



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 30, 2010

### Ordinance 16985

**Proposed No.** 2009-0609.3

**Sponsors** Hague and Phillips

1 AN ORDINANCE relating to adopting the shoreline master  
2 program, amending Ordinance 263, Article 2, Section 1, as  
3 amended, and K.C.C. 20.12.010, Ordinance 3692, Section  
4 2, and K.C.C. 20.12.200, Ordinance 13147, Section 19, as  
5 amended, and K.C.C. 20.18.030, Ordinance 13147, Section  
6 20, as amended, and K.C.C. 20.18.040, Ordinance 13147,  
7 Section 21, as amended, and K.C.C. 20.18.050, Ordinance  
8 3688, Section 813, and K.C.C. 25.32.130, Ordinance  
9 13687, Section 3, and K.C.C. 25.32.140, Ordinance 13687,  
10 Section 4, and K.C.C. 25.32.150, Ordinance 13687, Section  
11 7, and K.C.C. 25.32.180, Ordinance 3688 Ch. 2 (part), as  
12 amended, and K.C.C. 25.08.010, Ordinance 3688, Section  
13 104, and K.C.C. 25.04.040, Ordinance 3688, Section 215,  
14 and K.C.C. 25.08.160, Ordinance 3688, Section 105, as  
15 amended, and K.C.C. 25.04.050, Ordinance 3688, Section  
16 303, and K.C.C. 25.12.030, Ordinance 3688, Section 302,  
17 and K.C.C. 25.12.020, Ordinance 3688, Section 305, and  
18 K.C.C. 25.12.050, Ordinance 3688, Section 506, as  
19 amended, and K.C.C. 25.20.060, Ordinance 3688, Section

20 415, and K.C.C. 25.16.200, Ordinance 3688, Section 413,  
21 as amended, and K.C.C. 25.16.180, Ordinance 3688,  
22 Section 409(4), as amended, and K.C.C. 25.16.120,  
23 Ordinance 3688, Section 414, as amended, and K.C.C.  
24 25.16.190, Ordinance 3688, Section 410, as amended, and  
25 K.C.C. 25.16.150, Ordinance 3688, Section 411, and  
26 K.C.C. 25.16.160, Ordinance 3688, Section 408, and  
27 K.C.C. 25.16.080, Ordinance 3688, Section 801, and  
28 K.C.C. 25.32.010, Ordinance 3688, Section 802, and  
29 K.C.C. 25.32.020, Ordinance 3688 Section 806, and K.C.C.  
30 25.32.060, Ordinance 3688, Section 810, and K.C.C.  
31 25.32.100, Ordinance 3688, Section 208, and K.C.C.  
32 25.08.090, Ordinance 3688, Section 209, and K.C.C.  
33 25.08.100, Ordinance 5734, Section 1, and K.C.C.  
34 25.08.175, Ordinance 3688, Section 218, and K.C.C.  
35 25.08.190, Ordinance 3688, Section 220, and K.C.C.  
36 25.08.210, Ordinance 3688, Section 222, and K.C.C.  
37 25.08.230, Ordinance 3688, Section 224, and K.C.C.  
38 25.08.250, Ordinance 3688, Section 228, and K.C.C.  
39 25.08.290, Ordinance 3688, Section 234, and K.C.C.  
40 25.08.370, Ordinance 3688, Section 201, and K.C.C.  
41 25.08.020, Ordinance 3688, Section 237, and K.C.C.  
42 25.08.400, Ordinance 3688, Section 247, and K.C.C.

43 25.08.460, Ordinance 3688, Section 251, and K.C.C.  
44 25.08.480, Ordinance 3688, Section 248, and K.C.C.  
45 25.08.470, Ordinance 3688, Section 246, and K.C.C.  
46 25.08.490, Ordinance 3688, Section 249, and K.C.C.  
47 25.08.510, Ordinance 3688, Section 255, and K.C.C.  
48 25.08.570, Ordinance 3688, Section 257, and K.C.C.  
49 25.08.590, Ordinance 3688, Section 258, and K.C.C.  
50 25.08.600, Ordinance 13130, Section 3, as amended, and  
51 K.C.C. 21A.32.045, Ordinance 3688, Section 804, as  
52 amended, and K.C.C. 25.32.040, Ordinance 3688, Section  
53 805, and K.C.C. 25.32.050, Ordinance 10870, Section 631,  
54 and K.C.C. 21A.50.030, Ordinance 15051, Section 137,  
55 and K.C.C. 21A.24.045, Ordinance 15051, Section 139,  
56 and K.C.C. 21A.24.055 and Ordinance 10870, Section 454,  
57 as amended, and K.C.C. 21A.24.070, creating a new  
58 chapter in K.C.C. Title 21A, adding new sections to  
59 K.C.C. Title 21A, decodifying Ordinance 11622, Section 1,  
60 and K.C.C. 7.02.010, Ordinance 11622, Section 1, and  
61 K.C.C. 23.02.020 and repealing Ordinance 3688, Section  
62 102, and K.C.C. 25.04.020, Ordinance 11622, Section 1,  
63 and K.C.C. 25.04.025, Ordinance 3688, Section 106, and  
64 K.C.C. 25.04.060, Ordinance 12196, Section 58, as  
65 amended, and K.C.C. 25.08.015, Ordinance 3699, Section

66 203, and K.C.C. 25.08.040, Ordinance 3688, Section 204,  
67 and K.C.C. 25.08.050, Ordinance 3688, Section 205, and  
68 K.C.C. 25.08.060, Ordinance 3688, Section 206, and  
69 K.C.C. 25.08.070, Ordinance 3688, Section 207, and  
70 K.C.C. 25.08.080, Ordinance 3688, Section 210, and  
71 K.C.C. 25.08.110, Ordinance 3688, Section 211, and  
72 K.C.C. 25.08.120, Ordinance 3688, Section 212, and  
73 K.C.C. 25.08.130, Ordinance 3688, Section 213, and  
74 K.C.C. 25.08.140, Ordinance 13687, Section 1, as  
75 amended, and K.C.C. 25.08.150, Ordinance 3688, Section  
76 216, and K.C.C. 25.08.170, Ordinance 3688, Section 217,  
77 and K.C.C. 25.08.180, Ordinance 5734, Section 1, and  
78 K.C.C. 25.08.185, Ordinance 3688, Section 221, and  
79 K.C.C. 25.08.220, Ordinance 3688, Section 223, and  
80 K.C.C. 25.08.240, Ordinance 3688, Section 225, and  
81 K.C.C. 25.08.260, Ordinance 3688, Section 227, and  
82 K.C.C. 25.08.280, Ordinance 5734, Section 1, and K.C.C.  
83 25.08.285, Ordinance 4222, Section 2, and K.C.C.  
84 25.08.300, Ordinance 3688, Section 229, and K.C.C.  
85 25.08.310, Ordinance 3688, Section 230, and K.C.C.  
86 25.08.320, Ordinance 3688, Section 231, and K.C.C.  
87 25.08.330, Ordinance 3688, Section 232, and K.C.C.  
88 25.08.340, Ordinance 3688, Section 235, and K.C.C.

- 89 25.08.360, Ordinance 3688, Section 236, and K.C.C.
- 90 25.08.380, Ordinance 3688, Section 238, and K.C.C.
- 91 25.08.390, Ordinance 3688, Section 239, and K.C.C.
- 92 25.08.410, Ordinance 3688, Section 240, and K.C.C.
- 93 25.08.420, Ordinance 3688, Section 241, and K.C.C.
- 94 25.08.430, Ordinance 3688, Section 243, and K.C.C.
- 95 25.08.450, Ordinance 3688, Section 252, and K.C.C.
- 96 25.08.500, Ordinance 3688, Section 244, and K.C.C.
- 97 25.08.530, Ordinance 3688, Section 245, and K.C.C.
- 98 25.08.540, Ordinance 3688, Section 253, and K.C.C.
- 99 25.08.550, Ordinance 3688, Section 254, and K.C.C.
- 100 25.08.560, Ordinance 5734, Section 1, and K.C.C.
- 101 25.08.565, Ordinance 3688, Section 256, and K.C.C.
- 102 25.08.580, Ordinance 12750, Section 1, and K.C.C.
- 103 25.08.604, Ordinance 3688, Section 259, and K.C.C.
- 104 25.08.610, Ordinance 3688, Section 304, and K.C.C.
- 105 25.12.040, Ordinance 3688, Section 401, and K.C.C.
- 106 25.16.010, Ordinance 3688, Section 402, and K.C.C.
- 107 25.16.020, Ordinance 3688, Section 403, as amended, and
- 108 K.C.C. 25.16.030, Ordinance 3688, Section 404, and
- 109 K.C.C. 25.16.040, Ordinance 3688, Section 405, and
- 110 K.C.C. 25.16.050, Ordinance 3688, Section 406, and
- 111 K.C.C. 25.16.060, Ordinance 3688, Section 407, and

112 K.C.C. 25.16.070, Ordinance 3688, Section 409(1), as  
113 amended, and K.C.C. 25.16.090, Ordinance 3688, Section  
114 409(2), as amended, and K.C.C. 25.16.100, Ordinance  
115 3688, Section 409(3), and K.C.C. 25.16.110, Ordinance  
116 3688, Section 409(5), and K.C.C. 25.16.130, Ordinance  
117 3688, Section 409(6), as amended, and K.C.C. 25.16.140,  
118 Ordinance 3688, Section 412, and K.C.C. 25.16.170,  
119 Ordinance 3688, Section 501, and K.C.C. 25.20.010,  
120 Ordinance 3688, Section 502, and K.C.C. 25.20.020,  
121 Ordinance 3688, Section 503, as amended, and K.C.C.  
122 25.20.030, Ordinance 3688, Section 504, and K.C.C.  
123 25.20.040, Ordinance 3688, Section 505, and K.C.C.  
124 25.20.050, Ordinance 3688, Section 507, and K.C.C.  
125 25.20.070, Ordinance 3688, Section 508, and K.C.C.  
126 25.20.080, Ordinance 3688, Section 509, as amended, and  
127 K.C.C. 25.20.090, Ordinance 3688, Section 510, as  
128 amended, and K.C.C. 25.20.100, Ordinance 3688, Section  
129 511, and K.C.C. 25.20.110, Ordinance 3688, Section 512,  
130 and K.C.C. 25.20.120, Ordinance 3688, Section 513, and  
131 K.C.C. 25.20.130, Ordinance 3688, Section 514, as  
132 amended, and K.C.C. 25.20.140, Ordinance 3688, Section  
133 515, and K.C.C. 25.20.150, Ordinance 3688, Section 601,  
134 and K.C.C. 25.24.010, Ordinance 3688, Section 602, and

135 K.C.C. 25.24.020, Ordinance 3688, Section 603, as  
136 amended, and K.C.C. 25.24.030, Ordinance 3688, Section  
137 604, and K.C.C. 25.24.040, Ordinance 3688, Section 605,  
138 and K.C.C. 25.24.050, Ordinance 3688, Section 606, and  
139 K.C.C. 25.24.060, Ordinance 3688, Section 607, and  
140 K.C.C. 25.24.070, Ordinance 3688, Section 608, as  
141 amended, and K.C.C. 25.24.080, Ordinance 3688, Section  
142 609, as amended, and K.C.C. 25.24.090, Ordinance 3688,  
143 Section 610, as amended, and K.C.C. 25.24.100, Ordinance  
144 3688, Section 611, and K.C.C. 25.24.110, Ordinance 3688,  
145 Section 612, and K.C.C. 25.24.120, Ordinance 3688,  
146 Section 613, as amended, and K.C.C. 25.24.130, Ordinance  
147 3688, Section 614, as amended, and K.C.C. 25.24.140,  
148 Ordinance 3688, Section 615, and K.C.C. 25.24.150,  
149 Ordinance 3688, Section 701, and K.C.C. 25.28.010,  
150 Ordinance 3688, Section 702, and K.C.C. 25.28.020,  
151 Ordinance 3688, Section 703, as amended, and K.C.C.  
152 25.28.030, Ordinance 3688, Section 704, and K.C.C.  
153 25.28.040, Ordinance 3688, Section 703, as amended, and  
154 K.C.C. 25.28.050, Ordinance 3688, Section 706, and  
155 K.C.C. 25.28.060, Ordinance 3688, Section 707, and  
156 K.C.C. 25.28.070, Ordinance 3688, Section 708, as  
157 amended, and K.C.C. 25.28.080, Ordinance 3688, Section

158 709, as amended, and K.C.C. 25.28.090, Ordinance 3688,  
159 Section 710, as amended, and K.C.C. 25.28.100, Ordinance  
160 3688, Section 711, and K.C.C. 25.28.110, Ordinance 3688,  
161 Section 712, and K.C.C. 25.28.120, Ordinance 3688,  
162 Section 713, and K.C.C. 25.28.130, Ordinance 3688,  
163 Section 714, as amended, and K.C.C. 25.28.140, Ordinance  
164 3688, Section 715, and K.C.C. 25.28.150, Ordinance 3688,  
165 Section 808, as amended, and K.C.C. 25.32.080, Ordinance  
166 3688, Section 809, as amended, and K.C.C. 25.32.090,  
167 Ordinance 3688, Section 811, and K.C.C. 25.32.110,  
168 Ordinance 3688, Section 812, and K.C.C. 25.32.120,  
169 Ordinance 13687, Section 5, and K.C.C. 25.32.160, and  
170 Ordinance 13687, Section 6, and K.C.C. 25.32.170.

171 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

176 B. The King County Code authorizes a review of the Comprehensive Plan and  
177 generally only allows substantive amendments to the Comprehensive Plan once every  
178 four years. The King County Code authorizes an adoption or amendment of the King  
179 County Shoreline Master Program outside of the four year update cycle.

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

182 D. The King County Shoreline Master Program was originally adopted by the  
183 King County Council in 1977 and has not been significantly updated since. In the  
184 intervening years, King County has seen significant population growth and development  
185 that has affected King County's shorelines. In 2003, the Washington state Department of  
186 Ecology amended its guidelines governing the contents of Shoreline Master Programs. In  
187 2003, the Washington state Legislature amended the Shoreline Management Act to  
188 require King County to update its Shoreline Master Program by December 1, 2009.

189 Beginning in January 2007, King County conducted extensive public outreach as part of  
190 the process to update the Shoreline Master Program and collected relevant technical  
191 information and analysis to support the update. King County's Shoreline Master Program  
192 is consistent with the Shoreline Management Act and Department of Ecology guidelines.

