood is proposed in a Type S aquatic area.
114. Requires mitigation plans to include native or climate-adaptive plant species comparable to a nearby relatively undisturbed riparian area.
115. Requires mitigation for riparian areas to include restoration or creation.
116. For alternative mitigation ratios:
    a. Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
    b. Increases the ratio for Type O riparian areas with impacts to woody vegetation.
    c. Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas
    d. Revises a secondary action for replanting a riparian area addition to adding more riparian area with replanting.
    e. Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.
117. Revises the mitigation ratio for illegal alterations to 3:1.

Wildlife Habitat Networks (K.C.C. 21A.24.385)

118. Removes references to urban planned developments and fully contained communities.

Grazing livestock (K.C.C. 21A.30)

119. For sites with farm management plans:

a. Requires the livestock management component to comply with the farm management plan requirements in K.C.C. 21A.24.051.
b. Clarifies that grazed wet meadows have no grazing area buffer.
c. Clarifies that grazing area buffers may be modified consistent with the farm management plan public rule.
d. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
e. Clarifies that clearing of land for new grazing areas must comply with critical area widths or buffer widths.
f. Removes special requirements to submit a final farm management plan with a livestock component to the County.
g. Removes a hearing examiner appeal process of farm management plans to reflect current practice.
h. Identifies measurement methods for grazing area widths.

120. For sites without farm management plan:
a. Revisions to the section to be applicable to any site with livestock without a farm management plan;
b. Removes a 50-foot grazing area buffer for Category IV wetland and maintains the 25-foot grazing area buffer.
c. Clarifies that grazed wet meadows have no grazing area buffer.
d. Removes a 25-foot grazing area buffer reduction where there is existing diverse, mature vegetation.
e. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
f. Removes an allowance for manure storage on tilled wet meadows.
g. Identifies measurement methods for grazing area widths.

Development Permit Fees (K.C.C. 27.10.130)

121. Modifies fees for critical area designations based on site size.

Comprehensive Plan (Attachment A)

122. In Chapter 3, adds a policy exploring implementation of a Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District.
123. In Chapter 5, adds a policy recognizing Indigenous Knowledge as an important aspect in developing rules, regulations, projects, and programs for the protection of critical areas.
124. In Chapter 5, adds lead-in text regarding supporting critical area protections and the long-term viability of agriculture and Voluntary Stewardship Programs. Adds a policy on exploring adaptive management techniques within or adjacent to agricultural activities, such as enrollment through the Voluntary Stewardship Program, collection of data, engagement with Indian tribes, the King Conservation District, farmers, and other interested parties.
125. In Chapter 5, adds a policy on consideration of species and habitats of cultural importance to Indian tribes in planning, development review, and capital projects.
126. In the Glossary, modifies the definition of habitat, wetland functions and wetland values for consistency with K.C.C. chapter 21A.06.

King County

2025 Update to 2024 King County Comprehensive Plan

August 2025

In Chapter 3, Rural & Natural Resources, on page 3-36, after Policy R-755, amend as follows:

R-755a **King County should explore implementing the Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District through engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

In Chapter 5, Environment, on page 5-3, after Policy E-106, amend as follows:

E-106a **King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas.**

In Chapter 5, Environment, on page 5-51, amend as follows:

((~~E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.~~))

In Chapter 5, Environment, on page 5-56, after Policy E-904, amend as follows:

The Voluntary Stewardship Program (RCW 36.70A.705) was created under GMA in 2011 to balance the protection and enhancement of critical areas on agricultural lands with the long-term support of viable agriculture in selected watersheds. It is an alternative approach to critical areas protection for agricultural activities. The Voluntary Stewardship Program requires the development of a watershed work plan by a local work group with diverse and broad representation from the agricultural industry, Indian tribes, King Conservation District, Agriculture Commission, and other interested parties. A state approved work plan must address specific Voluntary Stewardship Program criteria and becomes the critical areas regulatory tool for agriculture in selected watersheds in place of traditional critical areas regulations for a ten-year period. A monitoring and adaptive management plan is also required as part of the Voluntary Stewardship Program. While King County has not opted into the Voluntary Stewardship Program, the County should continue to evaluate whether participation in the Voluntary Stewardship Program would be a better tool to address protection of critical areas and agricultural lands.

E-905 **King County should explore adaptive management techniques to protect and enhance critical areas within or adjacent to agricultural activities, such as through enrollment in the Voluntary Stewardship Program, collection of data, and engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

In Chapter 5, Environment, on page 5-24, after Policy E-334, amend as follows:

E-334a **King County should consider species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.**

In the Glossary, on page G-10, amend as follows:

Habitat

Habitat is the ((~~area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space~~)) the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.

In the Glossary, on page G-25, amend as follows:

Wetland Functions

The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland((~~s perform~~)) functions ((~~that are grouped into three categories:~~)) include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5, Environment)

Wetland Values

Values are estimates((~~, usually subjective,~~)) of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to ((~~valuable and beneficial to~~)) benefit society. Values vary by watershed or ((~~human~~)) community. Examples of wetland values include ((~~E~~))education, research, aesthetics, and recreation ((~~are examples of other wetland attributes that may be considered values in that they are beneficial to society~~)).

1

8/15/2025
FMP Monitoring

Sponsor: Quinn

[J. Ngo]

Proposed No.: 2024-0408

AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2024-0408, VERSION 1

On page 3, after line 45, insert:

"H. Farm management plans provide a pathway for environmental protection through stewardship of agricultural lands by farmers and landowners. Farm management plans provide a voluntary pathway to protect valuable resource lands through implementation of design practices, best management practices, education, and technical assistance. Farm management plans are administered through King Conservation District through a cooperative process with farmers.

I. King County, through the department of natural resources and parks and department of local services, retains, reviews, or approves a subset of farm management plans that are developed as a condition of participation in the public benefit rating system or use of certain agricultural development standards. The county seeks to monitor the progress and outcomes of farm management plans in order to ensure the protection of fragile ecosystems, the preservation of prime agricultural lands, and the viability of farming in King County. The council finds that having data on how farm management plans support implementation of regulatory flexibility, land conservation, and development of water quality best management practices would help to inform

monitoring, adaptive management, and future policy decisions. The council intends that the departments collect information on farm management plans, such as which properties have approved farm management plans, the date of issuance, where the farm plan was relied upon as a condition for application of a development regulation or incentives for land conservation or water quality protection, and types of best management practices applied to protect critical areas on site."

On page 118, after line 2400, insert:

"F.1. The department of natural resources and parks shall maintain an inventory of farm management plans required to be submitted, reviewed, or approved by King County as a condition of participation in the public benefit rating system, a critical area alteration related to agriculture, or agricultural and livestock development standards in K.C.C. chapter 21A.24 or K.C.C. chapter 21A.30.

2. The update to the farm management public rule in subsection C.1. of this section shall establish the procedures and the specific types of information to be collected as part of the inventory.

3. The department shall make available and update annually an aggregated summary of the inventory on the county website."

EFFECT prepared by *J. Ngo:* The amendment would:

- Add a requirement for monitoring of county-approved farm management plans.

2

8/15/2025
Consultation

Sponsor: Quinn

[J. Ngo]

Proposed No.: 2024-0408

AMENDMENT TO STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2024-0408, VERSION 1

In Attachment A, on page 2, strike lines 23 through 25 and insert:

"**E-106a King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas and invite consultation with individual federally-recognized Indian tribes regarding the intended purpose, sharing, and application of Indigenous Knowledge to inform protection of critical areas.**"

In Attachment A, on page 2, strike lines 56 and 57 and insert:

"**E-334a King County should actively communicate and invite consultation with federally-recognized Indian tribes regarding potential impact to species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.**"

EFFECT prepared by *J. Ngo:* The amendment would invite consultation with federally recognized Indian tribes on two proposed policies in the Comprehensive Plan related to Indigenous Knowledge and species and habitats of cultural importance.

Policy E-106 would be revised as follows:

E-106a King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas and invite consultation with individual federally recognized Indian tribes regarding the intended purpose, sharing, and application of Indigenous Knowledge to inform protection of critical areas.

Policy E-334a would be revised as follows:

E-334a **King County should actively communicate and invite consultation with federally recognized Indian tribes regarding potential impact to ~~consider~~ species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.**

T1

8/18/2025
Title Amd

[J. Ngo]

Sponsor: Perry

Proposed No.: 2024-0408

AMENDMENT TO PROPOSED ORDINANCE 2024-0408, VERSION 1

On page 1, beginning on line 1, strike lines 1 through 86, and insert:

" AN ORDINANCE related to critical area regulations; amending the King County Comprehensive Plan; and amending Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010, Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200, Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039, Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122, Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200, Ordinance 11481, Section 1, and K.C.C. 21A.06.253C, Ordinance 15051, Section 24, and K.C.C. 21A.06.254, Ordinance 10870, Section 123, as amended, and K.C.C.

21A.06.415, Ordinance 15051, Section 41, and K.C.C.
21A.06.451, Ordinance 15051, Section 64, and K.C.C.
21A.06.578, Ordinance 15051, Section 107, and K.C.C.
21A.06.1331, Ordinance 10870, Section 176, as amended,
and K.C.C. 21A.06.680, Ordinance 10870, Section 190, as
amended, and K.C.C. 21A.06.750, Ordinance 10870,
Section 243, as amended, and K.C.C. 21A.06.1015,
Ordinance 10870, Section 288, as amended, and K.C.C.
21A.06.1240, Ordinance 10870, Section 314, as amended,
and K.C.C. 21A.06.1370, Ordinance 10870, Section 323,
and K.C.C. 21A.06.1391, Ordinance 10870, Section 321,
and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as
amended, and K.C.C. 21A.24.010, Ordinance 10870,
Section 449, as amended, and K.C.C. 21A.24.020,
Ordinance 15051, Section 137, as amended, and K.C.C.
21A.24.045, Ordinance 15051, Section 138, as amended,
and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as
amended, and K.C.C. 21A.24.061, Ordinance 10870,
Section 454, as amended, and K.C.C. 21A.24.070,
Ordinance 10870, Section 456, as amended, and K.C.C.
21A.24.090, Ordinance 14187, Section 1, as amended, and
K.C.C. 21A.24.500, Ordinance 10870, Section 457, as
amended, and K.C.C. 21A.24.100, Ordinance 10870,

Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 15051, Section 149, as amended, and K.C.C. 21A.24.125, Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180, Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200, Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275, Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280, Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310, Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290, Ordinance 15051, Section 158, and K.C.C. 21A.24.205, Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312, Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313, Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 15051, Section 187, as amended, and K.C.C.

21A.24.335, Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355, Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358, Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365, Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382, Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385, Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386, Ordinance 15051, Section 204, and K.C.C. 21A.24.388, Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100, Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110, Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150, Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160, Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210, Ordinance 11168, Section 3, as amended, and K.C.C. 21A.30.045, Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060, Ordinance 15051, Section 228, and K.C.C. 21A.50.035, and Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130, adding new sections to K.C.C. chapter 21A.06, adding new

sections to K.C.C. chapter 21A.24, recodifying K.C.C. 21A.06.578, K.C.C. 21A.06.1331, K.C.C. 21A.24.500, K.C.C. 21A.24.310, K.C.C. 21A.24.205, K.C.C. 21A.24.210, K.C.C. 21A.24.220, and repealing Ordinance 15051, Section 67, and K.C.C. 21A.06.628, Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055, Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072, Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140, Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314, Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342, and Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550."

EFFECT prepared by *J. Ngo*: *Conforms Title to Striking Amendment S1.*

King County

Metropolitan King County Council
Local Services and Land Use Committee

STAFF REPORT

Agenda Item:	8	**Name:**	Erin Auzins
Proposed No.:	2025-0205	**Date:**	August 20, 2025

SUBJECT

Proposed Motion 2025-0205 would acknowledge receipt of the Critical Areas Monitoring and Adaptive Management Program plan, as required by a proviso in the 2025 Annual Budget.

SUMMARY

In response to a 2025 Annual Budget proviso, the Executive has transmitted Proposed Motion 2025-0205 that acknowledges receipt of a plan to implement a Critical Areas Monitoring and Adaptive Management (M&AM) Program. Monitoring and adaptive management is encouraged by the Growth Management Act and King County Comprehensive Plan policies.

The proviso report recommends that a M&AM Program be implemented first riparian areas and wetlands. It is stated, at a design level to cost $1.4 million in staff hours to develop the M&AM Program, and to implement the program would cost $6.6 million and 6.5 new FTEs in labor cost, plus non labor costs of $1.8 million for each cycle.

The proviso response appears to be responsive to the requirements of the proviso.

BACKGROUND

Growth Management Act (GMA). Under RCW 36.70A.060 and RCW 36.70A.130, the County is required to adopt development regulations that protect critical areas and periodically take action to review and revise these regulations. State law requires the County utilizes Best Available Science (BAS) when developing policies and regulations to conserve and protect the functions and values of critical areas. The County must also give special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.

The GMA requires that critical area regulations include BAS in developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of ecological functions and values; and update critical areas regulations as part of the 10-year statutory review.

Under WAC 365-195-905(3), the Council is responsible for including BAS in the development and implementation of critical areas or regulations. State law encourages the BAS review to include consultation with qualified scientific experts to determine the BAS and assess its applicability to each critical area. State law provides guidelines to determine what constitutes BAS, including data obtained through a valid scientific process. Information from local, state, or federal natural resource agencies that have been determined to represent best available science may be used.

To demonstrate that the BAS was used in developing policies and development regulations, the County is required to address each of the following:

1. Identify the specific policies and development regulations adopted to protect the functions and values of the critical areas at issue;
2. Identify the relevant sources of the best available scientific information used;
3. When departing from BAS, any nonscientific information used as a basis for critical area policies and regulations. When departures from BAS occur, the County should identify the information that supports the departure, explain the rationale for the departure, and identify potential risk to critical area functions and values and any measures to limit risk; and
4. Include the BAS in deciding critical area alteration exceptions and reasonable use exceptions.

King County Comprehensive Plan. In 2024, the Council adopted the 10-year, GMA-mandated periodic update to the King County Comprehensive Plan (KCCP).[1] This update included policy changes to reflect BAS and critical area protections. It also included policies related to evaluation and monitoring. These policies encourage evaluation and monitoring, as well as an adaptive management framework.

E-106 King County should take precautionary action informed by best available science where there is risk of damage to the environment. Precautionary action should be coupled with monitoring and adaptive management.

E-901 King County should conduct a comprehensive and coordinated program of environmental monitoring and assessment to track long-term changes in climate (such as precipitation and temperature), water quality and quantity, toxics in fish and shellfish, land use, land cover and aquatic and terrestrial habitat, natural resource conditions, and biological resources as well as the effectiveness of policies, programs, regulations, capital improvement projects, and stormwater treatment facility design. This monitoring program should be coordinated with Indian tribes, other jurisdictions, state and federal agencies, and universities to ensure the most efficient and effective use of monitoring data.

[1] Ordinance 19881

E-902 King County should seek to develop and maintain a publicly accessible geo-spatial database on environmental conditions to inform policy decisions, support technical collaboration, and inform the public.

E-903 King County should establish a decision-support system suitable for adaptive management that uses data from its environmental monitoring programs.

E-904 King County should continue to collect data on key natural resource management and environmental parameters for use in environmental monitoring programs. Findings should be reported to the public, partner agencies, and decision-makers. The information collected should be used to inform decisions about policies, work program priorities and resource allocation.

I-202 King County should implement a monitoring and adaptive management framework to:
a. Evaluate the effectiveness of County policies, regulations, and programs in achieving no net loss of critical areas functions and values; and
b. Inform future regulatory updates.

K.C.C. 21A.24.515 also requires the Department of Natural Resources and Parks, in consultation with the Department of Local Services to "conduct monitoring to evaluate the effect of this chapter on protecting the functions and values of critical areas."

Department of Commerce Guidance. The Washington State Department of Commerce has issued guidance on developing critical areas regulations.[2] Chapter 7 of the guidance includes guidance on monitoring and adaptive management of critical areas. The guidance describes M&AM as "the process of monitoring and improving permits, regulations, and programs to ensure the protection of critical areas." The guidance "focuses on monitoring and adaptive management of permit systems to ensure permits are consistently issued and implemented according to the code." It does not focus on other parts of adaptive management, such as ecological monitoring.

2025 Budget. King County's 2025 Budget includes the following proviso[3]:

> *P1 PROVIDED THAT:*
>
> *Of this appropriation, $100,000 shall not be expended or encumbered until the executive transmits a Critical Areas Monitoring and Adaptive Management Program plan and a motion that should acknowledge receipt of the plan, and a motion acknowledging receipt of a plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.*
>
> *The plan shall include, but not be limited to, discussion and analysis of what would be needed to develop and implement a critical areas monitoring and*

[2] Critical Areas Protection – Washington State Department of Commerce
[3] Ordinance 19861, Section 16, Proviso P1

adaptive management program consistent with guidance from Washington State Department of Commerce in chapter 7 of the critical areas ordinance handbook. Accordingly, the plan should address three types of monitoring: permit implementation, effectiveness, and ecological validation. Specifically, the plan shall include:

A. An analysis of the one-time monetary and staffing resources needed develop the program;

B. An analysis of the ongoing monetary and staffing resources needed to implement the program;

C. Based on the needs analysis completed in response to subsections A. and B. of this proviso, a detailed timeline for developing and implementing the program;

D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program; and

E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the needed resources and the timeline, as well as any impacts to the environment that might result from phasing the work.

The executive should electronically file the plan and a motion required by this proviso by June 30, 2025, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor.

ANALYSIS

Proposed Motion 2025-0205 was transmitted in response to Proviso P1, Section 16 in the 2025 Annual Budget and would acknowledge receipt of the Critical Areas Monitoring and Adaptive Management Program plan.

The Critical Areas Monitoring and Adaptive Management Program plan is responsive to the requirements outlined in the proviso, including:

- The monetary and staffing resources needed to develop and implement a critical areas monitoring and adaptive management program;
- Consistency with the Department of Commerce guidance;
- Three types of monitoring: permit implementation, effectiveness, and ecological validation; and
- One time and ongoing costs, timeline for development and implementation, types of permits to monitoring, and phasing of the program.

Discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program. The report describes and analyzes what is needed to develop and implement a critical areas M&AM program in detail. The details of development and implementation are described in the sections below.

Consistency with guidance from Washington State Department of Commerce in chapter 7 of the critical areas ordinance handbook. The report cites the handbook several times, including in the description of M&AM and the description of the methodology of the report.

Three types of monitoring: permit implementation, effectiveness, and ecological validation. In one part, the report describes permit implementation, effectiveness, and ecological validation as the three legs in the adaptive management stool. "Each type of monitoring is a distinct, important leg of the stool. Monitoring compares actual outcomes to desired outcomes (or benchmarks). By diagnosing the causes or contributing factors to the gap between actual and desired conditions, the monitoring agency can recommend effective actions to improve outcomes." The tasks to develop and implement a M&AM program are based on the three types of monitoring, and discussed throughout the report.

Permit implementation, as stated in the report, "focuses on building a system that verifies that permits are issued in compliance with existing code and regulations and that projects, as built, adhere to the conditions set by these permits."

Permit effectiveness includes "develop[ing] systems that ensure ongoing compliance after permits have been issued and monitored."

Ecological validation involves "developing systems for verifying that the ecological functions and values of critical areas are being protected."

A. An analysis of the one-time monetary and staffing resources needed develop the program. The report outlines a planning level estimate of the one-time costs associated with developing the M&AM program. This includes establishing systems for permit implementation, permit effectiveness, and ecological validation monitoring, and associated deliverables. It also includes developing an adaptive management program. The total labor costs are estimated at just over $1.4 million.

B. An analysis of the ongoing monetary and staffing resources needed to implement the program. The report includes an estimate of the implementation costs associated with the M&AM program. This includes the same tasks as development of the program (the three monitoring components plus adaptive management). The total labor costs are estimated at $6.6 million,[4] plus non labor costs of $1.8 million. The report assumes that these costs are done on a 5-year cycle, which aligns with other reporting requirements (NPDES permit, KCCP midpoint or 10-year updates).

C. Based on the needs analysis completed in response to subsections A. and B. of this proviso, a detailed timeline for developing and implementing the program. The report shows, in Table 3, a planning level timeline for developing the program in the 2026-2027 biennium. Table 4 shows a planning level timeline for implementation of the M&AM program, with a test cycle in 2028 through 3030, and the first 5-year cycle in 2031 though 2035.