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

195 F. The changes to zoning in this ordinance are needed to maintain conformity  
196 with the King County Comprehensive Plan, as required by the GMA, or to address new  
197 issues identified since the zoning code was adopted. As such, they bear a substantial  
198 relationship to, and are necessary for, the public health, safety and general welfare of  
199 King County and its residents; and

200 G. In accordance with K.C.C. 20.18.030, in 2012, the Comprehensive Plan will  
201 be subject to a substantive review to ensure continued compliance with the GMA. This  
202 will be first opportunity to comprehensively examine the implementation of land use and

203 shoreline management polices and development regulations, and in a coordinated fashion,  
204 to evaluate and address situations in which a parcel or parcels present multiple important  
205 and potentially competing GMA and Shoreline Management Act values or goals. Such  
206 situations may be presented by parcels that are zoned for intense land use, but also have  
207 an ecologically valuable shoreline. As part of the 2012 Comprehensive Plan update, the  
208 county will study those specific parcels in order to determine if there are actual conflicts  
209 between a parcel's zoning and shoreline designation and make modifications as  
210 appropriate.

211 SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.  
212 20.12.010, are each hereby amended to read as follows:

213 A. Under the King County Charter, the state Constitution and the Washington  
214 state Growth Management Act, chapter 36.70A RCW, the 1994 King County  
215 Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King  
216 County until amended, repealed or superseded. King County performed its first  
217 comprehensive four-cycle review of the Comprehensive Plan. As a result of the review,  
218 King County amended the 1994 Comprehensive Plan through passage of the King  
219 County Comprehensive Plan 2000. King County performed its second comprehensive  
220 four-cycle review of the Comprehensive Plan in 2004. As a result of the review, King  
221 County amended the 2000 Comprehensive Plan through passage of the King County  
222 Comprehensive Plan 2004. The Comprehensive Plan shall be the principal planning  
223 document for the orderly physical development of the county and shall be used to guide  
224 subarea plans, functional plans, provision of public facilities and services, review of

225 proposed incorporations and annexations, development regulations and land development  
226 decisions.

227 B. The amendments to the 1994 King County Comprehensive Plan contained in  
228 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments)  
229 are hereby adopted.

230 C. The amendments to the 1994 King County Comprehensive Plan contained in  
231 Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget  
232 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury  
233 Island, et. al. v. King County, Case No. 95-3-0008.

234 D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is  
235 adopted as a subarea plan of the King County Comprehensive Plan and, as such,  
236 constitutes official county policy for the geographic area of unincorporated King County  
237 defined in the plan and amends the 1994 King County Comprehensive Plan Land Use  
238 Map.

239 E. The amendments to the 1994 King County Comprehensive Plan contained in  
240 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the  
241 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et  
242 al, v. King County, Case No. 96-3-0013 as amendments to the King County  
243 Comprehensive Plan.

244 F. The amendments to the 1994 King County Comprehensive Plan contained in  
245 Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments)  
246 are hereby adopted as amendments to the King County Comprehensive Plan.

247 G. The Black Diamond Urban Growth Area contained in Appendix A to  
248 Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive  
249 Plan.

250 H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land  
251 Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as  
252 Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall  
253 be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on  
254 the area affected by Ordinance 12535.

255 I. The amendments to the 1994 King County Comprehensive Plan contained in  
256 Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted  
257 as amendments to the King County Comprehensive Plan.

258 J. The amendments to the 1994 King County Comprehensive Plan contained in  
259 Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments)  
260 are hereby adopted as amendments to the King County Comprehensive Plan.

261 K. The amendments to the 1994 King County Comprehensive Plan contained in  
262 the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance  
263 12931 and in the supporting text, are hereby adopted as amendments to the King County  
264 Comprehensive Plan.

265 L. The amendments to the 1994 King County Comprehensive Plan contained in  
266 Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments)  
267 are hereby adopted as amendments to the King County Comprehensive Plan.

268 M. The 1999 Transportation Needs Report contained in Attachment A to  
269 Ordinance 13339 is hereby adopted as an amendment to the 1994 King County

270 Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King  
271 County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby  
272 adopted as amendments to the King County Comprehensive Plan.

273 N. The amendments to the 1994 King County Comprehensive Plan contained in  
274 Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999  
275 amendments) are hereby adopted as amendments to the King County Comprehensive  
276 Plan.

277 O. The 2000 Transportation Needs Report contained in Attachment A to  
278 Ordinance 13674 is hereby adopted as an amendment to the 1994 King County  
279 Comprehensive Plan, Technical Appendix C.

280 P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is  
281 adopted as a subarea plan of the King County Comprehensive Plan and, as such,  
282 constitutes official county policy for the geographic area of unincorporated King County  
283 defined in the plan. The Fall City Subarea Plan amends the 1994 King County  
284 Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

285 Q. The amendments to the King County Comprehensive Plan contained in  
286 Attachment A to Ordinance 13875 are hereby adopted as amendments to the King  
287 County Comprehensive Plan.

288 R. The Fall City area zoning amendments contained in Attachment A to  
289 Ordinance 13875 are adopted as the zoning control for those portions of unincorporated  
290 King County defined in the attachment. Existing property-specific development  
291 standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875  
292 do not change except as specifically provided in Attachment A to Ordinance 13875.

293 S. The amendments to the 1994 King County Comprehensive Plan Land Use  
294 Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with  
295 the Central Puget Sound Growth Management Hearings Board Decision and Order on  
296 Supreme Court Remand in *Vashon-Maury Island, et. al. v. King County*, Case No. 95-3-  
297 0008 (Bear Creek Portion).

298 T. The 2001 transportation needs report contained in Attachment A to Ordinance  
299 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,  
300 technical appendix C.

301 U. The amendments to the 1994 King County Comprehensive Plan contained in  
302 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000)  
303 are hereby adopted as amendments to the King County Comprehensive Plan. Attachment  
304 A to Ordinance 14044 amends the policies, text and maps of the Comprehensive Plan.  
305 Amendments to the policies are shown with deleted language struck out and new  
306 language underlined. The text and maps in Attachment A to Ordinance 14044 replace the  
307 previous text and maps in the Comprehensive Plan. Attachment B to Ordinance 14044  
308 contains technical appendix A (capital facilities), which replaces technical appendix A to  
309 the King County Comprehensive Plan, technical appendix C (transportation), which  
310 replaces technical appendix C to the King County Comprehensive Plan, and technical  
311 appendix M (public participation), which is a new technical appendix that describes the  
312 public participation process for the King County Comprehensive Plan 2000. Attachment  
313 C to Ordinance 14044 includes amendments to the King County Comprehensive Plan  
314 Land Use Map. The land use amendments contained in Attachment C to Ordinance

315 14044 are adopted as the official land use designations for those portions of  
316 unincorporated King County defined in Attachment C to Ordinance 14044.

317 V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A  
318 to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan  
319 and, as such, constitutes official county policy for the geographic area of unincorporated  
320 King County defined in the plan. Attachment B to Ordinance 14117 amends the King  
321 County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for  
322 the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the  
323 Comprehensive Plan.

324 W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments  
325 in Attachment D to Ordinance 14117 are adopted as the zoning control for those portions  
326 of unincorporated King County defined in the attachment. Existing property-specific  
327 development standards (p-suffix conditions) on parcels affected by Attachment D to  
328 Ordinance 14117 do not change

329 X. The amendments to the King County Comprehensive Plan 2000 contained in  
330 Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County  
331 Comprehensive Plan.

332 Y. The amendments to the King County Comprehensive Plan 2000 contained in  
333 Attachment A to Ordinance 14185 are hereby adopted as amendments to the King  
334 County Comprehensive Plan in order to comply with the order of the Central Puget  
335 Sound Growth Management Hearings Board in *Green Valley et al, v. King County*,  
336 CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the

337 Washington Supreme Court in *King County v. Central Puget Sound Growth Management*  
338 *Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

339           Z. The amendments to the King County Comprehensive Plan 2000 contained in  
340 Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001  
341 Amendments) are hereby adopted as amendments to the King County Comprehensive  
342 Plan.

343           AA. The amendment to the King County Comprehensive Plan 2000 contained in  
344 Attachment A to Ordinance 14286 is hereby adopted as an amendment to the King  
345 County Comprehensive Plan in order to comply with the Central Puget Sound Growth  
346 Management Hearings Board's Final Decision and Order in *Forster Woods Homeowners'*  
347 *Association and Friends and Neighbors of Forster Woods, et al. v. King County*, Case  
348 No. 01-3-0008c (Forster Woods), dated November 6, 2001.

349           BB. The amendments to the King County Comprehensive Plan 2000 contained in  
350 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002  
351 Amendments) are hereby adopted as amendments to the King County Comprehensive  
352 Plan.

353           CC. The amendments to the King County Comprehensive Plan 2000 contained in  
354 Attachment A to Ordinance 14775 (King County Comprehensive Plan 2003  
355 Amendments) are hereby adopted as amendments to the King County Comprehensive  
356 Plan.

357           DD. The amendments to the King County Comprehensive Plan 2000 contained in  
358 Attachments A, B, C, D and E to Ordinance 15028 (King County Comprehensive Plan  
359 2004) are hereby adopted as amendments to the King County Comprehensive Plan.

360 Attachment A, Part I, to Ordinance 15028 amends the policies, text and maps of the  
361 Comprehensive Plan. Attachment A, Part II, to Ordinance 15028 includes amendments  
362 to the King County Comprehensive Plan Land Use Map. The land use amendments  
363 contained in Attachment A, Part II, to Ordinance 15028 are adopted as the official land  
364 use designations for those portions of unincorporated King County defined in Attachment  
365 A, Part II, to Ordinance 15028. Attachment B to Ordinance 15028 contains Technical  
366 Appendix A (Capital Facilities), which replaces technical appendix A to the King County  
367 Comprehensive Plan. Attachment C to Ordinance 15028 contains Technical Appendix B  
368 (Housing), which replaces Technical Appendix B to the King County Comprehensive  
369 Plan. Attachment D to Ordinance 15028 contains Technical Appendix C  
370 (Transportation), which replaces Technical Appendix C to the King County  
371 Comprehensive Plan 2000. Attachment E to Ordinance 15028 contains Technical  
372 Appendix D (Growth Targets and the Urban Growth Area 2004).

373 EE. The 2004 transportation needs report contained in Attachment A to  
374 Ordinance 15077 is hereby adopted as an amendment to the 2004 King County  
375 Comprehensive Plan, technical appendix C.

376 FF. The amendments to the King County Comprehensive Plan 2004 contained in  
377 Attachment A to Ordinance 15244 (King County Comprehensive Plan 2005  
378 Amendments) are hereby adopted as amendments to the King County Comprehensive  
379 Plan.

380 GG. Attachment A to Ordinance 15326, which is the King County  
381 Comprehensive Plan Sammamish Agricultural Production District Subarea Plan dated  
382 November 7, 2005, is hereby adopted as an amendment to the 2004 King County

383 Comprehensive Plan, as amended, in order to comply with the Central Puget Sound  
384 Growth Management Hearings Board's Final Decision and Order in *Maxine Keesling v.*  
385 *King County*, Case No. 04-3-0024 (Keesling III), dated May 31, 2005.

386 HH. The amendments to the King County Comprehensive Plan 2004 contained in  
387 Attachments A, B, C and D to Ordinance 15607 are hereby adopted as amendments to the  
388 King County Comprehensive Plan. Attachment A to Ordinance 15607 (Amendment to  
389 the King County Comprehensive Plan 2004) amends the policies and maps of the King  
390 County Comprehensive Plan. Attachment B to Ordinance 15607 contains technical  
391 appendix O (Regional Trail Needs Report). Attachment C to Ordinance 15607 amends  
392 King County Comprehensive Plan, Technical Appendix C (Transportation), by replacing  
393 the transportation needs report. Attachment D to Ordinance 15607 amends King County  
394 Comprehensive Plan, Technical Appendix C (Transportation), by replacing the arterial  
395 functional classification map.

396 II. Attachment A to Ordinance 15772, which is the King County Comprehensive  
397 Plan Juanita Firs Subarea Plan, dated February 20, 2007, is hereby adopted as an  
398 amendment to the King County Comprehensive Plan as amended.

399 JJ. The amendments to the King County Comprehensive Plan 2004 contained in  
400 Attachments A, B, C, D, E and F to Ordinance 16263 are hereby adopted as amendments  
401 to the King County Comprehensive Plan. Attachment A to Ordinance 16263 amends the  
402 policies, text and maps of the Comprehensive Plan and amends King County  
403 Comprehensive Plan Land Use Zoning. The land use amendments contained in  
404 Attachment B to Ordinance 16263 contain((s)) Technical Appendix A (Capital  
405 Facilities), which replaces Technical Appendix A to the King County Comprehensive

406 Plan 2004. Attachment C to Ordinance 16263 contains Technical Appendix B (Housing),  
407 which replaces Technical Appendix B to the King County Comprehensive Plan 2004.  
408 Attachment D to Ordinance 16263 contains Technical Appendix C (Transportation),  
409 which replaces Technical Appendix C to the King County Comprehensive Plan 2004.  
410 Attachment E to Ordinance 16263 contains the transportation needs report, which  
411 replaces the transportation needs report in Technical Appendix C to the King County  
412 Comprehensive Plan 2004. Attachment F to Ordinance 16263 contains Technical  
413 Appendix D (Growth Targets and the Urban Growth Area 2008).

414       KK. The amendments to the 2008 King County Comprehensive Plan, contained  
415 in Attachments A, B and C to Ordinance 16949 are hereby adopted as amendments to the  
416 King County Comprehensive Plan. Attachment A to Ordinance 16949 is Technical and  
417 Editorial Corrections, dated March 1, 2010. Attachment B to Ordinance 16949 is the  
418 King County Issaquah Highlands Area Zoning Study, dated September 13, 2010.  
419 Attachments A and B to Ordinance 16949 amend policies, text and maps of the  
420 Comprehensive Plan and amend King County Comprehensive Plan Land Use Zoning.  
421 The land use amendments contained in Attachment B to Ordinance 16949 are adopted as  
422 the official land use designations for those portions of unincorporated King County  
423 defined in Attachment B to Ordinance 16949. Attachment C to Ordinance 16949 is the  
424 2010 update of the Transportation Needs Report and amends the 2008 King County  
425 Comprehensive Plan, Technical Appendix C.

426       LL. The amendments to the King County Comprehensive Plan 2008 contained in  
427 Attachment A to this ordinance are hereby adopted as amendments to the King County  
428 Comprehensive Plan. Attachment A to this ordinance amends the policies and goals of

429 the King County Shoreline Master Program, consistent with chapter 90.58 RCW and  
430 chapter 173-26 WAC, and adds a new chapter 5 to the King County Comprehensive Plan.