[4] The report notes that 4 inspector FTEs are assumed, and are an additional new cost.

D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program. The report states that M&AM programs are encouraged by the Department of Commerce guidance, and either strongly recommended or required when regulations depart from BAS. The 2025 critical areas regulations currently under review by the Council,[5] show departures from BAS in regards to riparian area and wetland protections. The M&AM plan recommends focusing on those critical areas first.

Because of this focus, the report recommends that permits associated strongly with potential to impact riparian areas and wetlands: clearing and grading permits, building permits, and commerce/industrial permits.

E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the needed resources and the timeline, as well as any impacts to the environment that might result from phasing the work. The report states that riparian area and wetland M&AM is the highest priority and has the most potential benefit from adaptive management. The report also states that monitoring programs for other critical areas (other fish and wildlife habitat conservation areas, critical aquifer recharge areas, geologically hazardous areas, frequently flooded areas) could be developed as part of or after the 2034 KCCP/CAO update.

INVITED

- Josh Baldi, Division Director, Water and Land Resources Division, Department of Natural Resources and Parks
- Jim Chan, Division Director, Permitting Division, Department of Local Services
- Lauren Smith, Director of Regional Planning, Office of Performance, Strategy and Budget

ATTACHMENTS

1. Proposed Motion 2025-0205 and its attachment
2. Transmittal Letter

[5] Proposed Ordinance 2024-0408

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

KING COUNTY

Signature Report

Motion

Proposed No. 2025-0205.1 **Sponsors** Perry

A MOTION acknowledging receipt of a Critical Areas Monitoring and Adaptive Management Program plan, in response to the 2025 Annual Budget Ordinance, Ordinance 19861, Section 16, Proviso P1.

WHEREAS, the 2025 Annual Budget Ordinance, Ordinance 19861, Section 16, Proviso P1, states that $100,000 of the appropriation "shall not be expended or encumbered until the executive transmits a Critical Areas Monitoring and Adaptive Management Program plan and a motion that should acknowledge receipt of the plan, and a motion acknowledging receipt of a plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The plan shall include, but not be limited to, discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with guidance from Washington State Department of Commerce in chapter 7 of the critical areas ordinance handbook. Accordingly, the plan should address three types of monitoring: permit implementation, effectiveness, and ecological validation. Specifically, the plan shall include:

A. An analysis of the one-time monetary and staffing resources needed to develop the program;

B. An analysis of the ongoing monetary and staffing resources needed to implement the program;

C. Based on the needs analysis completed in response to subsections A. and B. of this proviso, a detailed timeline for developing and implementing the program;

D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program; and

E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the needed resources and the timeline, as well as any impacts to the environment that might result from phasing the work," and

WHEREAS, additionally, the proviso states that the executive should electronically file the plan and a motion required by this proviso by June 30, 2025, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor, and

WHEREAS, the King County executive prepared a Critical Area Monitoring and Adaptive Management Program plan that includes discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with guidance from Washington state Department of Commerce in chapter 7 of the critical areas ordinance handbook and the plan addresses three types of monitoring: permit implementation, effectiveness, and ecological validation, and

WHEREAS, the King County executive hereby transmits to the council the Critical Areas Monitoring and Adaptive Management Program plan required in Ordinance 19861, Section 16, Proviso P1;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The King County council hereby acknowledges receipt of the Critical Areas Monitoring and Adaptive Management Program plan, Attachment A to this motion.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

Girmay Zahilay, Chair

ATTEST:

_____

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of _____, _____.

_____

Shannon Braddock, County Executive

Attachments: A. Critical Areas Monitoring and Adaptive Management Program Plan, June 30, 2025

Critical Areas Monitoring and Adaptive Management Program Plan

June 30, 2025

King County

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VII. Acknowledgements ..... **Error! Bookmark not defined.**

II. Proviso Text

Ordinance 19861, Section 16, Office of Performance, Strategy, and Budget, P1[1]

P1 PROVIDED THAT:

Of this appropriation, $100,000 shall not be expended or encumbered until the executive transmits a Critical Areas Monitoring and Adaptive Management Program plan and a motion that should acknowledge receipt of the plan, and a motion acknowledging receipt of a plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section, and proviso number in both the title and body of the motion.

The plan shall include, but not be limited to, discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with guidance from Washington State Department of Commerce in chapter 7 of the critical areas ordinance handbook. Accordingly, the plan should address three types of monitoring: permit implementation, effectiveness, and ecological validation. Specifically, the plan shall include:

A. An analysis of the one-time monetary and staffing resources needed to develop the program;
B. An analysis of the ongoing monetary and staffing resources needed to implement the program;
C. Based on the needs analysis completed in response to subsections A. and B. of this proviso, a detailed timeline for developing and implementing the program;
D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program; and
E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the needed resources and the timeline, as well as any impacts to the environment that might result from phasing the work.

The executive should electronically file the plan and a motion required by this proviso by June 30, 2025, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the local services and land use committee or its successor.

[1] Link to Ordinance 19861

III. Executive Summary

This report responds to Ordinance 19861, Section 16, prepared by the King County Office of Performance, Strategy and Budget (PSB), the Department of Natural Resources and Parks (DNRP) Water and Land Resources Division (WLRD), and the Department of Local Services (DLS) Permitting Division. The content includes a discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with guidance from the Washington State Department of Commerce in Chapter 7 of the Critical Areas Ordinance Handbook.

Background

- Office of Performance, Strategy and Budget (PSB): PSB is the central authority for planning, management, and performance oversight.
- Department of Natural Resources and Parks (DNRP) Water and Land Resources Division (WLRD): DNRP actively protects the county's water and land resources.
- Department of Local Services (DLS) Permitting Division: DLS-Permitting provides comprehensive land use planning and rigorous permit review across rural and urban unincorporated areas, focusing on critical areas.

King County's history of environmental regulation is rooted in progressive policies. Pre-dating the Growth Management Act (GMA), the County initially adopted the Sensitive Areas Ordinance in 1979, which evolved into the Critical Areas Ordinance (CAO) with significant revisions in the 1980s, 1990, and again in 2004. Present-day efforts within DNRP and DLS-Permitting aim to evaluate permit implementation, ecological validation, and trend assessments. Integrating and expanding these efforts would inform adaptive management actions, ensuring that regulations effectively safeguard ecosystems, public health, and long-term sustainable development.

The Washington State Department of Commerce outlines how to develop and implement a monitoring and adaptive management program in Chapter 7 of the Critical Areas Handbook. In short, a successful program integrates three core monitoring elements — permit implementation, permit effectiveness, and ecological validation — to diagnose and address gaps in critical area protection. Each monitoring component informs adaptive management actions that drive continuous improvement.

This program plan focuses on unincorporated King County at a level of detail between conceptual planning and 30 percent design, leaving the rest to be fleshed out during the development of a program. This planning-level analysis outlines both one-time monetary and staffing resource commitments necessary to design and implement the program.

At its core, the program would integrate multiple monitoring components, including permit implementation monitoring, permit effectiveness monitoring, and ecological validation monitoring. The integration of these monitoring elements is intended to provide continuous data-driven evaluations of whether permitted projects are carried out in accordance with regulations and whether the critical area functions and values are maintained over time. The program could operate on a five-year cycle, aligning with other essential cycles, such as biennial budget cycles, five-year National Pollutant Discharge Elimination System (NPDES) permit reviews, and ten-year Comprehensive Plan (Comp Plan) updates.

This synchrony could minimize budgetary volatility and staffing disruptions, thereby ensuring the consistent execution and reporting of monitoring activities.

Report requirements:

A. An analysis of the one-time monetary and staffing resources needed to develop the program;

Overall, the planning-level estimate to develop the program sums to nearly 16,000 labor hours and a labor cost of approximately $1.4 million for the different monitoring activities, highlighting the significant commitment of staff time across various categories. Although no additional one-time monetary expenditures beyond labor are projected, the one-time staffing resource requirements are detailed for each major task.

Task 1: Develop Permit Implementation Monitoring: Task 1 focuses on building a system that verifies that permits are issued in compliance with existing code and regulations and that projects, as built, adhere to the conditions set by these permits. This task, led by DLS-Permitting with DNRP support, is estimated to require one-time staffing resources of $482,000 over a two-year development phase.

Task 2: Develop Permit Effectiveness Monitoring: Task 2 seeks to develop systems that ensure ongoing compliance after permits have been issued and monitored. With DLS-Permitting taking the lead and DNRP supporting, Task 2 is projected to require one-time staffing resources of $290,000 over a two-year development period.

Task 3: Develop Ecological Validation Monitoring: Task 3 is dedicated to developing systems for verifying that the ecological functions and values of critical areas are being protected. WLRD leads this effort with support from DLS-Permitting and estimates one-time staffing resources of $374,000 over a two-year period.

Task 4: Develop Adaptive Management: Task 4 establishes a framework for prioritizing and implementing recommendations from permit implementation, permit effectiveness, and ecological validation monitoring. The goal is to ensure that permits are issued and executed in accordance with regulations, that projects meet ongoing permit conditions, and that County actions achieve no net loss of critical area values and functions. Led by DLS-Permitting with WLRD support, this initiative requires a one-time staffing investment of $286,000, with no additional monetary costs.

In summary, while no extra nonlabor monetary costs are anticipated, the successful development of this program will require a collective one-time staffing investment of approximately $1.4 million.

B. An analysis of the ongoing monetary and staffing resources needed to implement the program;

This analysis outlines the ongoing monetary and staffing resources required to implement a comprehensive monitoring and adaptive management program for King County's critical areas. Developed at a planning level with built-in subtask contingencies, these estimates provide a framework for one complete implementation cycle (e.g., repeated once every five years).

Task 1 – Implement Permit Implementation Monitoring: This task focuses on verifying that permits accurately reflect current code requirements and that project as-built conditions comply with permit conditions. The ongoing resource needs are modest in monetary terms — $10,000 per cycle — but substantial in labor, with staffing resources estimated at approximately $1.5 million per cycle. Total cost is approximately $1.5 million.

Task 2 – Implement Permit Effectiveness Monitoring: This element ensures that, after the initial permitting phase, projects continue to meet established requirements over time. Led primarily by DLS-Permitting — with WLRD taking responsibility for monitoring frequently flooded areas — this task demands ongoing monetary costs of about $450,000 per cycle and staffing resources close to $967,000. Total cost is approximately $1.4 million.

Task 3 – Implement Ecological Validation Monitoring: Task 3 evaluates whether critical area functions and values are maintained at both the permit and countywide scales. This task, led by WLRD with support from DLS-Permitting, carries ongoing monetary costs of about $350,000 per cycle and requires staffing resources estimated at $1. 6 million. Total cost is approximately $2 million.

Task 4 – Implement Adaptive Management Actions: The final task implements the recommendations generated from the monitoring activities. Short-cycle adaptive management actions require approximately $1 million in monetary resources for mapping, and $955,000 in staffing resources per cycle. Total cost is approximately $2 million. The 10-year strategic updates — such as those for Best Available Science (BAS), the CAO, and comprehensive resource mapping — entail an additional $360,000 in nonlabor and approximately $2.63 million in labor per cycle. Total cost is approximately $3 million. Combining the routine costs of this task ($2 million) with the 10-year cycle for strategic updates ($3 million) results in a total cost of $5 million.

Overall, ongoing implementation of the program demands significant resource commitments totaling $6.6 million. Aggregated costs across tasks not only reflect substantial annual staffing investments ($4.8 million) but also encompass targeted monetary expenditures ($1.8 million) necessary to drive comprehensive environmental oversight.

C. Based on the needs analysis completed in response to subsections A. and B. of this proviso, a detailed timeline for developing and implementing the program;

This section outlines a detailed timeline and strategic analysis for developing and implementing King County's integrated monitoring and adaptive management program for critical areas.

Development Phase: During the initial development phase, as set out in Table 2, planning-level deliverables could be scheduled to be completed in the 2028-29 biennium. This phased schedule ensures that, by the end of the development period, all foundational systems and protocols are in place.

Implementation Phase: Following development, Table 3 details a planning-level timeline for the ongoing implementation of the monitoring and adaptive management program, assumed to operate indefinitely in repeated cycles (e.g., five and 10 years). Each task's deliverables are

scheduled across biennia, ensuring coordinated progression from development to full implementation. The proposed timeline sets forth a stepwise approach: initial development during 2028-29, followed by a shortened test cycle to align reporting with other key efforts (i.e., the Comp Plan), then perpetual cyclic implementation, ensuring continuous improvement.

D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program;

Priority permits and critical areas:

The Critical Areas Handbook advises that no single approach fits every community and recommends enhanced monitoring and adaptive management when a jurisdiction deviates from BAS or when information is inadequate. A key insight from King County's 2024 Best Available Science Report is the opportunity for enhanced protections for riparian and wetland areas due to departures from BAS. Although the 2025 CAO update proposed increased protections for these areas, certain County proposals have intentionally deviated from BAS to also meet additional GMA goals. Such departures may carry a heightened risk of adverse impacts on riparian and wetland environments. The analysis concludes that these areas should be prioritized. Permits that most impact riparian areas and wetlands — such as clearing and grading, building, and commercial/industrial permits — are identified as the primary candidates for monitoring.

In contrast, literature reviewed during the 2024 BAS update revealed that the science underlying geologically hazardous and frequently flooded areas, critical aquifer recharge areas, and non-riparian Fish and Wildlife Habitat Conservation Areas (FWHCAs) remains largely unchanged from previous assessments, indicating that existing regulations closely align with BAS and continue to provide adequate protection. These areas are recommended to be deprioritized.

E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the needed resources and the timeline, as well as any impacts to the environment that might result from phasing the work.

A phased approach is recommended to optimize resource use and technical expertise. This staggered rollout minimizes up-front costs and resource demands while leveraging existing expertise and data. Initially applying the program to streams, riparian, and wetland areas will address the most vulnerable and high-risk zones. Monitoring these areas can yield a range of positive outcomes: enhanced protection of fragile ecosystems, improved education for permit applicants, streamlined permitting processes, and more-effective data collection for mitigation monitoring. The benefits associated with such improvements plausibly justify the allocation of resources. Additionally, delaying monitoring implementation for geologically hazardous and frequently flooded areas, critical aquifer recharge areas, and non-riparian FWHCAs — where protection measures are already robust — will likely have minimal additional environmental impact due to current restrictions and hazard and migration mapping.

By focusing on permits with the most significant impact on riparian and wetland areas — such as clearing and grading, building, and commercial/industrial permits — King County can attain a more cost-effective and impactful monitoring program.

Conclusions and Future Actions

This report outlines a Critical Areas Monitoring and Adaptive Management Program plan for King County that aligns with the Washington State Department of Commerce Critical Areas Handbook and advances Comp Plan policies as well as County Code directives. It lays out evidence-based, cyclical recommendations (e.g., every five and 10 years) to continuously improve permitting and protection processes by upgrading the permit tracking system and extending and integrating monitoring efforts across departments. It also proposes a phased approach, targeting wetlands and riparian areas that minimizes disruptions to existing work programs. Ultimately, it supports integrated, outcome-driven environmental stewardship across multiple critical areas.

Total Development Costs: The estimated labor cost to develop the program is $1.4 million over two years, with no monetary resource required unless the labor was performed by consultants instead of King County staff.

Total Implementation Costs: The estimated labor cost to implement one five-year cycle of monitoring and adaptive management is $6.6 million, with an additional cost of $3 million every 10 years. Over a 10-year period, completing five-year tasks two times and 10-year cycle tasks once, the total cost of the program would be $16.2 million, or approximately $1.62 million per year or $3.24 million per biennium.

IV. Background

Department Overview:
This report was prepared by the Office of Performance, Strategy and Budget (PSB), the Department of Natural Resources and Parks (DNRP) Water and Land Resources Division (WLRD), and the Department of Local Services (DLS) Permitting Division.

The King County PSB provides comprehensive planning, management, budgeting, and performance assessment for King County government. PSB's work is guided by best practices in financial stewardship and performance management, which includes enhancing accountability and transparency, and integrating strategic planning, business planning, resource allocation, and continuous improvement into a systematic approach throughout the county. The office includes the Regional Planning section, which works with County agencies to support King County communities through equitable, comprehensive, countywide, and regional planning.

DNRP employs scientists, engineers, policy experts, ecologists, and project managers dedicated to protecting the health and integrity of King County's natural resources, so that they can be enjoyed today and for generations to come. As a department, DNRP protects and restores the natural environment for the people, fish, and wildlife of King County, promoting resilient, sustainable, equitable communities. DNRP restores habitat, builds and operates major infrastructure that protects Puget Sound, transforms waste management to reduce carbon emissions, and expands and enhances regional parks and trails, all of which contribute to the region's unique quality of life. WLRD safeguards King County's water and land resources by providing services that protect public health and safety and yield significant environmental benefits.

The DLS promotes the well-being of residents and communities in unincorporated King County by seeking to understand their needs and delivering responsive government services. DLS-Permitting provides land use planning services and development permit review to the residents of rural and urban unincorporated King County. Permitting services include building and land use permit review; this involves review of critical areas impacts when these areas are present on the subject properties.

Key Historical Context:
The state Growth Management Act (GMA) requires King County to designate and protect critical areas, which — together with Washington Administrative Code (WAC) provisions that implement the GMA — provide the basis and requirements for the County's current critical area regulations.[2, 3] "Critical areas" include wetlands, areas with a critical recharging effect on aquifers used for potable water, fish, and wildlife habitat conservation areas (including riparian areas), frequently flooded areas, and geologically hazardous areas.[4] Protecting critical areas protects public health and safety (e.g., from hazards like

[2] RCW 36.70A.060(2), http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.060
[3] RCW 36.70A.170, https://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.170
[4] RCW 36.70A.030(11), RCW 36.70A.030: Definitions.

floods and landslides), protects environmental quality (e.g., clean water for swimming or drinking) and benefits the economy through resource industries like salmon and shellfish harvesting.[5]

King County has a long history of implementing development regulations that protect the environment, which predates the GMA. The precursor to the Critical Areas Ordinance (CAO) was the Sensitive Areas Ordinance (SAO), first adopted by the County in 1979 and implemented in 1983, with substantial revisions completed in 1990.[6, 7] The County substantively updated its regulations again to adopt the CAO in 2004.[8]

According to Commerce's Critical Areas Handbook, a monitoring and adaptive management (M&AM) program is required only when risks to critical areas are largely unknown or, in some circumstances, when regulations deviate from BAS. Where required, Commerce notes the need for a permit monitoring system to ensure permits were issued and implemented correctly and consistently and to determine whether ecological losses are due to problems with local regulations. A monitoring and adaptive management program provides a method for verifying that critical areas regulations and complementary programs are achieving no net loss of ecological function, which is required by WAC 365-196-830.[9] Critical areas monitoring is also supported by policies and code adopted by the County. King County Comp Plan policies relating to monitoring and adaptive management include, but are not limited to, E-326, E-903, E-904, and I-202. These policies encourage, and sometimes require, making decisions (including how and whether to update code, policies, work program priorities, and resource allocation) based on the findings from critical areas monitoring. Critical areas monitoring is also required by K.C.C. 21A.24.515, which states: "The department of natural resources and parks, in consultation with the department [of local services], shall conduct monitoring to evaluate the effect of this chapter on protecting the functions and values of critical areas."[10]

Critical areas monitoring currently takes multiple forms. King County's permit implementation monitoring is currently done for issued permits where the cost of mitigation is over $1,000. In these cases, DLS-Permitting requires the applicant to submit a financial guarantee, released when the applicant completes two components: 1) installation of mitigation (typically vegetation plantings); and 2) a three- to five-year maintenance period (which may be extended, under certain circumstances), during which the applicant monitors the health of the mitigation. Requiring a financial guarantee incentivizes landowners to successfully maintain required critical areas mitigation, promoting the successful implementation of critical areas code requirements to mitigate impacts.