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

433 The ~~((policies, objectives and goals of the shorelines management master~~  
434 ~~program, are adopted as an addendum to the Comprehensive Plan for King County. As~~  
435 ~~an addendum to the comprehensive plan, such policy statement)) King County shoreline~~  
436 master program consists of the following elements:

437 A. The King County shoreline management goals and policies in chapter 5 of the  
438 King County Comprehensive Plan. The shoreline management goals and policies  
439 constitute((s)) the official policy of King County regarding areas of the county subject to  
440 shoreline management jurisdiction under RCW chapter 90.58; and

441 B. The King County Code sections identified in section 4 of this ordinance.

442 NEW SECTION. SECTION 4. There is hereby added a new section to K.C.C.  
443 chapter 20.12 to read as follows:

444 The following King County Code sections in effect as of the effective date of this  
445 ordinance are adopted as land use and development regulations within the shoreline  
446 jurisdiction:

- 447 A. The following sections within K.C.C. Title 20:
- 448 1. K.C.C. 20.18.040;
  - 449 2. K.C.C. 20.18.050;
  - 450 3. K.C.C. 25.32.130, as recodified by this ordinance;
  - 451 4. K.C.C. 25.32.140, as recodified by this ordinance;

- 452           5. K.C.C. 25.32.150, as recodified by this ordinance; and
- 453           6. K.C.C. 25.32.180, as recodified by this ordinance.
- 454           B. The following sections within K.C.C. Title 21A:
- 455           1. K.C.C. 21A.06.358;
- 456           2. K.C.C. 25.08.090, as recodified by this ordinance;
- 457           3. K.C.C. 25.08.100, as recodified by this ordinance;
- 458           4. K.C.C. 25.08.175, as recodified by this ordinance;
- 459           5. K.C.C. 25.08.190, as recodified by this ordinance;
- 460           6. K.C.C. 25.08.210, as recodified by this ordinance;
- 461           7. K.C.C. 25.08.230, as recodified by this ordinance;
- 462           8. K.C.C. 25.08.250, as recodified by this ordinance;
- 463           9. K.C.C. 25.08.290, as recodified by this ordinance;
- 464           10. K.C.C. 25.08.090, as recodified by this ordinance
- 465           11. Section 81 of this ordinance;
- 466           12. Section 82 of this ordinance;
- 467           13. K.C.C. 25.08.370, as recodified by this ordinance;
- 468           14. K.C.C. 25.08.020, as recodified by this ordinance;
- 469           15. K.C.C. 25.08.400, as recodified by this ordinance;
- 470           16. Section 89 of this ordinance;
- 471           17. K.C.C. 25.08.460, as recodified by this ordinance;
- 472           18. Section 92 of this ordinance;
- 473           19. K.C.C. 25.08.480, as recodified by this ordinance;
- 474           20. K.C.C. 25.08.470, as recodified by this ordinance;

- 475           21. K.C.C. 25.08.490, as recodified by this ordinance;
- 476           22. K.C.C. 25.08.510, as recodified by this ordinance;
- 477           23. K.C.C. 25.08.570, as recodified by this ordinance;
- 478           24. K.C.C. 25.08.590, as recodified by this ordinance;
- 479           25. Section 105 of this ordinance;
- 480           26. Section 106 of this ordinance;
- 481           27. K.C.C. 25.08.600, as recodified by this ordinance;
- 482           28. K.C.C. 21A.24.045;
- 483           29. K.C.C. 21A.24.051;
- 484           30. K.C.C. 21A.24.055;
- 485           31. K.C.C. 21A.24.070A., D. and E.;
- 486           32. K.C.C. 21A.24.125;
- 487           33. K.C.C. 21A.24.130;
- 488           34. K.C.C. 21A.24.133;
- 489           35. K.C.C. 21A.24.200;
- 490           36. K.C.C. 21A.24.210;
- 491           37. K.C.C. 21A.24.220;
- 492           38. K.C.C. 21A.24.240;
- 493           39. K.C.C. 21A.24.250;
- 494           40. K.C.C. 21A.24.260;
- 495           41. K.C.C. 21A.24.275;
- 496           42. K.C.C. 21A.24.280;
- 497           43. K.C.C. 21A.24.290;

- 498 44. K.C.C. 21A.24.300;
- 499 45. K.C.C. 21A.24.310;
- 500 46. K.C.C. 21A.24.316;
- 501 47. K.C.C. 21A.24.325;
- 502 48. K.C.C. 21A.24.335;
- 503 49. K.C.C. 21A.24.340;
- 504 50. K.C.C. 21A.24.358;
- 505 51. K.C.C. 21A.24.365;
- 506 52. K.C.C. 21A.24.380;
- 507 53. K.C.C. 21A.24.382;
- 508 54. K.C.C. 21A.24.386;
- 509 55. K.C.C. 21A.24.388;
- 510 56. K.C.C. 21A.32.045;
- 511 57. K.C.C. 21A.50.030;
- 512 58. K.C.C. 21A.06.182;
- 513 59. K.C.C. 21A.06.825; and
- 514 60. K.C.C. chapter 21A.\_\_(the new chapter created by section 16 of this
- 515 ordinance).

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

520            SECTION 5. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030  
521 are each hereby amended to read as follows:

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

528            1. Emergencies;

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

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

533            4. ~~((The adoption or amendment of a shoreline master program under chapter~~  
534 ~~90.58 RCW; or~~

535            5.)) An amendment of the capital facilities element of the Comprehensive Plan  
536 that occurs in conjunction with the adoption of the county budget.

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

- 543 1. Technical amendments to policy, text, ~~((or))~~ maps or shoreline designations;
- 544 2. The annual capital improvement plan;
- 545 3. The transportation needs report;
- 546 4. School capital facility plans;
- 547 5. Changes required to implement an amendment to a joint  
548 interlocal/development agreement in existence on January 1, 2008, between King  
549 County, another local government and one or more private parties, only if the amendment  
550 to the joint interlocal/development agreement includes a provision to alter the urban  
551 growth area boundary to add areas to the urban growth area, requires that an area four  
552 times the area that is added to the urban growth area be permanently designated as park  
553 or open space and requires the transfer of development rights on terms as provided in the  
554 amendment;
- 555 6. Changes required by existing Comprehensive Plan policies;
- 556 7. Changes to the technical appendices and any amendments required thereby;
- 557 8. Comprehensive updates of subarea plans initiated by motion;
- 558 9. Changes required by amendments to the countywide planning policies or  
559 state law;
- 560 10. Redesignation proposals under the four-to-one program as provided for in  
561 this chapter;
- 562 11. Amendments necessary for the conservation of threatened and endangered  
563 species; and

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

567           C. Every fourth year beginning in 2000, the county shall complete a  
568 comprehensive review of the Comprehensive Plan in order to update it as appropriate and  
569 to ensure continued compliance with the GMA. This review may provide for a  
570 cumulative analysis of the twenty-year plan based upon official population growth  
571 forecasts, benchmarks and other relevant data in order to consider substantive changes to  
572 policy language and changes to the urban growth area (UGA). This comprehensive  
573 review shall begin one year in advance of the transmittal and may be referred to as the  
574 four-year cycle. The urban growth area boundaries shall be reviewed in the context of  
575 the four-year cycle and in accordance with countywide planning policy FW-1 and RCW  
576 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are  
577 not being achieved as evidenced by official population growth forecasts, benchmarks,  
578 trends and other relevant data, substantive changes to the Comprehensive Plan may also  
579 be considered on even calendar years. This determination shall be authorized by motion.  
580 The motion shall specify the scope of the even-year amendment, and identify that the  
581 resources necessary to accomplish the work are available. An analysis of the motion's  
582 fiscal impact shall be provided to the council before to adoption. The executive shall  
583 determine if additional funds are necessary to complete the even-year amendment, and  
584 may transmit an ordinance requesting the appropriation of supplemental funds.

585           D. The executive shall seek public comment on the comprehensive plan and any  
586 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.

587 20.18.160 before making a recommendation, in addition to conducting the public review  
588 and comment procedures required by SEPA. The public, including unincorporated area  
589 councils, shall be afforded at least one official opportunity to record public comment  
590 before to the transmittal of a recommendation by the executive to the council. County-  
591 sponsored councils and commissions may submit written position statements that shall be  
592 considered by the executive before transmittal and by the council before adoption, if they  
593 are received in a timely manner. The executive's recommendations for changes to  
594 policies, text((;)) and maps shall include the elements listed in comprehensive plan policy  
595 RP-307 and analysis of their financial costs and public benefits, any of which may be  
596 included in environmental review documents. Proposed amendments to the  
597 comprehensive plan shall be accompanied by any development regulations or  
598 amendments to development regulations, including area zoning, necessary to implement  
599 the proposed amendments.

600        SECTION 6. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040  
601 are each hereby amended to read as follows:

602        A. Site-specific land use map or shoreline master program map amendments may  
603 be considered annually or during the four year review cycle, depending on the degree of  
604 change proposed.

605        B. The following categories of site-specific land use map or shoreline master  
606 program map amendments may be initiated by either the county or a property owner for  
607 consideration in the annual review cycle:

608           1. Amendments that do not require substantive change to comprehensive plan  
609 policy language and that do not alter the urban growth area boundary, except to correct  
610 mapping errors; and

611           2. Four-to-one-proposals.

612           C. The following categories of site-specific land use map and shoreline master  
613 program map amendments may be initiated by either the county or a property owner for  
614 consideration in four-year review cycle:

615           1. ~~((a))~~ Amendments that could be considered in the annual review cycle;

616           2. ~~((a))~~ Amendments that require substantive change to comprehensive plan  
617 policy language; and

618           3. ~~((a))~~ Amendments to the urban growth area boundary.

619           SECTION 7. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050  
620 are each hereby amended to read as follows:

621           A. Site-specific land use map and shoreline master program map amendments are  
622 legislative actions that may only be initiated by property owner application, by council  
623 motion~~((=))~~ or by executive proposal. All site-specific land use map and shoreline master  
624 program map amendments must be evaluated by the hearing examiner before adoption by  
625 the council in accordance with this chapter.

626           1. If initiated by council motion, the motion shall refer the proposed site-  
627 specific land use map or shoreline master program map amendment to the department of  
628 development and environmental services for preparation of a recommendation to the  
629 hearing examiner. The motion shall also identify the resources and the work program  
630 required to provide the same level of review accorded to applicant-generated

631 amendments. An analysis of the motion's fiscal impact shall be provided to the council  
632 before adoption. If the executive determines that additional funds are necessary to  
633 complete the work program, the executive may transmit an ordinance requesting the  
634 appropriation of supplemental funds((-));

635           2. If initiated by executive proposal, the proposal shall refer the proposed site-  
636 specific land use map or shoreline master program map amendment to the department of  
637 development and environmental services for preparation of a recommendation to the  
638 hearing examiner((-)); and

639           3. If initiated by property owner application, the property owner shall submit a  
640 docketed request for a site-specific land use map or shoreline master program map  
641 amendment. Upon receipt of a docketed request for a site-specific land use map or  
642 shoreline master program map amendment, the request shall be referred to the department  
643 of development and environmental services for preparation of a recommendation to the  
644 hearing examiner.

645           B. All proposed site-specific land use map or shoreline master program map  
646 amendments, whether initiated by property owner application, by council motion((-)) or  
647 by executive proposal shall include the following:

- 648           1. Name and address of the owner(((s))) or owners of record;
- 649           2. Description of the proposed amendment;
- 650           3. Property description, including parcel number, property street address and  
651 nearest cross street;
- 652           4. County assessor's map outlining the subject property; and
- 653           5. Related or previous permit activity.

654 C. Upon initiation of a site specific land use map or shoreline master program  
655 map amendment, an initial review conference will be scheduled by the department of  
656 development and environmental services. The owner or owners of record of the property  
657 shall be notified of and invited to attend the initial review conference. At the initial  
658 review conference, the department will review the proposed amendment's consistency  
659 with applicable county policies or regulatory enactments including specific reference to  
660 comprehensive plan policies, countywide planning policies and state Growth  
661 Management Act requirements. The proposed amendment will be classified ((~~pursuant~~  
662 ~~to~~) in accordance with K.C.C. 20.18.040 and this information either will be provided at  
663 the initial review conference or in writing to the owner or owners of record within thirty  
664 days after the initial review conference.

665 D. If a proposed site-specific land use map or shoreline master program map  
666 amendment is initiated by property owner application, the property owner shall,  
667 following the initial review conference, submit the completed application including an  
668 application fee and an environmental checklist to the department of development and  
669 environmental services to proceed with review of the proposed amendment.

670 E. If a proposed site-specific land use map or shoreline master program map  
671 amendment is initiated by council motion, following the initial review conference, the  
672 council shall submit an environmental checklist to the department of development and  
673 environmental services to proceed with review of the proposed amendment.

674 F. If a proposed site-specific land use map or shoreline master program map  
675 amendment is initiated by executive proposal, following the initial review conference, the

676 executive shall submit an environmental checklist to the department of development and  
677 environmental services to proceed with review of the proposed amendment.

678 G. Following the submittal of the information required by subsections D., E. or  
679 F., the department of development and environmental services shall submit a report  
680 including an executive recommendation on the proposed amendment to the hearing  
681 examiner within one hundred twenty days. The department of development and  
682 environmental services shall provide notice of a public hearing and notice of threshold  
683 determination ~~((pursuant to))~~ in accordance with K.C.C. 20.20.060 F., G. and H. The  
684 hearing will be conducted by the hearing examiner ~~((pursuant to))~~ in accordance with  
685 K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a  
686 report and recommendation on the proposed amendment ~~((pursuant to))~~ in accordance  
687 with K.C.C. 20.24.400. A compilation of all completed reports will be considered by the  
688 council ~~((pursuant to))~~ in accordance with K.C.C. 20.18.070.

689 H. A property-owner-initiated for a site-specific land use map or shoreline master  
690 program map amendment may be accompanied by an application for a zone  
691 reclassification to implement the proposed amendment, in which case administrative  
692 review of the two applications shall be consolidated to the extent practical consistent with  
693 this ordinance and K.C.C. chapter 20.20. The council's consideration of a site-specific  
694 land use map or shoreline master program map amendment is a legislative decision which  
695 will be determined before and separate from their consideration of a zone reclassification  
696 which is a quasi-judicial decision. If a zone reclassification is not proposed in  
697 conjunction with an application for a site-specific land use map or shoreline master  
698 program map amendment and the amendment is adopted, the property shall be given

699 potential zoning. A zone reclassification (~~((pursuant to))~~) in accordance with K.C.C.  
700 20.20.020 will be required in order to implement the potential zoning.

701 I. Site-specific land use map or shoreline master program map amendments for  
702 which a completed recommendation by the hearing examiner has been submitted to the  
703 council by January 15 will be considered concurrently with the annual amendment to the  
704 comprehensive plan. Site specific land use map or shoreline master program map  
705 amendments for which a recommendation has not been issued by the hearing examiner  
706 by January 15 will be included in the next appropriate review cycle following issuance of  
707 the examiner's recommendation.

708 J.1. No amendment to a land use designation or shoreline environment  
709 designation for a property may be initiated unless at least three years have elapsed since  
710 council adoption or review of the current designation for the property. This time limit  
711 may be waived by the executive or the council if the proponent establishes that there  
712 exists either an obvious technical error or a change in circumstances justifying the need  
713 for the amendment.