King County's past adaptive management efforts based on permit implementation monitoring have included:

[5] Critical Areas Handbook, https://deptofcommerce.box.com/s/rlysjrfvrxpxwnm9jvbcd3lc7ji19ntp
[6] Ord. 4365, https://aqua.kingcounty.gov/council/clerk/OldOrdsMotions/Ordinance%2004365.pdf
[7] Ord. 9614, https://aqua.kingcounty.gov/council/clerk/OldOrdsMotions/Ordinance%2009614.pdf
[8] Ord. 15051, https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=551895&GUID=12288D96-273A-426B-8589-A3BB68B9CD47&Options=Advanced&Search=&FullText=1
[9] WAC 365-196-830, https://app.leg.wa.gov/wac/default.aspx?cite=365-196-830
[10] K.C.C. 21A.24.515, https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc49425444

1. A 1998 study conducted by DLS-Permitting's predecessor agency, the Department of Development and Environmental Services, which examined sites on which critical areas mitigation had been installed following permit issuance. Findings and analysis from this study led to the development of new mitigation guidelines for permittee use.
2. A 2006 study of critical areas mitigation sites resulted in multiple recommendations to update workflow processes (such as identifying one approved site plan to be used for inspections, improving permit file management so that all relevant information could be located easily, and standardizing the language used in permit conditions) to improve outcomes.

For decades, King County has performed various forms of ecological validation monitoring, initially focused on understanding the net effect of wastewater and stormwater management. More recent efforts increasingly focus on understanding the effects of development and forest clearing. For example, King County performs status and trend monitoring that includes stream health (e.g., health of stream bug populations); water quality in streams, lakes, and Puget Sound; sediment quality; streamflow and temperature; aquatic food webs, and limited work on groundwater quality. In addition to monitoring programs, the County undertakes targeted studies focused on the causes of change in environmental conditions, particularly in streams and lakes. The County conducts flood hazard mapping (both riverine and coastal), assesses and develops strategies to address flood risk in repetitive-loss areas, and maps channel migration and landslide hazards. Finally, King County completed two time series studies of land cover change and environmental responses in nine lowland streams in rural, developing unincorporated King County. The first of these was primarily funded by an EPA grant. This study demonstrated the value of integrating permitting information with ecological monitoring to directly inform BAS and development regulations.

With some exceptions, the County's ecological validation (or status and trends) monitoring work was not originally designed to integrate with permit implementation and permit effectiveness monitoring. This is mostly because the majority of the funding originates from wastewater fees and because permit-related monitoring was insufficient. Consequently, executive department programs often provide broad insight into trends in environmental conditions. For example, DNRP science staff know that stream health has been improving countywide over the last 20 years and that streams in watersheds developed more recently tend to stay healthier for a given level of development. At the same time, monitoring and recent mapping efforts continue to show ongoing degradation of riparian areas and wetlands in King County. DNRP has used long-term monitoring datasets to inform and improve watershed models to find optimal locations and combinations of projects to make stormwater cleaner and more controlled. But when examining the effectiveness of regulations, science staff typically lack the diagnostic information needed to make specific recommendations for change. The previously mentioned time series studies aimed to address this gap, but the rate of development has been too slow to strongly test the hypothesis that the County's regulations protect streams from harm. This year, King County acted on lessons learned from recent studies by forming the Integrated Streams Program. Many of the County's stream monitoring programs were built in isolation, so the data was not collected in the same places and times. The Integrated Streams Program addresses these shortcomings by consolidating the County's various monitoring efforts at the same set of locations. This simple change will enable the County to better diagnose and explain the changes staff observe and make specific and actionable

recommendations. In addition, project-focused effectiveness monitoring has provided numerous specific recommendations that have improved the design and maintenance of capital projects.

Key Current Context:
The Department of Commerce, which assists local governments with meeting GMA requirements, provides guidance on designing and implementing monitoring and adaptive management programs in its Critical Areas Handbook, published in 2023.[11] The budget proviso request specifically refers to this document, stating: "The plan shall include, but not be limited to, discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with guidance from Washington State Department of Commerce in chapter 7 of the critical areas ordinance handbook."[12]

Components of monitoring and adaptive management, as discussed in chapter 7 of the handbook, include the following components:

1. **Monitoring**, which is broken down into three elements:
    a. Permit Implementation monitoring, which confirms that: 1) permits are issued consistent with adopted regulations and policies, and 2) projects, as built, comply with the issued permit.
    b. Permit Effectiveness monitoring, which the Critical Areas Handbook describes as ensuring that regulations are implemented consistently over time. This may address compliance issues (i.e., checking to see if permittees made unpermitted changes after DLS-Permitting staff completed their inspections).
    c. Ecological validation monitoring, which evaluates critical areas functions and values at a county, watershed, and/or regional scale, demonstrating the aggregate effect of property-by-property changes.
2. **Adaptive management**, which involves acting on the results of monitoring and addressing any weaknesses found by the monitoring. The specific adaptive management measure would depend on the findings of the monitoring. Examples of adaptive management measures could include: creating a revised training program for staff to promote consistent application of the County's code; educating applicants and property owners about permit processes; improving the application process and forms; improving the monitoring reporting process, or updating development regulations.[13]

All three elements of monitoring are important for determining the appropriate adaptive management measures. The need for some types of adaptive management might be apparent with, for example, solely permit implementation monitoring, which provided valuable insights, as shown in the 1998 and 2006 DLS predecessor agency studies. Other issues need all three elements to diagnose them. To give a hypothetical example, if permit implementation monitoring were to show high rates of applicant compliance with issued permits, but ecological validation monitoring showed declining ecological

[11] Critical Areas Handbook, https://deptofcommerce.box.com/s/rlysjrfvrxpxwnm9jvbcd3lc7ji19ntp
[12] Ordinance 19861, lines 96-99, https://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=6872221&GUID=984B4D1E-D397-4497-85A8-C886918ED955&Options=Advanced&Search=&FullText=1
[13] Critical Areas Handbook, https://deptofcommerce.box.com/s/rlysjrfvrxpxwnm9jvbcd3lc7ji19ntp

health, it would not be apparent what the adaptive management measures should be. Possible reasons for declining ecological health could be: 1) code standards that were insufficiently protective, or 2) work being done by property owners without permits. In this example, permit effectiveness monitoring would provide the key information needed to diagnose the root problem, and therefore the appropriate adaptive management measure. King County is currently only conducting a small portion of this monitoring and most of the County's permit information is not digitized in electronic maps, which makes analysis of trends very difficult.

Report Methodology:
This report was compiled by PSB, in coordination with WLRD and DLS-Permitting. A core team of staff from WLRD and DLS-Permitting reviewed chapter 7 of the Department of Commerce's Critical Areas Handbook, referenced in the proviso text, to provide the basis for a desired end state that would be consistent with this guidance, as required by the proviso, together with existing Comp Plan policies and King County Code provisions.

The core team then reviewed existing monitoring and adaptive management actions already being done by WLRD and DLS-Permitting (the divisions responsible for critical areas monitoring work) by surveying frontline staff on existing workflows. Comparing the desired end state with existing workflows revealed where there were opportunities to add discrete program elements that would create a critical area monitoring and adaptive management program consistent with the Critical Areas Handbook. Frontline staff were further surveyed to identify known shortcomings of existing workflows, informing where effective investments of resources could be made to create an efficient monitoring and adaptive management program. The core team then developed cost estimates for the identified program elements in consultation with the chief financial officers from WLRD and DLS-Permitting.

V. Report Requirements

Conceptually, a monitoring and adaptive management program resembles a three-legged stool; three types of monitoring inform adaptive management, forming an integrated whole.

- Each type of monitoring is a distinct, important leg of the stool. Monitoring compares actual outcomes to desired outcomes (or benchmarks). By diagnosing the causes or contributing factors to the gap between actual and desired conditions, the monitoring agency can recommend effective actions to improve outcomes.
- The seat embodies the most useful part of the program: adaptive management actions. The seat is what makes the three types of monitoring useful for continuous improvement. Adaptive management is a systematic way to turn the lessons learned or diagnostics into actions that improve outcomes.

The Critical Areas Handbook provides general guidance to local government. This includes a recommendation to include the three program components described in the Key Current Context section above, together with example methods of monitoring each type of critical area. A monitoring and adaptive management program could be tailored to both the need and resources available; however, the minimum level of effort necessary will vary across components.

The least scalable component of a monitoring and adaptive management program is probably the permit implementation monitoring. This type of monitoring requires a relatively high level of effort or investment to provide value, even when addressing a single critical area or a subset of critical areas. The other three components — permit effectiveness, ecological validation monitoring, and adaptive management — can provide value at multiple levels of effort or investment. For example, ecological validation monitoring could be as minimal as a desktop GIS analysis of free data to evaluate changes in landcover across a larger number of critical areas. However, more information may be needed for diagnosing and addressing problems with adaptive management actions.

The Critical Areas Handbook is clear that a functional program requires all four components. For this analysis, all components are assumed to be part of the monitoring and adaptive management program, but by targeting a subset of critical areas, the program could take various forms, significantly affecting the resources needed.

A. An analysis of the one-time monetary and staffing resources needed to develop the program

The following analysis assumes King County may choose to develop a monitoring and adaptive management program addressing all or some critical areas, at a level commensurate with guidance from the Critical Areas Handbook (Table 1).

The analysis is based on planning-level assumptions about the scope of a future program. These assumptions are informed estimates of the monetary and staffing resources needed to develop, implement, and operate the program. Using terminology from capital project work, the level of detail falls between “conceptual” and “30 percent design.” Accordingly, estimated costs include contingencies at the subtask level. If the County elects to develop a monitoring and adaptive management program, the team developing the program would add the necessary details to improve the precision and accuracy of the resource estimates presented here.

Though less important to the cost of developing a program, a primary driver of the total program cost will be the frequency of monitoring and reporting. The frequency, or cycle, of the program should consider the timing of several important factors:

- Two-year budget cycles: Matching the biennial budget cycle could simplify budgeting, staffing, and reporting, especially for funding sources that cannot be carried over to the next biennium.
- Five-year NPDES permit cycles and Surface Water Management fees: Every five years, Stormwater Services is required to evaluate changes in tree canopy and impervious surfaces. This is also required for surface water management fee analysis.
- Ten-year Comp Plan updates, which are required by the GMA:
- Ten- year updates for BAS and CAO, which are required by the GMA, and associated resource maps of streams, wetlands, etc.

King County operates on a biennial funding cycle, meaning that program budgets will be developed and approved once every two years. If the program instead were only activated once every three, five, or 10 years, this would cause high variability in budget needs among budget cycles and would create formidable gaps in staffing. However, the recommendation in this plan is to work on a five-year cycle, further detailed in Section C. of this report.

Table 1. Planning-level estimate of resources needed to develop a monitoring and adaptive management program for critical areas.

Category	Permit implementation monitoring	Permit effectiveness monitoring	Ecological Validation Monitoring	Adaptive Mgmt	Subtotals (labor hours)	Labor Cost
General	4,056	1,656	1,152	2,400	9,264	$882,898
Wetlands	360	-	1,152	-	1,512	$133,708
FWHCA (Aquatic & Riparian)	618	-	1,296	-	1,914	$169,257
Frequently Flooded Areas	216	1,506	-	-	1,722	$152,279
Critical Aquifer Recharge Areas	-	-	-	-	-	$0
Geologic Hazard Areas	-	-	96	-	96	$8,489
Shorelines	-	-	384	-	384	$33,958
Subtotals (Labor Hours)	5,250	3,162	4,080	3,120	15,612	$1,432,844
Labor Cost	$ 481,836	$ 290,203	$ 374,456	$ 286,349		

Task 1. Develop a system for permit implementation monitoring and adaptive management: Develop the capacity to determine whether permits correctly and consistently reflect code. Subtasks include:

1.1 Modify the existing permit tracker to enable a user to verify what was permitted.
1.2 Develop a protocol to determine whether issued permits were consistent with regulations and policies.
1.3 Develop a protocol to verify project as-builts complied with all conditions noted in the permit and deviations were approved and documented.
1.4 Develop or, when possible, use existing protocols for completing critical-areas-specific analyses.
1.5 Create a protocol and templates for analyzing and reporting the results.

Deliverables

- Improvements to existing permit tracking system. The improved system would provide users with information, through queries, on critical areas present, whether there were impacts or whether the work that was approved avoided onsite critical areas, and whether mitigation, restoration, or enhancement was required. The system would automatically trigger a flag for overdue mitigation reports. Users would be trained on these new capabilities
- Protocols for making GIS maps of permitted impacts and critical areas determinations, to be stored with site plan info in GIS layers and queried by a user

- GIS maps of critical areas boundaries and protocols to verify and validate them
- Protocols for annually verifying whether development occurring in frequently flooded areas is permitted and whether permitted projects follow permit conditions for elevations, setbacks, and similar variables
- Protocols and workflow for completing an internal audit based on a sample of approximately 50 permits, drawn at random, completed at a specified interval. The Critical Areas Handbook recommends a focusing on a "sample" of permits to represent the larger "population" of permits
- Protocols and workflows for completing critical-areas-specific analyses, and templates for creating a summary report including any audit findings and recommendations for adaptive management

Assumptions

- DLS-Permitting leads this task, DNRP supports
- Development/design costs are 30 percent of estimated implementation costs
- Developing the program requires two years

Resource needs

- Additional one-time monetary nonlabor costs: $0
- Additional one-time staffing resources: $482,000

Task 2. Develop system for Permit Effectiveness Monitoring: Develop a system for determining whether permitted projects continue to meet permit requirements after the monitoring period ends. Subtasks include:

2.1 Establish a protocol to verify the condition of a required mitigation in the period after the required monitoring by the applicant has ended.
2.2 Establish a protocol to determine whether critical areas were unexpectedly impacted in sites where they were to be avoided.
2.3 Create or, when possible, use existing protocols for analyzing and reporting the results.

Deliverables

- Protocols for completing an internal audit of approximately 50 permits, drawn at random, completed at a specified interval
- Updated protocols for mapping floodplains, floods, and flood damages; development trends; comparing observed coastal flooding to predictions; mapping high-water marks relative to 100-year recurrence intervals, channel migration zones (CMZs), urban flooding, and groundwater flooding
- Protocols and templates for creating a summary report, including audit findings and recommendations for adaptive management, issued every five years

Assumptions

- DLS-Permitting leads this task, which DNRP supports — with the exception of flood risk monitoring, which DNRP leads
- Development/design costs are 30 percent of estimated implementation costs

- Developing the program requires two years

Resource needs

- One-time monetary costs: $0
- One-time staffing resources: $290,000

Task 3. Develop system for Ecological Validation Monitoring: Determine whether critical areas functions and values are being protected in unincorporated King County and at the scale of individual permits for wetlands and riparian areas. Subtasks include:

3.1 Develop protocols to compare the extent of (percentage of area) and rate of change (acres/year) in forest cover and impervious surfaces within and outside critical areas.
3.2 Develop protocols to diagnose the root cause of change; permitted, unpermitted, or natural.
3.3 Make full use of existing ecological monitoring programs and adopt and train staff to use existing critical area specific protocols to assess impacts at approximately 50 randomly selected permit sites per critical area type.
3.4 For most critical areas that lack established protocols for assessing impacts, develop new ones, and train staff to use them.

Deliverables

- Protocols for mapping forest cover and impervious surfaces for unincorporated King County
- Maps of critical areas boundaries for unincorporated King County
- Protocols to estimate percent cover for each landcover type; rate of change in forest cover and impervious surfaces since last assessment for unincorporated King County, plus assessment of the causes of landcover change
- Protocols and templates for assessing permit-scale estimates of impacts to critical areas (i.e., authorized and unauthorized projects and their cumulative impacts)

Assumptions

- WLRD leads this task, DLS-Permitting supports
- Development/design costs are 30 percent of estimated implementation costs
- Developing the program requires two years

Resource needs

- One-time monetary costs: $0
- One-time staffing resources: $374,000

Task 4. Develop system for Adaptive Management: Develop a framework for prioritizing and implementing recommendations from permit implementation, permit effectiveness, and ecological validation monitoring. Propose and test improvements designed to ensure permits implement code accurately and consistently, that permitted projects continue to meet requirements over time, and that County actions effectively meet no net loss of critical area values and functions. Subtasks include:

4.1 Develop a framework for implementing improvements to internal processes and resources.
4.2 Identify ways to prevent or address unpermitted development through enforcement.

4.3 Identify options for addressing compliance issues and improve procedures to make permitting processes more efficient.

4.4 Identify options for programmatic actions to correct unforeseen losses, voluntary restoration to offset losses, and update or replace Best Management Practices (BMPs), which are the most effective and practical methods for preventing or reducing pollutants from non-point sources.

Deliverables

- Viable framework for implementing improvements internally
- Options for addressing problems with noncompliance
- Options for deploying programmatic actions and offsets

Assumptions

- DLS-Permitting leads this task, WLRD supports
- Adaptive management actions are refreshed on a five-year cycle, implementation of recommendations is ongoing
- Adaptive management based on Ecological Validation Monitoring is timed to inform each GMA-required 10-year BAS/CAO update, as well as interim monitoring to evaluate progress and potential updates between 10-year updates

Resource needs

- One-time monetary costs: $0
- One-time staffing resources: $286,000

B. An analysis of the ongoing monetary and staffing resources needed to implement the program

Planning level assumptions about the scope of a future program informed estimates of the monetary and staffing resources needed to develop, implement, and operate the program. The estimates apply contingencies at the subtask level. If the County elects to develop a monitoring and adaptive management program, the team developing the program would add the necessary details to improve the precision and accuracy of the resource estimates presented here (Table 2).

Table 2. Estimated resources needed to implement one 5-year cycle of a monitoring and adaptive management program. Costs can be annualized by dividing total costs by the number of years between cycles.[*]

	Permit implementation monitoring		Permit effectiveness monitoring		Ecological Validation Monitoring		Adaptive Management					
Category	**Labor**	**Nonlabor**	**Labor**	**Nonlabor**	**Labor**	**Nonlabor**	**Labor (short cycle)**	**Nonlabor**	**Subtotal Labor**	**Labor Cost**	**Nonlabor Cost**	**All Costs**
General	13,520	$10,000	5,520	0	3,840	$300,000	10,400		33,280	2,942,992	310,000	**$3,252,992**
Wetlands	0	0	n/a	n/a	3,840	$50,000			3,840	339,576	50,000	**$389,576**
FWHCA (Aquatic & Riparian)	2,060	0	n/a	n/a	4,320	0			6,380	564,191	0	**$564,191**
Frequently Flooded Areas	720	0	5,020	450,000	0	0		$1,000,000	5,740	507,595	$1,450,000	**$1,957,595**
Critical Aquifer Recharge Areas	0	0	n/a	n/a	3,840	0			3,840	339,576	0	**$339,576**
Geologic Hazard Areas	0	0	n/a	n/a	320	0			320	28,298	0	**$28,298**
Shorelines	0	0	n/a	n/a	1,280	0			1,280	113,192	0	**$113,192**
Subtotal Labor	16,300		10,540		17,440		10,400*		54,680*	$4,835,421*	$1,810,000*	**$6,645,421***
Labor Cost	**$1,495,987**		**$967,344**		**$1,600,615**		**$954,495***					
Nonlabor Cost		**$10,000**		**$450,000**		**$350,000**		**$1,000,000***				
All Costs		**$1,505,987**		**$1,417,344**		**$1,950,615**		**$1,954,495***				

[*] Adaptive management tasks do not include long-cycle efforts, such as comprehensive review and updates to BAS, Comprehensive Plan, CAO, resource maps and the like; estimated total cost for long-cycle adaptive management is an additional $3 million per 10-year cycle; $2.6 million in labor and $360,000 in monetary costs.

Task 1. Perform Permit implementation monitoring: Determine whether permits correctly and consistently reflect code, with special emphasis on wetlands and riparian areas. Subtasks include:

1.1. Verify what was permitted.
1.2. Determine whether issued permits were consistent with regulations and policies.
1.3. Verify project as-builts complied with all conditions noted in the permit and that deviations were approved and documented.
1.4. Complete critical-areas-specific analyses.
1.5. Analyze and report the results.

Outcomes and Deliverables

- Tracking system that provides users with information, through queries, on the type of critical areas present, whether mitigation, restoration, or enhancement was required, and indicates whether there were impacts or whether the work that was approved avoided onsite critical areas
- For each critical area, perform internal audit of approximately 50 permits, drawn at random, completed at a specified interval
- Summary report including audit findings and recommendations for adaptive management, issued on a five-year cycle

Assumptions

- DLS-Permitting owns this task
- Action steps to develop the program have already been completed

Resource needs

- Ongoing monetary costs: $10,000 per cycle
- Ongoing staffing resources: $1.51 million per cycle

Task 2. Perform Permit Effectiveness Monitoring: Determine whether permitted projects continue meeting permit requirements after the monitoring period ends. Subtasks include:

2.1. Verify condition of required mitigation in the period after the required monitoring by applicant has ended.
2.2. Determine whether critical areas were unexpectedly impacted in sites where they were intended to be avoided.
2.3. Analyze and report the results.