714 ~~((1-))~~ 2. A waiver by the executive shall be considered after the proponent has  
715 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall  
716 render a waiver decision within forty-five days of receiving a docket request and shall  
717 mail a copy of this decision to the proponent.

718 ~~((2-))~~ 3. A waiver by the council shall be considered by motion.

719 K. A shoreline master program map amendment and redesignation must meet the  
720 requirements of K.C.C. 25.32.130, 25.32.140 and 25.32.150, as recodified by this  
721 ordinance, and the Washington state Shoreline Master Program Guidelines, chapter 173-

722 26 WAC. A shoreline master program map amendment and redesignation must be  
723 approved by the Washington state Department of Ecology.

724 SECTION 8. K.C.C. 25.32.130, as amended by this ordinance, is recodified as a  
725 new section in K.C.C. chapter 20.18.

726 SECTION 9. Ordinance 3688, Section 813, as amended, and K.C.C. 25.32.130  
727 are each hereby amended to read as follows:

728 A. Shoreline environments designated by the master program may be  
729 ~~((redesignated by the county council upon finding that such a redesignation will be~~  
730 ~~consistent with the standards in K.C.C. 25.32.180. A shorelines redesignation may be~~  
731 ~~initiated by an applicant or by motion of the council)) considered for redesignation during~~  
732 the four-year review cycle.

733 B. A redesignation ~~((initiated by an applicant shall be made on forms and~~  
734 ~~processed in a manner prescribed in K.C.C. 25.32.140. A redesignation initiated by the~~  
735 ~~council)) shall follow the process in K.C.C. ~~((25.32.150.~~~~

736 C. ~~The fee which shall accompany an application for a shoreline redesignation~~  
737 ~~shall be as adopted by ordinance.~~

738 D. ~~The departmental report and recommendation regarding an application or a~~  
739 ~~site specific redesignation initiated by council motion shall be forwarded to the hearing~~  
740 ~~examiner for consideration together with all relevant testimony at a public hearing to be~~  
741 ~~held consistent with the procedures for a zone reclassification as provided in K.C.C.~~  
742 ~~chapter 20.24)) 20.18.050.~~

743 SECTION 10. K.C.C. 25.32.140, as amended by this ordinance, is recodified as a  
744 new section in K.C.C. chapter 20.18.

745            SECTION 11. Ordinance 13687, Section 3, and K.C.C. 25.32.140 are each  
746 hereby amended to read as follows:

747            A. A shoreline redesignation initiated by an applicant(~~(, as described in K.C.C.~~  
748 ~~25.32.130B, must follow the procedures in K.C.C. chapters 20.20 and 20.24 for~~  
749 ~~shorelines redesignations and))~~ must include the following information in addition to the  
750 requirements in K.C.C. (~~(chapter 20.20))~~ 20.18.050:

- 751            1. Applicant information, including signature, telephone number and address;
- 752            2. The applicant's interest in the property, such as owner, buyer or consultant;
- 753            3. Property owner concurrence, including signature, telephone number and  
754 address;
- 755            4. (~~(A property description, including parcel number, property street address and~~  
756 ~~nearest cross street;~~
- 757            ~~5. A county assessor's map outlining the subject property;~~
- 758            ~~6. Related or previous permit activity;~~
- 759            ~~7. A description of the proposed shorelines redesignation;~~
- 760            8.)) A mitigation plan providing for significant enhancement of the first one  
761 hundred feet adjacent to the shoreline and improved habitat for species declared as  
762 endangered or threatened under the Endangered Species Act, to the extent that the  
763 impacts of development can be determined at the time of the proposed shoreline  
764 redesignation(~~(-)~~); and  
765            (~~(9-))~~ 5. A discussion of how the proposed shorelines redesignation meets the  
766 criteria in K.C.C. 25.32.180, as recodified by this ordinance.

767 B. The examiner shall make a recommendation to the council based on the  
768 criteria for review in K.C.C. 25.32.180, as recodified by this ordinance.

769 SECTION 12. K.C.C. 25.32.150, as amended by this ordinance, is recodified as a  
770 new section in K.C.C. chapter 20.18.

771 SECTION 13. Ordinance 13687, Section 4, and K.C.C. 25.32.150 are each  
772 hereby amended to read as follows:

773 A. A council motion initiating a shoreline((s)) redesignation(~~(, as described in~~  
774 ~~K.C.C. 25.32.130B))~~) must be accompanied by the ~~((following))~~ information required to  
775 be provided in K.C.C. 25.32.140, as recodified by this ordinance, in addition to the  
776 requirements in K.C.C. 20.18.050(~~(:~~

777 ~~1. A description of the shoreline reach and a property description, including~~  
778 ~~parcel numbers, property street addresses and nearest cross streets, for all properties that~~  
779 ~~the shoreline runs through or is adjacent to;~~

780 ~~2. A county assessor's map outlining the subject property or properties; and~~

781 ~~3. A description of the proposed shorelines redesignation)).~~

782 B. ~~((If the motion proposes site-specific redesignation, as "site" is defined in~~  
783 ~~K.C.C. Title 21A, the redesignation shall be referred to the hearing examiner for~~  
784 ~~consideration following the procedures of K.C.C. 25.32.140 for consideration of~~  
785 ~~redesignation application. Any other redesignation proposal initiated by motion shall be~~  
786 ~~referred to the executive for consideration as to whether the redesignation is appropriate~~  
787 ~~for review as part of the annual or four-year Comprehensive Plan update, or should~~  
788 ~~proceed independent of the annual or four year update process, such as through a subarea~~  
789 ~~planning process.~~

790            €)) A motion initiating a site-specific shoreline redesignation must identify the  
791 resources and the work program required to provide the same level of review accorded to  
792 an applicant-generated shoreline((s)) redesignation. Before adoption of the motion, the  
793 executive shall have the opportunity to provide an analysis of the motion's fiscal impact.  
794 If the executive determines that additional funds are necessary to complete the work  
795 program, the executive may transmit an ordinance requesting the appropriation of  
796 supplemental funds. The council may consider the supplemental appropriation ordinance  
797 concurrently with the proposed motion referring the shoreline((s)) redesignation proposal  
798 to the examiner.

799            ~~((D. A site-specific redesignation initiated by motion shall follow the procedures~~  
800 ~~in K.C.C. chapters 20.20 and 20.24 for shorelines redesignations with regard to the~~  
801 ~~information to be provided and the notice and hearing processes, and shall meet the~~  
802 ~~submittal requirements of K.C.C. 25.32.140.)) C.~~ The examiner shall make a  
803 recommendation to the council on the proposed site-specific shoreline redesignation  
804 based on the criteria for review in K.C.C. 25.32.180, as recodified by this ordinance.

805            SECTION 14. K.C.C 25.32.180, as amended by this ordinance, is recodified as a  
806 new section in K.C.C. chapter 20.24.

807            SECTION 15. Ordinance 13687, Section 7, and K.C.C. 25.32.180 are each  
808 hereby amended to read as follows:

809            A shoreline((s)) redesignation referred to the hearing examiner for a public  
810 hearing shall be reviewed based upon the ~~((requirements of))~~ King County  
811 Comprehensive Plan ~~((policies NE-308 and I-202))~~, state and county shorelines  
812 management goals and objectives and the following additional standards:

813 A. The proposed change shall implement((s)) and support((s));

814 1. ~~((t))~~The goals of the ~~((e))~~Comprehensive ~~((p))~~Plan~~((r))~~;

815 2. ~~((t))~~The goals, policies and objectives of the state Shorelines Management  
816 Act ~~((and))~~;

817 3. ~~((t))~~The county's shoreline((s)) master program; and

818 4. ~~((t))~~The designation criteria of the proposed shoreline environment  
819 designation ~~((requested))~~;

820 B. The impacts of development allowed by the proposed change ~~((will))~~ shall not  
821 permanently impair any habitat critical to endangered or threatened species~~((r))~~;

822 C. The impacts of development allowed by the proposed change ~~((are))~~ shall  
823 adequately ~~((addressed))~~ address in a mitigation plan providing significant enhancement  
824 of the first one hundred feet adjacent to the stream and improved habitat for species  
825 declared as endangered or threatened under the Endangered Species Act, to the extent  
826 those impacts may be determinable at the time of the shorelines redesignation. A full  
827 mitigation plan shall accompany each application, as provided in K.C.C. 25.32.140, as  
828 recodified by this ordinance, and K.C.C. 25.32.150, as recodified by this ordinance; and

829 D. If greater intensity of development would be allowed as a result of the  
830 shoreline((s)) redesignation, the proposal shall utilize clustering or a multi-story design to  
831 pursue minimum densities while minimizing lot coverage adjacent to the shoreline((s))  
832 setback area.

833 SECTION 16. There is hereby established a new chapter in K.C.C. Title 21A.

834 This new chapter shall contain section 17 of this ordinance, K.C.C. 25.08.010, as

835 recodified by this ordinance, K.C.C. 25.04.040, as recodified by this ordinance, section

836 24 of this ordinance, K.C.C. 25.04.050, as recodified by this ordinance, K.C.C.  
837 25.12.030, as recodified by this ordinance, K.C.C. 25.12.020, as recodified by this  
838 ordinance, K.C.C. 25.12.050, as recodified by this ordinance, section 129 of this  
839 ordinance, section 30 of this ordinance, section 31 of this ordinance, section 32 of this  
840 ordinance, section 33 of this ordinance, K.C.C. 25.20.060, as recodified by this  
841 ordinance, section 36 of this ordinance, K.C.C. 25.16.200, as recodified by this  
842 ordinance, section 39 of this ordinance, K.C.C. 25.16.180, as recodified by this  
843 ordinance, K.C.C. 25.16.120, as recodified by this ordinance, K.C.C. 25.16.190, as  
844 recodified by this ordinance, section 131 of this ordinance, section 46 of this ordinance,  
845 section 47 of this ordinance, K.C.C. 25.16.150, as recodified by this ordinance, section 50  
846 of this ordinance, section 51 of this ordinance, K.C.C. 25.16.160, as recodified by this  
847 ordinance, K.C.C. 25.16.080, as recodified by this ordinance, section 56 of this  
848 ordinance, K.C.C. 25.32.010, as recodified by this ordinance, K.C.C. 25.32.020, as  
849 recodified by this ordinance, K.C.C. 25.32.060, as recodified by this ordinance, and  
850 K.C.C. 25.32.100, as recodified by this ordinance.

851 NEW SECTION. SECTION 17. The King County shoreline master program  
852 elements are established in K.C.C. 20.12.200.

853 SECTION 18. K.C.C. 25.08.010 is hereby recodified as a new section in the new  
854 chapter established in section 16 of this ordinance.

855 SECTION 19. Ordinance 3688, chapter 2 (part), as amended, and K.C.C.  
856 25.08.010 are each hereby amended to read as follows:

857 ~~((Unless otherwise defined in this chapter, t))~~The definitions ~~((contained))~~ in  
858 ~~((title 21A (the zoning code) RCW Chapter))~~ K.C.C. chapter 21A.06, chapter 90.58 RCW

859 and (~~WAC 173-14 shall~~) chapter 173-26 WAC apply within the shoreline jurisdiction.

860 The definitions in chapter 90.58 RCW and chapter 173-26 WAC apply if there is a

861 conflict with the definitions in K.C.C. chapter 21A.06. In addition, the following

862 definitions apply to this chapter unless the context clearly requires otherwise:

863       A. "Development" means any development as defined in chapter 90.58 RCW.

864       B. "Shoreline mixed use" means shoreline development that contains a water-

865 dependent use combined with a water related, water enjoyment or a non-water-oriented

866 use in a single building or on a single site in an integrated development proposal. Water

867 dependent uses must comprise a significant portion of the floor area or site area in a

868 shoreline mixed use development.

869       SECTION 20. K.C.C. 25.04.040 is hereby recodified as a new section in the new

870 chapter established in section 16 of this ordinance.

871       SECTION 21. Ordinance 3688, Section 104, and K.C.C. 25.04.040 are each

872 hereby amended to read as follows:

873       This (~~title~~) chapter is exempted from the rule of strict construction and shall be

874 liberally construed to give full effect to the objectives and purposes for which it was

875 enacted.

876       SECTION 22. K.C.C. 25.04.050 is hereby recodified as a new section in the new

877 chapter established in section 16 of this ordinance.

878       SECTION 23. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050

879 are each hereby amended to read as follows:

880           ~~((A. When provisions of this chapter conflict with the sensitive areas code,~~  
881     ~~K.C.C. Chapter 21A.54, that which provides more protection to the sensitive area shall~~  
882     ~~apply.~~

883           ~~B. King County shall issue no permit prior to approval pursuant to this title and~~  
884     ~~shall take no action contrary to t))The goals, policies((, objectives)) and regulations of the~~  
885     ~~King County shoreline ((management)) master program ((when property under the~~  
886     ~~jurisdiction of the Shoreline Management Act is involved in a request for a decision in~~  
887     ~~any of the following programs:~~

- 888           ~~1. Building permit;~~
- 889           ~~2. Right of way construction permit;~~
- 890           ~~3. Short subdivision;~~
- 891           ~~4. Grading permit;~~
- 892           ~~5. Site plan approval;~~
- 893           ~~6. Access permit;~~
- 894           ~~7. Trail permit;~~
- 895           ~~8. State flood control zone permit;~~
- 896           ~~9. Zoning variance;~~
- 897           ~~10. Conditional use permit;~~
- 898           ~~11. Comprehensive plan amendment or addition;~~
- 899           ~~12. Zone reclassification;~~
- 900           ~~13. Special use permit;~~
- 901           ~~14. Urban planned development approval;~~
- 902           ~~15. Subdivision approval.~~

903           ~~16. Mobile home park permit;~~  
904           ~~17. Mobile home permit; and~~  
905           ~~18. Recreational vehicle park permit;~~  
906           ~~19. Commercial site development permit))~~ must be met before issuing any  
907 permits or approvals on land within the shoreline jurisdiction.

908           SECTION 24. K.C.C. 25.12.030, as amended by this ordinance, is hereby  
909 recodified as a new section in the new chapter established in section 16 of this ordinance.

910           SECTION 25. Ordinance 3688, Section 303, and K.C.C. 25.12.030 are each  
911 hereby amended to read as follows:

912           ~~((Each environment designation shall))~~ A. The King County shoreline  
913 jurisdiction consists of:

914           ~~((A. The entire water body from its centerline or point, including all water below~~  
915 ~~the surface;~~

916           ~~B. The associated wetlands, provided, in those cases where a floodplain or other~~  
917 ~~severe biophysical limitation to development does not cover the entire associated~~  
918 ~~wetland, one environment designation may be placed on the floodplain portion of the~~  
919 ~~wetland or the portion of the wetland with severe biophysical limitations and another on~~  
920 ~~the remaining portion of the wetland;~~

921           ~~C. In shoreline areas where severe biophysical constraints such as flood plains,~~  
922 ~~steep slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire~~  
923 ~~associated wetland, proposed development in the remaining area may be permitted~~  
924 ~~consistent with the character of the surrounding land use, the physical capabilities of the~~  
925 ~~associated wetland and applicable county land use plans and policies))~~ 1. All water areas

926 of the state, as defined in RCW 90.58.030, including reservoirs and associated wetlands,  
927 together with the lands underlying them, except for:

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

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

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

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

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

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

942 C. The King County shoreline jurisdiction is shown on a map adopted in chapter  
943 5 of the King County Comprehensive Plan. If there is a discrepancy between the map  
944 and the criteria established in subsection A. of this section, the criteria shall constitute the  
945 official King County shoreline jurisdiction.

946 SECTION 26. K.C.C. 25.12.020, as amended by this ordinance, is hereby  
947 recodified as a new section in the new chapter established in section 16 of this ordinance.

948            SECTION 27. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each  
949 hereby amended to read as follows:

950            A. In order to accomplish the ~~((purpose of this title, environmental))~~ goals,  
951 policies and regulations of the King County shoreline master program, the following  
952 shoreline environment designations have been established ~~((to be known as follows))~~:

953            ~~((A.))~~ 1. ~~((Natural environment))~~ High Intensity shoreline;

954            ~~((B.))~~ 2. ~~((Conservancy environment))~~ Residential shoreline;

955            ~~((C.))~~ 3. Rural ~~((environment))~~ shoreline;

956            ~~((D.))~~ 4. ~~((Urban environment))~~ Conservancy shoreline;

957            5. Resource shoreline;

958            6. Forestry shoreline;

959            7. Natural shoreline; and

960            8. Aquatic.

961            B. The shoreline environment designations are included on a map in chapter 5 of  
962 the King County Comprehensive Plan. If there is a discrepancy between the map and the  
963 criteria established in chapter 5 of the King County Comprehensive Plan for shoreline  
964 environment designations, the criteria shall constitute the official King County shoreline  
965 environment designation. Any parcel of land included within the shoreline jurisdiction  
966 without a shoreline environment designation shall be considered within the Conservancy  
967 environment.

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

969            1. The purpose of the High Intensity shoreline is to provide for high intensity  
970 water-oriented commercial and industrial uses;

971           2. The purpose of the Residential shoreline is to accommodate residential and  
972 commercial uses on a scale appropriate with urban residential zones;

973           3. The purpose of the Rural shoreline is to accommodate land uses normally  
974 associated with rural area levels of development while providing appropriate public  
975 access and recreational uses to the maximum extent practicable;

976           4. The purpose of the Conservancy shoreline is to conserve areas that are a high  
977 priority for restoration, include valuable historic properties or provide recreational  
978 opportunities;

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

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

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

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

989           SECTION 28. K.C.C. 25.12.050, as amended by this ordinance, is hereby  
990 recodified as a new section in the new chapter established in section 16 of this ordinance.

991           SECTION 29. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each  
992 hereby amended to read as follows:

993 A. ~~((Boundaries indicated as following streets, highways, roads and bridges shall~~  
994 ~~be deemed to follow the centerline of such facilities unless otherwise specified.~~

995 B. ~~Boundaries indicated as following railroad lines and transmission lines shall~~  
996 ~~be deemed to follow the centerline of such rights of way or easements unless otherwise~~  
997 ~~specified.~~

998 C.) Where different ~~((environmental))~~ environment designations have been  
999 given to a tributary and the main stream at the point of confluence, the ~~((environmental))~~  
1000 environment designation given to the main stream shall extend for a distance of two  
1001 hundred feet up the tributary.

1002 ~~((D.))~~ B. In case of uncertainty as to a wetland or environment boundary, the  
1003 director shall determine its exact location ~~((pursuant to the criteria of WAC 173-22-055~~  
1004 ~~and))~~ in accordance with RCW 90.58.030 and ~~((the provisions of))~~ this chapter.

1005 NEW SECTION. SECTION 30. A. Shoreline use is an activity that is allowed  
1006 within a specific shoreline environment. Shoreline uses are identified in section 31 of  
1007 this ordinance.

1008 B. Shoreline modification is construction of a physical element such as a  
1009 bulkhead, groin, berm, jetty, breakwater, dredging, filling, vegetation removal or  
1010 alteration or application of chemicals that changes the natural or existing shoreline  
1011 conditions. Shoreline modifications are identified in section 39 of this ordinance.

1012 C. King County shall ensure that uses and modifications within the shoreline  
1013 jurisdiction do not cause a net loss of shoreline ecological functions and comply with the  
1014 sequencing requirements under section 129 of this ordinance.

1015            NEW SECTION. SECTION 31. A. The shoreline use table in this section  
1016 determines whether a specific use is allowed within each of the shoreline environments.  
1017 The shoreline environment is located on the vertical column and the specific use is  
1018 located on the horizontal row of the table. The specific uses are grouped by the shoreline  
1019 use categories in WAC 173-26-241. The specific uses are defined by those uses in  
1020 K.C.C. chapter 21A.08. The table should be interpreted as follows:

1021            1. If the cell is blank in the box at the intersection of the column and the row,  
1022 the use is prohibited in that shoreline environment;

1023            2. If the letter "P" appears in the box at the intersection of the column and the  
1024 row, the use may be allowed within the shoreline environment;

1025            3. If the letter "C" appears in the box at the intersection of the column and the  
1026 row, the use may be allowed within the shoreline environment subject to the shoreline  
1027 conditional use review procedures specified in K.C.C. 25.32.050, as recodified by this  
1028 ordinance.

1029            4. If a number appears in the box at the intersection of the column and the row,  
1030 the use may be allowed subject to the appropriate review process in this section, the  
1031 general requirements of this chapter and the specific development conditions indicated  
1032 with the corresponding number in subsection C. of this section. If more than one number  
1033 appears after a letter, all numbers apply.

1034            5. If more than one letter-number combination appears in the box at the  
1035 intersection of the column and the row, the use is allowed in accordance with each letter-  
1036 number combination.

1037           6. A shoreline use may be allowed in the aquatic environment only if that  
 1038 shoreline use is allowed in the adjacent shoreland environment.

1039           7. This section does not authorize a land use that is not allowed by the  
 1040 underlying zoning, but may add additional restrictions or conditions or prohibit specific  
 1041 land uses within the shoreline jurisdiction. When there is a conflict between the  
 1042 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,  
 1043 preference for shoreline uses shall first be given to water-dependent uses, then to water  
 1044 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction  
 1045 must comply with all relevant county code provisions and with the King County  
 1046 Shoreline Master Program.

1047           **B. Shoreline uses**

<b>KEY P</b> - Permitted Use. <b>C</b> - Shoreline Conditional Use.	H I I N G T H E N S I A S L I T Y	RE SI DE NT IA L	RU RA L	CO NS ER VA NC Y	RE SO UR CE RY L	FO RE ST RA TI C	NA TU RA L	AQ UA TI C
<b>Agriculture</b>								

Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture</b>								
Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)	P2							
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 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						
<b>Government Services</b>								
Government services except commuter parking lot, utility facility and private stormwater management	P9	C10						

facility (K.C.C. 21A.08.060)								
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								
Manufacturing (K.C.C. 21A.08.080)	P12							
<b>In-stream structural uses</b>								
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	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.								C16

21A.08.090)								
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational Development</b>								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
<b>Residential Development</b>								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28

<b>Transportation and parking</b>								
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)								
<b>Utilities</b>								
Utility facility (K.C.C. 21A.08.060)	P26	C26						
<b>Regional land uses</b>								
Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	P30							

1048 C. Development conditions:

1049 1. Only low intensity agriculture is allowed in the Natural environment.

1050 2.a. The supporting infrastructure for aquaculture may be located landward of

1051 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

1052           b. The aquaculture operation must meet the standards in section 32 of this  
1053 ordinance.

1054           c. In aquatic areas adjacent to the residential shoreline environment, net pen  
1055 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
1056 high water mark of this environment, unless the department allows a specific lesser  
1057 distance that it determines is appropriate based upon a visual impact analysis. Other  
1058 types of floating culture facilities may be located within one thousand five hundred feet  
1059 of the ordinary high water mark if supported by a visual impact analysis.

1060           d. In aquatic areas adjacent to the rural shoreline environment, net pen  
1061 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
1062 high water mark of this environment, unless the department allows a specific lesser  
1063 distance that it determines is appropriate based upon a visual impact analysis.

1064           e. In the natural shoreline environment and aquatic areas adjacent to the natural  
1065 shoreline environment, limited to aquaculture activities that do not require structures,  
1066 facilities or mechanized harvest practices and that will not alter the natural character of  
1067 the site or alter natural systems or features.

1068           3.a. New marinas are not allowed along the east shore of Maury Island, from  
1069 Piner Point to Point Robinson.

1070           b. Marinas must meet the standards in section 33 of this ordinance.

1071           4. Water dependent general services land uses in K.C.C. 21A.08.050 are  
1072 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only  
1073 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
1074 do not have an easement that provides direct access to the water.

1075           5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are  
1076 allowed.

1077           b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are  
1078 only allowed as part of a shoreline mixed-use development that includes water-dependent  
1079 uses.

1080           c. Non-water-oriented general services land uses must provide a significant  
1081 public benefit by helping to achieve one or more of the following shoreline master  
1082 program goals:

1083           i. economic development for uses that are water-dependent;

1084           ii. public access;

1085           iii. water-oriented recreation;

1086           iv. multimodal transportation circulation;

1087           v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife  
1088 habitat; or

1089           vi. preservation of historic properties.

1090           6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

1091 Water-related business services uses are only allowed as part of a shoreline mixed-use  
1092 development and only if they support a water-dependent use. The water-related business  
1093 services uses must comprise less than one-half of the square footage of the structures or  
1094 the portion of the site within the shoreline jurisdiction.

1095           7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

1096           b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as  
1097 part of a shoreline mixed-use development if the non-water-dependent retail use supports

1098 a water-dependent use. Non-water-dependent uses must comprise less than one-half of  
1099 the square footage of the structures or the portion of the site within the shoreline  
1100 jurisdiction.

1101 c. Non-water-oriented retail uses must provide a significant public benefit by  
1102 helping to achieve one or more of the following shoreline master program goals:

1103 i. economic development for uses that are water-dependent;

1104 ii. public access;

1105 iii. water-oriented recreation;

1106 iv. multimodal transportation circulation;

1107 v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife  
1108 habitat; and

1109 vi. preservation of historic properties.

1110 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-  
1111 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a  
1112 significant public benefit by helping to achieve one or more of the following shoreline  
1113 master program goals:

1114 a. economic development for uses that are water-dependent;

1115 b. public access;

1116 c. water-oriented recreation;

1117 d. multimodal transportation circulation;

1118 e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife  
1119 habitat; and

1120 f. preservation of historic properties.

1121 9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

1122 b. Non-water-dependent government services in K.C.C. 21A.08.060 are only  
1123 allowed as part of a shoreline mixed-use development if the non-water-dependent  
1124 government use supports a water-dependent use. Non-water-dependent uses must  
1125 comprise less than one-half of the square footage of the structures or the portion of the  
1126 site within the shoreline jurisdiction. Only low-intensity water-dependent government  
1127 services are allowed in the Natural environment.

1128 10. The following standards apply to government services uses within the  
1129 Aquatic environment:

1130 a. Stormwater and sewage outfalls are allowed if upland treatment and  
1131 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on  
1132 critical saltwater habitats, salmon migratory habitat and the nearshore zone. However,  
1133 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,  
1134 except from Piner Point to Point Robinson;

1135 b. Water intakes shall not be located near fish spawning, migratory or rearing  
1136 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife  
1137 fish screening criteria. To the maximum extent practical, intakes should be placed at  
1138 least thirty feet below the ordinary high water mark;

1139 c. Desalinization facilities shall not be located near fish spawning, migratory or  
1140 rearing areas. Intakes should generally be placed deeper than thirty feet below the  
1141 ordinary high water mark and must adhere to Washington state Department Fish and  
1142 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated  
1143 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner

1144 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on  
1145 critical saltwater habitats, salmon migratory habitat and the nearshore zone;

1146 d. Cable crossings for telecommunications and power lines shall:

1147 (1) be routed around or drilled below aquatic critical habitat or species;

1148 (2) be installed in sites free of vegetation, as determined by physical or video  
1149 seabed survey;

1150 (3) be buried, preferably using directional drilling, from the uplands to  
1151 waterward of the deepest documented occurrence of native aquatic vegetation; and

1152 (4) use the best available technology;

1153 e. Oil, gas, water and other pipelines shall meet the same standards as cable  
1154 crossings and in addition:

1155 (1) pipelines must be directionally drilled to depths of seventy feet or one half  
1156 mile from the ordinary high water mark; and

1157 (2) use the best available technology for operation and maintenance;

1158 f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or  
1159 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

1160 11. Only low intensity forestry is allowed in the Natural environment and all  
1161 forestry must meet the standards in K.C.C. 25.20.060, as recodified by this ordinance.

1162 12. Manufacturing uses in the shoreline environment must give preference first  
1163 to water-dependent manufacturing uses and second to water-related manufacturing uses:

1164 a. Non-water-oriented manufacturing uses are allowed only:

1165 (1) as part of a shoreline mixed-use development that includes a water-  
1166 dependent use, but only if the water-dependent use comprises over fifty percent of the  
1167 floor area or portion of the site within the shoreline jurisdiction;

1168 (2) on sites where navigability is severely limited; or

1169 (3) on sites that are not contiguous with the ordinary high water mark or on  
1170 sites that do not have an easement that provides direct access to the water; and

1171 (4) all non-water-oriented manufacturing uses must also provide a significant  
1172 public benefit, such as ecological restoration, environmental clean-up, historic  
1173 preservation or water-dependent public education;

1174 b. public access is required for all manufacturing uses unless it would result in  
1175 a public safety risk or is incompatible with the use;

1176 c. shall be located, designed and constructed in a manner that ensures that there  
1177 are no significant adverse impacts to other shoreline resources and values.

1178 d. restoration is required for all new manufacturing uses;

1179 e. boat repair facilities are not permitted within the Maury Island Aquatic

1180 Reserve, except as follows:

1181 (1) engine repair or maintenance conducted within the engine space without  
1182 vessel haul-out;

1183 (2) topside cleaning, detailing and bright work;

1184 (3) electronics servicing and maintenance;

1185 (4) marine sanitation device servicing and maintenance that does not require  
1186 haul-out;

1187 (5) vessel rigging; and

1188           (6) minor repairs or modifications to the vessel's superstructure and hull  
1189 above the waterline that do not exceed twenty-five percent of the vessel's surface area  
1190 above the waterline.