Outcomes and Deliverables

- For each critical area, complete an internal audit of approximately 50 permits, drawn at random, completed at a specified interval. For example, half of these would be permits with mitigation periods that ended in the last year permit effectiveness monitoring was analyzed
- Maps of flood damages, CMZs, and urban flooding
- Summary report including audit findings and recommendations for adaptive management, issued at the end of each five-year cycle

Assumptions

- DLS-Permitting owns this task, with the exception of Frequently Flooded Areas to be led by WLRD
- Action steps to develop the program have already been completed

Resource needs

- Ongoing monetary costs: $450,000 per cycle
- Ongoing staffing resources: $967,000 per cycle

Task 3. Perform Ecological Validation Monitoring: Determine the degree to which critical area functions and values are being protected, at the scale of unincorporated King County and at the scale of individual permits for wetlands and riparian areas. Subtasks include:

3.1. Compare the extent of (percentage of area) and rate of change (acres/year) in forest cover and impervious surfaces within and outside critical areas, and other useful comparisons.
3.2. Diagnose the root cause of change; permitted, unpermitted, or natural.
3.3. Assess impacts to each critical area and their buffers, where applicable, at 50 randomly selected permit sites.
3.4. Assess trends in overall stream health, water quality, and riparian conditions through the County's Integrated Streams Program.

Deliverables

- Map of forest cover and impervious surfaces for unincorporated King County; geographic extent to be determined during program development
- Maps of critical area boundaries and their buffers
- Estimated percent cover for each landcover type; rate of change in forest cover and impervious surfaces since last assessment, plus assessment of the causes of landcover change
- Permit-scale estimates of impacts to critical areas and their buffers
- Status and trends of in-stream health, water quality, and riparian condition at a representative sample of stream sites and marine shorelines

Assumptions

- WLRD leads this task, DLS-Permitting supports
- Integrated Streams Program continues at the current level of effort and scope; DLS gets four new inspectors in 2026, not included in this estimate

Resource needs

- Ongoing monetary costs: $350,000 per cycle
- Ongoing staffing resources: $1.95 million per cycle

Task 4. Perform Adaptive Management: Implement recommendations from permit implementation, permit effectiveness, and ecological validation monitoring. Make improvements to ensure that permits implement code accurately and consistently, that permitted projects continue to meet requirements over time, and that County actions effectively meet no net loss of critical area values and functions. Subtasks include:

4.1. Implement improvements to internal processes and resources.

4.2. Prevent or address unpermitted development through enforcement.
4.3. Address compliance issues and improve procedures to make permitting processes more efficient.
4.4. Establish programmatic actions to correct unforeseen losses, voluntary restoration to offset losses, and update or replace BMPs.
4.5. On five-year cycle, update floodplain maps; update CAO codes, if warranted.
4.6. On 10-year cycle, update BAS and revise CAO codes and policies; update stream and wetland maps.

Outcomes and Deliverables

- Improved permit process, staff training, applicant education, permit monitoring, establish new permits for monitoring mitigation, and similar
- Improved enforcement of existing codes and regulations
- Improved compliance with mitigation conditions
- Improved data to inform updates to BAS and CAO codes and policies
- Routinely updated resource maps

Assumptions

- Adaptive management actions are refreshed on a five-year cycle, implementation of recommendations is often ongoing, and each department takes the lead on actions in their respective departments.

Resource needs

- Ongoing monetary costs:
  - Subtasks 4.1-4.5: $1 million per five-year cycle
  - Subtask 4.6b: $360,000 per 10-year cycle
- Ongoing staffing resources:
  - Subtasks 4.1-4.5: $700,000 per five-year cycle
  - Subtask 4.6: $2.63 million per 10-year cycle

C. Based on the needs analysis completed in response to subsections A and B of this proviso, a detailed timeline for developing and implementing the program

The detailed timeline for developing and implementing a monitoring and adaptive management program follows. In the first table, planning-level estimated completion dates are listed for deliverables produced by completing the tasks described above (Table 3).

Table 3: Planning-level timeline for developing monitoring and adaptive management program. Shading indicates work is underway; X indicates the biennium in which deliverables would be complete.

Task	Name	Deliverable	26/27
1	Develop Permit Implementation monitoring	Improvements to permit tracker	X
		Protocols for internal audit	X
		Protocols for reporting	X
2	Develop Permit effectiveness monitoring	Protocols for internal audit	X
		Protocols for reporting	X
3	Develop Ecological validation monitoring	Protocols for mapping landcover, flood damages	X
		Critical area boundaries (GIS)	X
		Protocols for rates and causes of landcover change	X
		Protocols and templates for assessing permit scale impacts per critical area	X
		Protocols for reporting	X
4	Develop Adaptive Management	Framework for implementing recommendations	X
		Options for addressing noncompliance	X
		Options for informing programmatic actions	X

The next table follows the same format as above but presents a detailed schedule for the deliverables produced by implementing the monitoring and adaptive management program (Table 4).

Table 4: Planning-level timeline for implementing the monitoring and adaptive management program, assuming the program continues indefinitely. Cycle 1 would need to be shortened to align with Comp Plan timing in later years but, starting in Cycle 2, each would last five years, with the 10-year tasks happening every other cycle.

Task	Name	Deliverable	'28	'29	'30	'31	'32	'33	'34	'35
			Cycle 1 (test)			Cycle 2 (5 year)				
1	Perform Permit Implementation monitoring	Query necessary info from tracker	X	X		X	X			
		Internal audit completed		X			X			
		Summary report issued			X					X
2	Perform Permit effectiveness monitoring	Internal audit completed		X		X	X	X	X	
		Summary report issued			X					X
3	Perform Ecological validation monitoring	Landcover, flood maps		X			X			
		Updated critical area boundaries		X				X		
		Landcover change results		X				X		
		Permit-scale results for selected critical areas	X	X				X		
		Integrated Streams Program & Shorelines		X					X	
		Summary report issued			X					X
4	Perform Adaptive management	Permitting improvements				X	X			
		Enforcement improvements				X	X			
		Compliance improvements				X	X			
		Updated resource maps						X		
		Updated BAS, CAO, Comp. Plan				X	X	X	X	
		Adopt Comp Plan							X	

D. An analysis of whether all permits and critical areas or a subset of permits and critical areas should be monitored through the program

As explained by the Critical Areas Handbook, there is “no single best approach to critical areas protection for all communities,” therefore the Handbook’s recommendations are not mandatory. Jurisdictions must choose the best approach to apply and be sure it is consistent with GMA and the policies of that jurisdiction. King County's policies contained in the Comp Plan, and policies relating to monitoring and adaptive management, encourage: conducting environmental monitoring and assessment to track changes to environmental quality indicators in order to evaluate the effectiveness of County policies and regulations; utilizing data from monitoring to inform adaptive management

measures; and updating regulations to enhance their effectiveness in protecting and restoring habitat.[14] Additionally, there is a code requirement to "conduct monitoring to evaluate the effect of [K.C.C. Chapter 21A.24] on protecting the functions and values of critical areas."[15]

The analysis falls into several categories, including departures from BAS, feasibility, and cost-benefit.

Departures from Best Available Science

The Critical Areas Handbook recommends monitoring and adaptive management "in cases of deviation from best available science or inadequate information." King County's October 2024 Best Available Science Report identified riparian areas and wetlands as needing increased regulatory protections to meet BAS. Though increased riparian and wetland protections were proposed in the 2025 CAO update, in some instances, the County proposed to deviate from BAS to meet additional important GMA goals. These departures from BAS may create a risk of impacts to riparian areas and wetlands, specifically. Based on the Critical Areas Handbook's guidance, it follows that riparian areas and wetlands are the highest-priority critical areas for monitoring due to these departures from BAS. During BAS review for the 2025 CAO update, literature review indicated that the science related to geologically hazardous and frequently flooded areas, critical aquifer recharge areas, and non-riparian FWHCAs had not changed significantly since the last code update. This indicates that the existing codes were still sufficiently protective and the County is not departing from BAS. Therefore, monitoring for these other critical areas is recommended to be deprioritized.

Feasibility

The County currently has staff expertise in riparian area and wetland monitoring. The County also has historic data layers for riparian areas and wetlands and, although they may not contain the quality or type of information needed for comprehensive analysis, they can offer some comparative insight. WLRD has also completed two intensive studies looking at how impacts to riparian areas impact stream temperature and other environmental variables. Leveraging the County's expertise and previous studies will make development of a long-term riparian and wetland monitoring program more feasible. While the County has gathered important data on other critical areas, such as critical aquifer recharge areas, landslide hazard maps, and channel migration maps, as well as developed the 2024 King County Flood Management Plan, the County has not developed comprehensive monitoring programs for critical aquifer recharge areas, non-riparian FWHCAs, frequently flooded areas, or geologically hazardous areas. This lack of resources and expertise creates feasibility challenges to develop a new monitoring program for these other critical areas.

Cost Effectiveness

There are several factors that contribute to a cost-effective program. Focusing on critical areas where the County departed from BAS (e.g., riparian areas and wetlands), ensures that the monitoring funding will focus on areas where critical areas may be at risk of impacts. Monitoring of these areas will lead to improvement in critical area protections, creating certain benefits. For example, benefits may include stronger critical area protections, improved education of permit applicants, streamlined permitting

[14] 2024 King County Comprehensive Plan, https://cdn.kingcounty.gov/-/media/king-county/depts/executive/performance-strategy-budget/regional-planning/2024-kccp-update/2024-adopted/2024-comprehensive-plan.pdf?rev=8c9147c220064060a86a47a02bf96243&hash=81804AF1C5C32245756C43DE92173FB0

[15] K.C.C. 21A.24.515, https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352145

processes, and improved data collection leading to better mitigation monitoring. Focusing on critical areas where the County has not departed from BAS does not lead to a high likelihood of benefits to critical areas. Therefore, the investment in riparian area and wetland monitoring is more cost-effective due to the reduced risk and the creation of significant critical area protection benefits.

Examples of permits that are recommended to be prioritized in the monitoring program related to riparian areas and wetlands include:

- Clearing and grading permits
- Building permits
- Commercial/industrial permits

These are the permits expected to most impact these critical areas.