1191           13. The water-dependent in-stream portion of a hydroelectric generation facility,  
1192 wastewater treatment facility and municipal water production are allowed, including the  
1193 upland supporting infrastructure, and shall provide for the protection and preservation, of  
1194 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
1195 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
1196 hydrogeological processes, and natural scenic vistas.

1197           14. New in-stream portions of utility facilities may be located within the  
1198 shoreline jurisdiction if:

1199           a. there is no feasible alternate location;

1200           b. provision is made to protect and preserve ecosystem-wide processes,  
1201 ecological functions, and cultural resources, including, but not limited to, fish and fish  
1202 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
1203 and natural scenic vistas; and

1204           c. the use complies with the standards in K.C.C. 25.16.160, as recodified by  
1205 this ordinance.

1206           15. Limited to in-stream infrastructure, such as bridges, and must consider the  
1207 priorities of the King County Shoreline Protection and Restoration Plan when designing  
1208 in-stream transportation facilities. In-stream structures shall provide for the protection  
1209 and preservation, of ecosystem-wide processes, ecological functions, and cultural

1210 resources, including, but not limited to, fish and fish passage, wildlife and water  
1211 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.  
1212           16. Limited to hatchery and fish preserves.  
1213           17. Mineral uses:  
1214           a. must meet the standards in K.C.C. Chapter 21A.22;  
1215           b. must be dependent upon a shoreline location;  
1216           c. must avoid and mitigate adverse impacts to the shoreline environment  
1217 during the course of mining and reclamation to achieve no net loss of shoreline ecological  
1218 function. In determining whether there will be no net loss of shoreline ecological  
1219 function, the evaluation may be based on the final reclamation required for the site.  
1220 Preference shall be given to mining proposals that result in the creation, restoration, or  
1221 enhancement of habitat for priority species;  
1222           d. must provide for reclamation of disturbed shoreline areas to achieve  
1223 appropriate ecological functions consistent with the setting;  
1224           e. may be allowed within the active channel of a river only as follows:  
1225           i. removal of specified quantities of sand and gravel or other materials at  
1226 specific locations will not adversely affect the natural processes of gravel transportation  
1227 for the river system as a whole;  
1228           ii. the mining and any associated permitted activities will not have significant  
1229 adverse impacts to habitat for priority species nor cause a net loss of ecological functions  
1230 of the shoreline; and  
1231           iii. if no review has been previously conducted under this subsection C.17.e.,  
1232 prior to renewing, extending or reauthorizing gravel bar and other in-channel mining

1233 operations in locations where they have previously been conducted, the department shall  
1234 require compliance with this subsection C.17.e. If there has been prior review, the  
1235 department shall review previous determinations comparable to the requirements of this  
1236 section C.17.e. to ensure compliance with this subsection under current site conditions;  
1237 and

1238 f. Must comply with K.C.C. 25.16.190, as recodified by this ordinance.

1239 18. Only water-dependent recreational uses are allowed, except for public parks  
1240 and trails, in the High Intensity environment and must meet the standards in section 36 of  
1241 this ordinance for public access and K.C.C. 25.16.200, as recodified by this ordinance,  
1242 for recreation.

1243 19. Water-dependent and water-enjoyment recreational uses are allowed in the  
1244 Residential, Rural and Forestry environments and must meet the standards in section 36  
1245 of this ordinance for public access and K.C.C. 25.16.200, as recodified by this ordinance,  
1246 for recreation.

1247 20. In the Conservancy environment, only the following recreation uses are  
1248 allowed and must meet the standards in section 36 of this ordinance for public access and  
1249 K.C.C. 25.16.200, as recodified by this ordinance, for recreation:

1250 a. parks; and

1251 b. trails.

1252 21. In the Natural environment, only passive and low-impact recreational uses  
1253 are allowed.

1254 22. Single detached dwelling units must be located outside of the aquatic area  
1255 buffer and set back from the ordinary high water mark to the maximum extent practical.

1256           23. Only allowed as part of a water-dependent shoreline mixed-use development  
1257 where water-dependent uses comprise more than half of the square footage of the  
1258 structures on the portion of the site within the shoreline jurisdiction.

1259           24. Residential accessory uses must meet the following standards:

1260           a. docks, piers, moorage, buoys, floats or launching facilities must meet the  
1261 standards in K.C.C. 25.16.120, as recodified by this ordinance;

1262           b. residential accessory structures located within the aquatic area buffer shall  
1263 be limited to a total footprint of one-hundred fifty square feet; and

1264           c. accessory structures shall be sited to preserve visual access to the shoreline  
1265 to the maximum extent practical.

1266           25. New highway and street construction is allowed only if there is no feasible  
1267 alternate location. Only low-intensity transportation infrastructure is allowed in the  
1268 Natural environment.

1269           26. Utility facilities are subject to the standards in K.C.C. 25.16.160, as  
1270 recodified by this ordinance.

1271           27. Only bed and breakfast guesthouses.

1272           28. Only in a marina.

1273           29. Transportation facilities are subject to the standards in section 56 of this  
1274 ordinance.

1275           30. Only solid waste transfer stations and subject to K.C.C. 25.16.160, as  
1276 recodified by this ordinance.

1277            NEW SECTION. SECTION 32. An applicant for an aquaculture facility must  
1278 use the sequential measures in section 129 of this ordinance. The following standards  
1279 apply to aquaculture:

1280            A. Unless the applicant demonstrates that the substrate modification will result in  
1281 an increase in habitat diversity, aquaculture that involves little or no substrate  
1282 modification shall be given preference over aquaculture that involves substantial  
1283 substrate modification and the degree of proposed substrate modification shall be limited  
1284 to the maximum extent practical.

1285            B. The installation of submerged structures, intertidal structures and floating  
1286 structures shall be limited to the maximum extent practical.

1287            C. Aquaculture proposals that involve substantial substrate modification or  
1288 sedimentation through dredging, trenching, digging, mechanical clam harvesting or other  
1289 similar mechanisms, shall not be permitted in areas where the proposal would adversely  
1290 impact critical saltwater habitats.

1291            D. Aquaculture activities that after implementation of mitigation measures would  
1292 have a significant adverse impact on natural, dynamic shoreline processes or that would  
1293 result in a net loss of shoreline ecological functions shall be prohibited.

1294            E. Aquaculture should not be located in areas that will result in significant  
1295 conflicts with navigation or other water-dependent uses.

1296            F. Aquaculture facilities shall be designed, located and managed to prevent the  
1297 spread of diseases to native aquatic life or the spread of new nonnative species.

1298            G. Aquaculture practices shall be designed to minimize use of artificial chemical  
1299 substances and shall use chemical compounds that are least persistent and have the least

1300 impact on plants and animals. Herbicides and pesticides shall be used only in  
1301 conformance with state and federal standard and to the minimum extent needed for the  
1302 health of the aquaculture activity.

1303 H. Commercial salmon net pen facilities shall not be located in King County  
1304 waters. These do not include subsistence salmon net pen facilities operated by tribes with  
1305 treaty fishing rights or the limited penned cultivation of wild salmon stocks during a  
1306 limited portion of their lifecycle to enhance restoration of native stocks or when  
1307 implemented as mitigation for a development activity, but only when such activities  
1308 involve minimal supplemental feeding and limited use of chemicals or antibiotics as  
1309 provided in subsection G. of this section.

1310 I. If uncertainty exists regarding potential impacts of a proposed aquaculture  
1311 activity and for all experimental aquaculture activities, unless otherwise provided for, the  
1312 department may require baseline and periodic operational monitoring by a county-  
1313 approved consultant, at the applicant's expense, and shall continue until adequate  
1314 information is available to determine the success of the project and the magnitude of any  
1315 probable significant adverse environmental impacts. Permits for such activities shall  
1316 include specific performance measures and provisions for adjustment or termination of  
1317 the project at any time if monitoring indicates significant, adverse environmental impacts  
1318 that cannot be adequately mitigated.

1319 J. Aquaculture developments approved on an experimental basis shall not exceed  
1320 five acres in area, except land-based projects and anchorage for floating systems, and  
1321 three years in duration. The department may issue a new permit to continue an  
1322 experimental project as many times as it determines is necessary and appropriate.

1323 K. The department may require aquaculture operations to carry liability insurance  
1324 in an amount commensurate with the risk of injury or damage to any person or property  
1325 as a result of the project. Insurance requirements shall not be required to duplicate  
1326 requirements of other agencies.

1327 L. If aquaculture activities are authorized to use public facilities, such as boat  
1328 launches or docks, King County may require the applicant to pay a portion of the cost of  
1329 maintenance and any required improvements commensurate with the use of those  
1330 facilities.

1331 M. New aquatic species that are not previously cultivated in Washington state  
1332 shall not be introduced into King County saltwaters or freshwaters without prior written  
1333 approval of the Director of the Washington state Department of Fish and Wildlife and the  
1334 Director of the Washington Department of Health. This prohibition does not apply to:  
1335 Pacific, Olympia, Kumomoto, Belon or Virginica oysters; Manila, Butter, or Littleneck  
1336 clams; or Geoduck clams.

1337 N. Unless otherwise provided in the shoreline permit issued by the department,  
1338 repeated introduction of an approved organism after harvest in the same location shall  
1339 require approval by the county only at the time the initial aquaculture use permit is  
1340 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic  
1341 organism in any area within the waters of King County regardless of whether it is a native  
1342 or resident organism within the county and regardless of whether it is being transferred  
1343 from within or without the waters of King County.

1344 O. For aquaculture projects, over-water structures shall be allowed only if  
1345 necessary for the immediate and regular operation of the facility. Over-water structures

1346 shall be limited to the, storage of necessary tools and apparatus in containers of not more  
1347 than three feet in height, as measured from the surface of the raft or dock.

1348 P. Except for the sorting or culling of the cultured organism after harvest and the  
1349 washing or removal of surface materials or organisms before or after harvest, no  
1350 processing of any aquaculture product shall occur in or over the water unless specifically  
1351 approved by permit. All other processing and processing facilities shall be located  
1352 landward of the ordinary high water mark.

1353 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict  
1354 compliance with all applicable governmental waste disposal standards, including, but not  
1355 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water  
1356 Pollution Control. No garbage, wastes or debris shall be allowed to accumulate at the site  
1357 of any aquaculture operation.

1358 R. Unless approved in writing by the National Marine Fisheries Service or the  
1359 U.S. Fish and Wildlife Service, predator control shall not involve the killing or  
1360 harassment of birds or mammals. Approved controls include, but are not limited to,  
1361 double netting for seals, overhead netting for birds and three-foot high fencing or netting  
1362 for otters. The use of other nonlethal, nonabusive predator control measures shall be  
1363 contingent upon receipt of written approval from the National Marine Fisheries Service  
1364 or the U.S. Fish and Wildlife Service, as required.

1365 S. Fish net pens and rafts shall meet the following criteria in addition to the other  
1366 applicable regulations of this section:

1367 1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent  
1368 with the recommendations in the Washington state Department of Natural Resources

1369 Maury Island Environmental Aquatic Reserve Final Management Plan (October 29,  
1370 2004);

1371           2. Fish net pens shall meet, at a minimum, state approved administrative  
1372 guidelines for the management of net pen cultures. In the event there is a conflict in  
1373 requirements, the more restrictive requirement shall prevail;

1374           3. Fish net pens shall not occupy more than two surface acres of water area,  
1375 excluding booming and anchoring requirements. Anchors that minimize disturbance to  
1376 substrate, such as helical anchors, shall be employed. Such operations shall not use  
1377 chemicals or antibiotics;

1378           4. Aquaculture proposals that include new or added net pens or rafts shall not be  
1379 located closer than one nautical mile to any other aquaculture facility that includes net  
1380 pens or rafts. The department may authorize a lesser distance if the applicant  
1381 demonstrates to the satisfaction of the department that the proposal will be consistent  
1382 with the environmental and aesthetic policies and objectives of this chapter and the  
1383 Shoreline Master Program. The applicant shall demonstrate to the satisfaction of the  
1384 department that the cumulative impacts of existing and proposed operations would not be  
1385 contrary to the policies and regulations of the program;

1386           5. Net cleaning activities shall be conducted on a frequent enough basis so as  
1387 not to violate state water quality standards. When feasible, the cleaning of nets and other  
1388 apparatus shall be accomplished by air drying, spray washing or hand washing; and

1389           6. In the event of a significant fish kill at the site of a net pen facility, the fin fish  
1390 aquaculture operator shall submit a timely report to Public Health - Seattle-King County,

1391 Environmental Health Division and the department stating the cause of death and shall  
1392 detail remedial actions to be implemented to prevent reoccurrence.

1393 T. All floating and submerged aquaculture structures and facilities in navigable  
1394 waters shall be marked in accordance with United States Coast Guard requirements.

1395 U. The rights of treaty tribes to aquatic resources within their usual and  
1396 accustomed areas shall be addressed through direct coordination between the applicant  
1397 and the affected tribes through the permit review process.

1398 V. Aquaculture structures and equipment shall be of sound construction and shall  
1399 be so maintained. Abandoned or unsafe structures and equipment shall be removed or  
1400 repaired promptly by the owner. Where any structure might constitute a potential hazard  
1401 to the public in the future, the department shall require the posting of a bond  
1402 commensurate with the cost of removal or repair. The department may abate an  
1403 abandoned or unsafe structure in accordance with K.C.C. Title 23.

1404 NEW SECTION. SECTION 33. Public boat launching facilities and marinas  
1405 must meet the following standards:

1406 A. The traffic generated the facility must be safely and conveniently handled by  
1407 the streets serving the proposed facility;

1408 B. The facility must provide adequate parking in accordance with K.C.C. chapter  
1409 21A.18;

1410 C. Live-aboards on a vessel are only allowed in a marina and only as follows:

1411 1. They are for residential use only;

1412 2. The marina shall provide shower and toilet facilities on land;

1413 3. There shall be no sewage discharges to the water;

1414 4. Live-aboards shall not exceed ten percent of the total slips in the marina; and

1415 5. The vessels shall be owner-occupied;

1416 D. The marina must be sited to protect the rights of navigation;

1417 E. The marina must be equipped with pumpout facilities;

1418 F. The marina must have provisions available for cleanup of accidental spills of

1419 contaminants;

1420 G. Marinas and boat ramps must be located where their development will not

1421 interrupt littoral currents, at the ends of drift cells and away from erosional pocket

1422 beaches;

1423 H. Lighting shall be maintained to avoid creating shading for aquatic predator

1424 species and other impacts to upland wildlife;

1425 I. Vessels moored on waters of the state shall obtain any required lease or

1426 permission from the state; and

1427 J. New covered or enclosed moorages are not allowed in the Maury Island

1428 aquatic reserve.

1429 SECTION 34. K.C.C. 25.20.060, as amended by this ordinance, is hereby

1430 recodified as a new section in the new chapter established in section 16 of this ordinance.

1431 SECTION 35. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060,

1432 are each hereby amended to read as follows:

1433 ~~((Forest practices may be permitted in the rural environment provided:))~~ A.

1434 Forest practices ~~((see chapter 76.09 RCW) within shorelines require a shoreline~~

1435 ~~conditional use permit when occurring outside of the lands classified F in the King~~

1436 ~~County zoning code. Forest practices within shorelines on lands classified F in the King~~

1437 ~~County zoning code shall require a shoreline conditional use permit when))~~ within  
1438 ~~shorelines of statewide significance ((are involved or the forest practices would~~  
1439 ~~potentially impact))~~ shall meet the following conditions:

- 1440 ~~1. ((Geological hazards which could damage public resources;~~
- 1441 ~~2. State threatened or endangered species;~~
- 1442 ~~3. Critical wildlife habitat;~~
- 1443 ~~4. Streams which could create instability of the drainage or affect temperature or~~  
1444 ~~sediment delivery to other streams resulting in damage to public resources;~~
- 1445 ~~5. Identified critical areas of watersheds supplying fish hatcheries, artificial~~  
1446 ~~rearing areas, domestic or municipal water systems;~~
- 1447 ~~6. Areas having archeological or cultural significance;~~
- 1448 ~~7. Areas with a high potential of soil erosion.))~~ Only selective commercial  
1449 timber harvest is allowed, except other timber harvesting methods may be permitted  
1450 where the topography, soil conditions or silviculture practices necessary for forest  
1451 regeneration render selective commercial timber harvests ecologically detrimental;
- 1452 2. No more than thirty percent of the merchantable trees may be harvested in  
1453 any ten year period of time; and
- 1454 3. Clear cutting of timber that is necessary for the preparation of land for other  
1455 uses authorized by the King County shoreline master program may be permitted so long  
1456 as limited to the maximum extent practical.

1457 B. ~~((Buffers. On all forest practices requiring a shoreline conditional use permit,~~  
1458 ~~a minimum buffer of 100 feet from either the ordinary high water mark or the edge of the~~  
1459 ~~FEMA floodway, whichever is greater, shall be established. The buffer shall be extended~~

---

1460 as necessary pursuant to the sensitive areas code to protect critical fish habitat for  
1461 spawning or rearing; to alleviate surface water runoff problems; to protect habitat for  
1462 endangered, threatened, sensitive or monitor species listed by the federal government or  
1463 the state of Washington; to control erosion hazards or for other reasons set out in K.C.C.  
1464 chapter 21A.24. ~~Along shorelines outside of lands classified F, there shall be no harvest~~  
1465 ~~of timber within the buffer except for necessary roads and crossings. Along shorelines~~  
1466 ~~within the lands classified F where a conditional use permit is required, timber harvest~~  
1467 ~~within the buffer is permitted so long as the functions of the buffer are not damaged and~~  
1468 ~~the applicant submits a harvest plan for review and approval.~~

1469 C. ~~All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be~~  
1470 ~~kept clear of obstructions. The minimum size for culverts shall be fifteen inches in~~  
1471 ~~diameter.~~

1472 D. ~~Culverts installed in streams used by fish shall meet all requirements set by~~  
1473 ~~the state Department of Fish and Wildlife and K.C.C. chapter 9.04.~~

1474 E. ~~Roads and landings shall not be constructed within shoreline areas~~  
1475 ~~except when necessary to:~~

1476 1. ~~Cross streams;~~

1477 2. ~~Avoid road construction on unstable soils or on steep slopes when such~~  
1478 ~~construction would be more harmful than a shoreline location;~~

1479 3. ~~Perform water course improvement work only after approval of the state~~  
1480 ~~Department of Fish and Wildlife.~~

1481 F. ~~Roads shall minimize cut and fill.~~

1482           G. ~~Where roadside material is potentially unstable or erodible, it shall be~~  
1483 ~~stabilized by use of seeding, compacting, riprapping, benching or other suitable means.~~

1484           H. ~~Cut slopes shall not exceed:~~

1485                 ~~(X to Y) 1/4 to 1 in rock~~

1486                 ~~3/4 to 1 in stable soils~~

1487                 ~~1-1/2 to 1 in unstable soils~~

1488           I. ~~Side cast and embankment fill slopes shall not exceed:~~

1489                 ~~(X to Y) 1-1/3 to 1 in broken rock and stable soils~~

1490                 ~~1-1/2 to 1 in unstable soils~~

1491           J. ~~Running surface widths should be kept to a minimum, with not more than~~  
1492 ~~twenty six feet for two lane roads and not more than fourteen feet for single lane roads.~~

1493           K. ~~Embankment fills shall:~~

1494                 1. ~~Be constructed and compacted in layers no more than two feet thick;~~

1495                 2. ~~Consist of inorganic material with no buried slash or debris beneath the~~  
1496 ~~running surface;~~

1497                 3. ~~Not encroach upon a one hundred year floodplain so as to reduce its storage~~  
1498 ~~capacity or disturb riparian vegetation.~~

1499           L. ~~Where side cast would encroach upon a one hundred year floodplain, end haul~~  
1500 ~~construction is required.~~

1501           M. ~~Waterway crossings shall be constructed with minimum disturbance to banks~~  
1502 ~~and existing channels.~~

1503           N. ~~Any soil or debris accidentally placed in the channel during bridge~~  
1504 ~~construction shall be removed by approved methods. All exposed soils shall be stabilized.~~

1505 ~~O. All bridges shall be high enough to pass all anticipated debris and high water~~  
1506 ~~flows.~~

1507 ~~P. Where aggregate earthen materials are used for paving or accumulate on~~  
1508 ~~bridges, sufficient curbs shall be installed to contain the surface material.~~

1509 ~~Q. Each stringer bridge shall have one secured end and one end free to swing.~~

1510 ~~R. When active use of a logging road is discontinued, it shall be left in such~~  
1511 ~~condition to provide adequate drainage and soil stability.~~

1512 ~~S. Equipment used for transportation, storage or application of chemicals shall be~~  
1513 ~~maintained in leakproof condition. If there is evidence of chemical leakage, the further~~  
1514 ~~use of such equipment must be suspended until the deficiency has been satisfactorily~~  
1515 ~~corrected.~~

1516 ~~T. Materials treated with penta, creosote or other chemicals shall be dried~~  
1517 ~~completely before use in any lake or stream)) Forest practices in the Natural environment~~  
1518 ~~must be of low intensity and only for the purpose of enhancing forest health.~~

1519 C. Forest practices within shoreline environments must comply with the Forest  
1520 Practices Rules in Title 222 WAC and the revised Forest Practices Board Manual except:

1521 1. The small forest landowner forestry riparian easement program established in  
1522 chapter 222-21 WAC does not apply within shorelines; and

1523 2. Roads crossing wetlands and aquatic areas within shorelines shall not exceed  
1524 fourteen feet in width for single lane roads and twenty-six feet in width for two-lane  
1525 roads, plus any additional width needed for curves or safety conditions.

1526            NEW SECTION. SECTION 36. Public access, including pedestrian and bicycle  
1527 pathways, shall be located in accordance with the shoreline public access plan and as  
1528 follows:

1529            A. Except as otherwise provided in subsection B. of this section, public access  
1530 shall be required for:

- 1531            1. Attached residential developments;
- 1532            2. New subdivisions of more than four lots;
- 1533            3. Developments for water enjoyment, water related and non-water-dependent  
1534 uses;
- 1535            4. Publicly owned land, including, but not limited to, land owned by public  
1536 agencies and public utilities;
- 1537            5. Marinas; and
- 1538            6. Publicly financed shoreline stabilization projects.

1539            B. Public access shall:

- 1540            1. Connect to other public and private public access and recreation facilities on  
1541 adjacent parcels to the maximum extent practical;
- 1542            2. Be sited to ensure public safety is considered; and
- 1543            3. Be open to the general public;

1544            C. Public access is not required if the applicant demonstrates to the satisfaction of  
1545 the department that public access would be incompatible with the proposed use because  
1546 of safety or security issues, would result in adverse impacts to the shoreline environment  
1547 that cannot be mitigated or there are constitutional or other legal limitations that preclude  
1548 requiring public access;

1549 D. Public pedestrian and bicycle pathways and recreation areas constructed as  
1550 part of a private development proposal should enhance access and enjoyment of the  
1551 shoreline and provide features in scale with the development, such as:

- 1552 1. View points;
- 1553 2. Places to congregate in proportion to the scale of the development;
- 1554 3. Benches and picnic tables;
- 1555 4. Pathways; and
- 1556 5. Connections to other public and private public access and recreation  
1557 facilities; and

1558 E. Private access from single detached residences to the shoreline shall:

- 1559 1. Not exceed three feet in width;
- 1560 2. Avoid removal of significant trees and other woody vegetation to the  
1561 maximum extent practical; and
- 1562 3. Avoid a location that is parallel to the shoreline to the maximum extent  
1563 practical.

1564 SECTION 37. K.C.C. 25.16.200, as amended by this ordinance, is hereby  
1565 recodified as a new section in the new chapter established in section 16 of this ordinance.

1566 SECTION 38. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each  
1567 hereby amended to read as follows:

1568 Recreational development (~~((may be permitted in the urban environment subject to~~  
1569 ~~the general requirements (Section 25.16.030) of this chapter, and provided))~~ must meet  
1570 the following standards:

1571 A. The recreational development ((is)) must be permitted in the underlying  
1572 zone((-));

1573 B. Recreational uses in the Natural environment must be water-oriented;

1574 C. Swimming areas shall be separated from boat launch areas and marinas((-)), to  
1575 the maximum extent practical;

1576 (((-)) D. The development of underwater sites for sport diving shall not:

1577 1. Take place at depths of greater than eighty feet;

1578 2. Constitute a navigational hazard; and

1579 3. Be located in areas where the normal waterborne traffic would constitute a  
1580 hazard to those people who may use such a site((-));

1581 (((-)) E. The construction of swimming facilities, docks, piers, moorages, buoys,  
1582 floats and launching facilities below the ordinary high water mark shall be governed by  
1583 the regulations relating to docks, piers, ((and)) moorage, buoys, floats or launching  
1584 facility construction in ((the commercial development section (Section 25.16.070) of this  
1585 chapter.)) K.C.C. 25.16.120, as recodified by this ordinance;

1586 (((-)) F. Public boat launching facilities or marinas ((~~may be developed,~~  
1587 ~~provided:~~

1588 1. ~~The traffic generated by such a facility can be safely and conveniently~~  
1589 ~~handled by the streets serving the proposed facility;~~

1590 2. ~~The facility will not be located on a Class I beach.~~

1591 F. ~~Upland facilities constructed in conjunction with a recreational development~~  
1592 ~~shall be setback and/or sited to avoid contamination of the shorelines of the state.~~

1593 ~~G. All service facilities within and associated with marinas shall have provisions~~  
1594 ~~to prevent and control contaminants from entering the water. Provisions shall be~~  
1595 ~~available for cleanup of accidental spills of contaminants.~~

1596 ~~H. Marina facilities shall be prohibited on Class I beaches or where their~~  
1597 ~~development would interrupt littoral currents and starve Class I beaches.~~

1598 ~~I. Public pedestrian and bicycle pathways shall be permitted adjacent to water~~  
1599 ~~bodies.~~

1600 ~~J.) shall be governed by section 33 of this ordinance;~~

1601 G. Campgrounds in the Natural environment shall meet the following conditions:

1602 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if  
1603 not, be located outside of critical areas buffers;

1604 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

1605 3. Removal of vegetation shall be limited to the maximum extent practical;

1606 H. Public contact with unique and fragile areas shall be permitted where it is  
1607 possible without destroying the natural character of the area((-);

1608 ~~((K-))~~ I. Water viewing, nature study, recording and viewing shall be  
1609 accommodated by open space, platforms, benches or shelter, consistent with public safety  
1610 and security;

1611 J. Public recreation shall be provided on county-owned lands consistent with this  
1612 chapter unless the director determines public recreation is not compatible with other uses  
1613 on the site or will create a public safety risk; and

1614 K. To the maximum extent practical, proposals for non water oriented active  
1615 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be

1616 permitted where the non water oriented active recreation facility would have an adverse  
1617 impact on critical saltwater habitat.

1618 NEW SECTION. SECTION 39. A. The shoreline modification table in this  
1619 section determines whether a specific shoreline modification is allowed within each of  
1620 the shoreline environments. The shoreline environment is located on the vertical column  
1621 and the specific use is located on the horizontal row of the table. The specific  
1622 modifications are grouped by the shoreline modification categories in WAC 173-26-231.  
1623 The table should be interpreted as follows:

1624 1. If the cell is blank in the box at the intersection of the column and the row,  
1625 the modification is prohibited in that shoreline environment;

1626 2. If the letter "P" appears in the box at the intersection of the column and the  
1627 row, the modification may be allowed within the shoreline environment;

1628 3. If the letter "C" appears in the box at the intersection of the column and the  
1629 row, the modification may be allowed within the shoreline environment subject to the  
1630 shoreline conditional use review procedures specified in K.C.C. 25.32.050, as recodified  
1631 by this ordinance;

1632 4. If a number appears in the box at the intersection of the column and the row,  
1633 the modification may be allowed subject to the appropriate review process indicated in  
1634 this section and the specific development conditions indicated with the corresponding  
1635 number immediately following the table, and only if the underlying zoning allows the  
1636 modification. If more than one number appears at the intersection of the column and  
1637 row, both numbers apply; and

1638           5. If more than one letter-number combination appears in the box at the  
 1639 intersection of the column and the row, the modification is allowed within that shoreline  
 1640 environment subject to different sets of limitations or conditions depending on the review  
 1641 process indicated by the letter, the specific development conditions indicated in the  
 1642 development condition with the corresponding number immediately following the table.

1643           6. A shoreline modification may be allowed in the aquatic environment only if  
 1644 that shoreline modification is allowed in the adjacent shoreland environment.

1645           7. This section does not authorize a shoreline modification that is not allowed  
 1646 by the underlying zoning, but may add additional restrictions or conditions or prohibit  
 1647 specific modifications within the shoreline jurisdiction. All shoreline modifications in  
 1648 the shoreline jurisdiction must comply with all relevant county code provisions and with  
 1649 the King County Shoreline Master Program.