The feasibility of developing this new program, combined with the likely benefit of protecting these critical areas, suggest that wetlands and riparian areas are the subset the County should be monitoring in the short term. Below is a table describing the various critical areas and a recommendation as to whether to conduct monitoring now or later (Table 5).

Table 5. Descriptions of critical areas.

Critical Area	Details excerpted from Critical Areas Handbook	Recommendation
Wetlands	Wetlands are fragile ecosystems that serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, and ground- and surface-water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction or impairment may result in increased public and private costs or property losses.	*Include*
Fish and Wildlife Habitat Conservation Areas	Fish and wildlife habitat conservation is the management of land for maintaining species in suitable habitats within their natural geographic distribution, so that isolated subpopulations are not created.	*Include riparian areas only*
Critical Aquifer Recharge Area	Much of Washington's drinking water comes from groundwater supplies. The quality of groundwater in an aquifer is inextricably linked to its recharge area. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.	*Do not include now*
Geologically Hazardous Areas	Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, or other geological events. They pose a threat to the health and safety of citizens, fish, and wildlife, when incompatible commercial, residential, or industrial development is sited in areas of significant hazard.	*Do not include now*

Frequently Flooded areas	Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Historic losses to salmon habitat have occurred as a result of development encroaching into floodplains. In addition to minimizing adverse effects to human health, safety, and infrastructure, floodplains are ideal locations for salmon habitat restoration.	*Do not include now, beyond existing flood risk monitoring and the flood hazard management plan*

The recommended phased monitoring and adaptive management program addresses state requirements while also balancing short-term feasibility and resource impacts. It also initiates implementation of the related County policies and codes. As the program further develops in the second phase, the program will more fully align with policy and code requirements and be able to inform the next 10-year update to BAS, CAO, and the Comp Plan.

E. An analysis of how phasing implementation of the program, such as applying it to streams and wetlands first, and to other types of critical areas later, would impact the timeline, as well as any impacts to the environment that might result from phasing the work

Based on the Critical Areas Handbook guidance, the County's departures from BAS, feasibility, and cost-effectiveness, a phased approach to monitoring critical areas is recommended (Table 6). This report recommends phasing implementation of critical areas, beginning with the highest-priority critical areas: riparian areas and wetlands. The recommendation focuses on these critical areas in the near term since these areas have the highest risk of environmental impacts and potential for benefits due to adaptive management.

After the 2034 BAS, CAO, and Comp Plan updates, the County may have better information to develop monitoring programs for other critical areas, depending on available resources and the scope of the update. This would allow sufficient time to conduct additional planning, mapping, and analysis needed as the basis for developing monitoring programs for these new areas. The Critical Areas Handbook states that, if local governments are incorporating BAS, then the environment will be protected. The recommendations prioritize critical areas monitoring where the County has departed from BAS, directing resources to areas where the risk of environmental impact is greatest. During BAS review for the 2024 CAO update, literature review indicated that the science had not changed significantly since the last code update, indicating the existing codes were still sufficiently protective. Therefore, monitoring for these other critical areas is recommended to be deprioritized or phased in later.

This phased approach is also beneficial since the County wouldn't need as many resources up front and could spread the costs over a longer period. Delaying development of monitoring and adaptive management programs for other critical areas may create minimal impacts to the environment because our current regulatory protections are assumed to be protective. Delaying these other critical areas monitoring program will also benefit from any future state guidance provided. With landslide hazard and channel migration mapping already in place, development is currently restricted, reducing potential for future impacts. The main downside of the phased approach is the delay in securing monitoring

expertise in these areas and potentially delaying the County's ability to adaptively manage these other critical areas protection programs.

Table 6. Phased approach to developing a monitoring and adaptive management program, by element and critical area.

Critical Areas	Program Elements			
	Permit implementation monitoring	Permit effectiveness monitoring	Ecological validation monitoring	Adaptive management actions
Wetlands	Phase 1	Phase 1	Phase 1	Phase 1
Fish and Wildlife Habitat Conservation Areas *(riparian areas only)*	Phase 1	Phase 1	Phase 1	Phase 1
Other FWHCA Areas	Phase 2	Phase 2	Phase 2	Phase 2
Critical Aquifer Recharge Areas	Phase 2	Phase 2	Phase 2	Phase 2
Frequently Flooded Areas	Phase 2	Phase 2	Phase 2	Phase 2
Geological Hazard Areas	Phase 2	Phase 2	Phase 2	Phase 2

Note: This report only describes resources need for Phase 1 actions. Additional funding and resources will be needed for Phase 2 actions. Phase 2 actions would potentially begin after the 2034 BAS, CAO, and Comp Plan update.

VI. Summary and Next Actions

The plan described above provides a Critical Areas Monitoring and Adaptive Management Program plan consistent with the Washington State Department of Commerce Critical Areas Handbook. The plan also advances King County Comprehensive Plan policies relating to monitoring and adaptive management and carries out the King County Code directive to evaluate the effect of the CAO on critical area functions and values. Features of the approach described in this plan include the following:

King County would make evidence-based recommendations every cycle, guiding continuous improvement in permitting and protection. At a high level, improvements would result from modifying the existing permit tracking system to be user-friendly and more informative and by tracking permitted projects longer. Ecological monitoring would focus on wetlands and riparian areas and track landcover change, setting the geographic extent to optimize available resources. Actionable recommendations from each type of monitoring would lead to action and continuous improvement.

The program would inform routine and required CAO and BAS updates. Establishing a monitoring and adaptive management program strengthens the County's ability to make targeted updates to CAO and BAS. The program would establish an integrated foundation of county-specific evidence and provide

deeper insights into how code is translated into permits and implemented (or not) on the ground. In combination, these improvements would ensure updates are both necessary and effective.

Additional resources would be needed. The analysis presented here is at the conceptual to 30 percent design level, meaning that many details still need to be worked out. Existing programs will meet some of the need with adjustments, but developing an integrated approach that reliably collects, analyzes, and reports data from all three forms of monitoring, then allocates resources to fulfill the recommended actions, requires additional resources.

The program aligns with the Clean Water Health Habitat Strategic Plan. A program would demonstrate the principles of integration, systems change, and outcome-driven decision-making. It would support each of the six goals:

1. Healthy Forests and More Green Space: Ensuring forest cover and functions are protected.
2. Cleaner, Controlled Stormwater Runoff: Ensuring critical areas are healthy for aquatic life.
3. Better Fish Habitat: Ensuring native, wild fish populations are thriving.
4. Functional River Floodplains: Ensuring floodplains are connected and vegetated.
5. Reduced Toxics and Fecal Pathogens: Ensuring pollutants and contaminants are minimized.
6. Resilient Marine Shorelines: Ensuring marine shorelines have clean water and healthy beaches.

In summary, this report lays out evidence-based, cyclical recommendations (e.g., every five and 10 years) to continuously improve permitting and protection processes by upgrading the permit tracking system and extending and integrating monitoring efforts across departments. The program plan aims to effectively allocate resources and drive actionable improvements. It proposes a phased approach targeting wetlands and riparian areas that, while requiring additional resources and further design details, minimizes disruptions to existing work programs.

Total Development Costs: The estimated labor cost to develop the program is $1.4 million over two years, with no monetary resource required unless the labor was performed by consultants instead of King County staff.

Total Implementation Costs: The estimated labor cost to implement one five-year cycle of monitoring and adaptive management is $6.6 million, with an additional cost of $3 million every ten years. Over a ten-year period, completing five-year tasks two times and 10-year cycle tasks once, the total cost of the program would be $16.2 million, or approximately $1.62 million per year, or $3.24 million per biennium.

King County
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June 30, 2025

The Honorable Girmay Zahilay
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Zahilay:

This letter transmits a Critical Areas Monitoring and Adaptive Management Program Plan, as called for by Ordinance 19861, Section 16, Proviso P1, and a proposed Motion that would, if approved, acknowledge receipt of the plan. This plan provides a discussion and analysis of what would be needed to develop and implement a critical areas monitoring and adaptive management program consistent with Washington State Department of Commerce guidance in the Critical Areas Handbook.

As required, the enclosed plan includes an analysis of the one-time monetary and staffing resources needed to develop the program, as well as an analysis of the ongoing monetary and staffing resources required to implement it. Based on this needs analysis, the plan provides a detailed timeline for developing and implementing the program. It also includes an analysis of whether all permits and critical areas, or only a subset, should be monitored through the program. Finally, the plan examines how phasing implementation – such as applying it to streams and wetlands first and to other types of critical areas later – would impact the needed resources and the timeline, as well as any potential environmental impacts resulting from this phased approach.

The enclosed plan is both scalable and aligned with Commerce's Critical Areas Handbook and advances King County Comprehensive Plan policies and King County Code directives. It lays out evidence-based recommendations to continuously improve permitting and protection processes by upgrading the permit tracking system and extending and integrating monitoring efforts across departments. At its core, the program would integrate multiple monitoring components – including permit implementation monitoring, permit effectiveness monitoring, and ecological validation monitoring – each serving as vital components of the initiative. The

integration of these monitoring elements is intended to provide continuous, data-driven evaluations of whether permitted projects are carried out in accordance with regulations and whether the critical area functions and values are maintained over time. These evaluations serve as the basis for recommending adaptive management actions to improve regulations and permitting processes and address any gaps in critical area protection. The program could operate on a five-year cycle, aligning with other essential cycles and updates.

Thank you for your consideration of this plan and proposed motion. This plan will help allocate resources effectively and drive actionable improvements through integration.

If your staff have questions, please contact Josh Baldi, Division Director, Water and Land Resources Division, Department of Natural Resources and Parks, at 206-477-9440.

Sincerely,

for

Shannon Braddock
King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff, King County Council
Melani Hay, Clerk of the Council
Karan Gill, Deputy Executive, Chief of Staff, Office of the Executive
Stephanie Pure, Council Relations Director, Office of the Executive
Leon Richardson, Director, Department of Local Services
Jim Chan, Director, Permitting Division, Department of Local Services
John Taylor, Director, Department of Natural Resources and Parks (DNRP)
Josh Baldi, Division Director, Water and Land Resources Division, DNRP
Dwight Dively, Director, Office of Performance, Strategy and Budget
Lauren Smith, Director of Regional Planning, Office of Performance, Strategy and Budget