1650           B. Shoreline modifications.

<p><b>KEY P</b> - Permitted Modification. <b>C</b> - Shoreline Conditional Use Required. <b>Blank</b> - Prohibited. Shoreline modifications are allowed only if the underlying zoning allows the modification. Shoreline modifications are allowed in the aquatic</p>								
---	--	--	--	--	--	--	--	--

environment only if the adjacent upland environment allows the modification								
H I I N G T H E N S I T Y R E S I D E N T I A L R U R A L C O N S E R V A N C Y R E S O U R C E F O R E S T R Y N A T U R A L A Q U A T I C								
<b>Shoreline stabilization</b>								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2			P2
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
<b>Fill</b>								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins</b>								

<b>and weirs</b>								
Breakwaters, jetties, groins and weirs	P5 C5							
<b>Beach and dunes management</b>								
Not applicable in King County								
<b>Dredging and dredge material disposal</b>								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural systems enhancement projects</b>								
Habitat and natural systems enhancement projects	P7							
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

1651 C. Development conditions.

1652 1. New shoreline stabilization, including bulkheads, must meet the standards in

1653 K.C.C. 25.16.180, as recodified by this ordinance;

1654           2. Flood protection facilities must be consistent with the standards in K.C.C.  
1655 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,  
1656 2007 and the Integrated Stream Protection Guidelines (Washington state departments of  
1657 Fish and Wildlife, Ecology and Transportation, 2003). New flood protection facilities  
1658 designed as shoreline stabilization must meet the standards in K.C.C. 25.16.180, as  
1659 recodified by this ordinance.

1660           3. Docks, piers, moorage, buoys, floats or launching facilities must meet the  
1661 standards in K.C.C. 25.16.120, as recodified by this ordinance;

1662           4.a. Filling must meet the standards in K.C.C. 25.16.190, as recodified by this  
1663 ordinance.

1664           b. A shoreline conditional use permit is required to:

1665           (1) Place fill waterward of the ordinary high water mark for any use except  
1666 ecological restoration or for the maintenance and repair of flood protection facilities; and

1667           (2) Dispose of dredged material within shorelands or wetlands within a  
1668 channel migration zone;

1669           c. Fill shall not be placed in critical saltwater habitats except when all of the  
1670 following conditions are met:

1671           (1) The public's need for the proposal is clearly demonstrated and the  
1672 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1673           (2) Avoidance of impacts to critical saltwater habitats by an alternative  
1674 alignment or location is not feasible or would result in unreasonable and disproportionate  
1675 cost to accomplish the same general purpose;

1676 (3) The project including any required mitigation, will result in no net loss of  
1677 ecological functions associated with critical saltwater habitat; and

1678 (4) The project is consistent with the state's interest in resource protection and  
1679 species recovery.

1680 d. In a channel migration zone, any filling shall protect shoreline ecological  
1681 functions, including channel migration.

1682 5.a. Breakwaters, jetties, groins and weirs:

1683 (1) are only allowed where necessary to support water dependent uses, public  
1684 access, approved shoreline stabilization or other public uses, as determined by the  
1685 director;

1686 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
1687 habitat restoration project or as an alternative to construction of a shoreline stabilization  
1688 structure;

1689 (3) shall not intrude into or over critical saltwater habitats except when all of  
1690 the following conditions are met:

1691 (a) the public's need for the structure is clearly demonstrated and the  
1692 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

1693 (b) avoidance of impacts to critical saltwater habitats by an alternative  
1694 alignment or location is not feasible or would result in unreasonable and disproportionate  
1695 cost to accomplish the same general purpose;

1696 (c) the project including any required mitigation, will result in no net loss of  
1697 ecological functions associated with critical saltwater habitat; and

1698 (d) the project is consistent with the state's interest in resource protection  
1699 and species recovery.

1700 b. Groins are only allowed as part of a restoration project sponsored or  
1701 cosponsored by a public agency that has natural resource management as a primary  
1702 function.

1703 c. A conditional shoreline use permit is required, except for structures installed  
1704 to protect or restore shoreline ecological functions.

1705 6. Excavation, dredging and filling must meet the standards in K.C.C.  
1706 25.16.190, as recodified by this ordinance. A shoreline conditional use permit is required  
1707 to dispose of dredged material within shorelands or wetlands within a channel migration  
1708 zone

1709 7. If the department determines the primary purpose is restoration of the natural  
1710 character and ecological functions of the shoreline, a shoreline habitat and natural  
1711 systems enhancement project may include shoreline modification of vegetation, removal  
1712 of nonnative or invasive plants, shoreline stabilization, including the installation of large  
1713 woody debris, dredging and filling. Mitigation actions identified through biological  
1714 assessments required by the National Marine Fisheries Services and applied to flood  
1715 hazard mitigation projects may include shoreline modifications of vegetation, removal of  
1716 nonnative or invasive plants, shoreline stabilization, including the installation of large  
1717 woody debris, dredging and filling.

1718 8. Within the critical area and critical area buffer, vegetation removal is subject  
1719 to K.C.C. chapter 21A.24.

1720           9. Except for forest practices conducted under K.C.C. 25.20.060, as recodified  
1721 by this ordinance, existing native vegetation located outside of the critical area and  
1722 critical area buffer shall be retained to the maximum extent practical. Within the critical  
1723 area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

1724           SECTION 40. K.C.C. 25.16.180, as amended by this ordinance, is hereby  
1725 recodified as a new section in the new chapter established in section 16 of this ordinance.

1726           SECTION 41. Ordinance 3688, Section 413, as amended, and K.C.C. 25.16.180,  
1727 are each hereby amended to read as follows:

1728           A. Shoreline stabilization shall not be considered an outright use and shall be  
1729 permitted only when the department determines that shoreline protection is necessary for  
1730 the protection of existing legally established primary structures, new or existing non-  
1731 water-dependent development, new or existing water-dependent development or projects  
1732 restoring ecological functions or remediating hazardous substance discharges.  
1733 Vegetation, berms, bioengineering techniques and other nonstructural alternatives that  
1734 preserve the natural character of the shore shall be preferred over riprap, concrete  
1735 revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock  
1736 or other natural materials shall be preferred over concrete revetments, bulkheads,  
1737 breakwaters and other structural stabilization. Lesser impacting measures should be used  
1738 before more impacting measures.

1739           B. Structural ((S))shoreline ((protection)) stabilization may be permitted ((in the  
1740 urban environment, provided)) subject to the standards in this chapter and as follows:

1741            ((A-)) 1. The applicant provides a geotechnical analysis that demonstrates that  
1742 erosion from waves or currents is imminently threatening or that, unless the structural  
1743 shoreline stabilization is constructed, damage is expected to occur within three years;

1744            2. The erosion is not caused by upland conditions;

1745            3. The proposed structural shoreline protection will provide greater protection  
1746 than feasible, nonstructural alternatives such as slope drainage systems, vegetative  
1747 growth stabilization, gravel berms and beach nourishment;

1748            4. The proposal is the minimum necessary to protect existing legally established  
1749 primary structures, new or existing non-water-dependent development, new or existing  
1750 water-dependent development or projects restoring ecological functions or remediating  
1751 hazardous substance discharges; and

1752            5. Adequate mitigation measures will be provided to maintain existing shoreline  
1753 processes and critical fish and wildlife habitat and ensure no net loss or function of  
1754 intertidal or riparian habitat.

1755            C. Shoreline ((~~protection~~)) stabilization to replace existing shoreline  
1756 ((~~protection~~)) stabilization shall be placed ((~~along the same alignment as the shoreline~~  
1757 ~~protection it is replacing~~)) landward of the existing shoreline stabilization, but may be  
1758 placed waterward directly abutting the old structure only in cases where removal of the  
1759 old structure would result in ((~~construction problems;~~)) greater impact on ecological  
1760 functions. In critical saltwater habitats, existing shoreline stabilization shall not be  
1761 allowed to remain in place if the existing shoreline stabilization is resulting in the loss of  
1762 ecological functions. Adequate mitigation measures that maintain existing shoreline

1763 processes and critical fish and wildlife habitat must be provided that ensures no net loss  
1764 or function of intertidal or riparian habitat.

1765 ~~((B. On lots where the abutting lots on both sides have legally established~~  
1766 ~~bulkheads, a bulkhead may be installed no further waterward than the bulkheads on the~~  
1767 ~~abutting lots, provided that the horizontal distance between existing bulkheads on~~  
1768 ~~adjoining lots does not exceed one hundred feet. The manager may, upon review, permit~~  
1769 ~~a bulkhead to connect two directly adjoining bulkheads, for a distance up to one hundred~~  
1770 ~~fifty feet. In making such a determination the manager shall consider the amount of~~  
1771 ~~inter-tidal land/or water bottom to be covered, the existence of fish or shellfish resources~~  
1772 ~~thereon, and whether the proposed use or structure could be accommodated by other~~  
1773 ~~configurations of bulkhead which would result in less loss of shoreland, tideland, or~~  
1774 ~~water bottom;~~

1775 ~~C. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3)(e)(iii)~~  
1776 ~~exemption from the shoreline permit requirements and to insure that such bulkheads will~~  
1777 ~~be consistent with this program as required by RCW 90.58.141(1), the Building and Land~~  
1778 ~~Development Division shall review the proposed design as it relates to local physical~~  
1779 ~~conditions and the King County shoreline master program and must find that:~~

1780 ~~1. Erosion from waves or currents is imminently threatening a legally~~  
1781 ~~established residence or one or more substantial accessory structures, and~~

1782 ~~2. The proposed bulkhead is more consistent with the King County shoreline~~  
1783 ~~master program in protecting the site and adjoining shorelines than feasible, non-~~  
1784 ~~structural alternatives such as slope drainage systems, vegetative growth stabilization,~~

1785 ~~gravel berms and beach nourishment, are not feasible or will not adequately protect a~~  
1786 ~~legally established residence or substantial accessory structure, and~~

1787 ~~3. The proposed bulkhead is located landward of the ordinary high water mark~~  
1788 ~~or it connects to adjacent, legally established bulkheads as in subsection B. above, and~~

1789 ~~4. The maximum height of the proposed bulkhead is no more than one foot~~  
1790 ~~above the elevation of extreme high water on tidal waters as determined by the National~~  
1791 ~~Ocean Survey published by the National Oceanic and Atmospheric Administration or~~  
1792 ~~four feet in height on lakes;~~

1793 ~~D. Shoreline protection shall not be considered an outright permitted use and~~  
1794 ~~shall be permitted only when it has been demonstrated that shoreline protection is~~  
1795 ~~necessary for the protection of existing legally established structures and public~~  
1796 ~~improvements or the preservation of important agricultural lands as designated by the~~  
1797 ~~Office of Agriculture.))~~

1798 D. The maximum height of the proposed shoreline stabilization shall be no more  
1799 than one foot above the elevation of extreme high water on tidal waters, as determined by  
1800 the National Ocean Survey published by the National Oceanic and Atmospheric  
1801 Administration, or four feet in height on lakes.

1802 E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater  
1803 habitat, unless a geotechnical report demonstrates an imminent danger to a legally  
1804 established structure or public improvement. If allowed, shoreline stabilization along  
1805 feeder bluffs and critical saltwater habitat must be designed to have the least impact on  
1806 these resources and on sediment conveyance systems.

1807            F. Shoreline ~~((protection))~~ stabilization shall ~~((not have))~~ minimize the adverse  
1808 impact on the property of others to the maximum extent practical.

1809            ~~((F.))~~ G. Shoreline ~~((protection))~~ stabilization shall not be used to create new  
1810 lands ~~((, except that groins may be used to create a public Class I beach if they comply~~  
1811 ~~with all other conditions of this section)).~~

1812            ~~((G.))~~ H. Shoreline ~~((protection))~~ stabilization shall not ~~((significantly))~~ interfere  
1813 with ~~((normal))~~ surface ~~((and/))~~ or subsurface drainage into the water body.

1814            ~~((H.))~~ I. Automobile bodies or other junk or waste material ~~((which))~~ that may  
1815 release undesirable material shall not be used for shoreline ~~((protection))~~ stabilization.

1816            ~~((I.))~~ J. Shoreline ~~((protection))~~ stabilization shall be designed so as not to  
1817 constitute a hazard to navigation and to not substantially interfere with visual access to  
1818 the water.

1819            ~~((J.))~~ K. Shoreline ~~((protection))~~ stabilization shall be designed so as not to create  
1820 a need for shoreline ~~((protection))~~ stabilization elsewhere.

1821            ~~((K. Bulkheads on Class I beaches shall be located no farther waterward than the~~  
1822 ~~bluff or bank line;~~

1823            ~~L. Bulkheads must be approved by the Washington State Department of~~  
1824 ~~Fisheries;~~

1825            ~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable~~  
1826 ~~means to allow passage of surface and groundwater without internal erosion of fine~~  
1827 ~~material;~~

1828            ~~N. Groins are permitted only as part of a professionally designed community or~~  
1829 ~~public beach management program.))~~

1830 L. Shoreline stabilization shall comply with the Integrated Stream Protection  
1831 Guidelines (Washington state departments of Fish and Wildlife, Ecology and  
1832 Transportation, 2003) and shall be designed to allow for appropriate public access to the  
1833 shoreline.

1834 M. The department shall provide a notice to an applicant for new development or  
1835 redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that  
1836 the development may be impacted by sea level rise and recommend that the applicant  
1837 voluntarily consider setting the development back further than required by this title to  
1838 allow for future sea level rise.

1839 SECTION 42. K.C.C. 25.16.120, as amended by this ordinance, is hereby  
1840 recodified as a new section in the new chapter established in section 16 of this ordinance.

1841 SECTION 43. Ordinance 3688, Section 409(4), as amended, and K.C.C.  
1842 25.16.120 are each hereby amended to read as follows:

1843 Any dock, pier, moorage pile or buoy, float or launching facility authorized by  
1844 ((K.C.C. 25.16.090 through 25.16.140)) this chapter shall be subject to the following  
1845 conditions:

1846 A. ~~((No structure may be located nor extend further waterward of the ordinary~~  
1847 ~~high water mark than one fourth the total distance from the shoreline associated with the~~  
1848 ~~structure to the opposite shoreline. This total distance shall be measured from the point~~  
1849 ~~where the authorized structure abuts the ordinary high water mark to the nearest opposite~~  
1850 ~~high water mark as measured along a straight line; provided, when the structure does not~~  
1851 ~~abut the ordinary high water mark, the distance from one ordinary high water mark to the~~  
1852 ~~opposite ordinary high water mark shall be measured along the shortest straight line~~

1853 ~~passing through the center of that structure which commences from the property~~  
1854 ~~associated with such a structure.))~~ Docks, piers, moorage piles or buoys, floats or  
1855 launching facilities are allowed only for water dependent uses or for public access and  
1856 shall be limited to the minimize size necessary to support the use. New private boat  
1857 launch ramps are not allowed;

1858 B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on  
1859 marine waters:

1860 1. must include an evaluation of the nearshore environment and the potential  
1861 impact of the facility on that environment; and

1862 2. avoid impacts to critical saltwater habitats unless an alternative alignment or  
1863 location is not feasible;

1864 C. In the High Intensity, Residential, Rural and Conservancy environments, the  
1865 following standards apply:

1866 1. Only one dock, pier, moorage pile or buoy, float or launching facility may be  
1867 allowed for a single detached residential lot and only if the applicant demonstrates there  
1868 is no feasible practical alternative;

1869 2. For subdivisions or short subdivisions or for multi-unit dwelling unit  
1870 development proposals:

1871 a. Only one joint use dock, pier, float or launching facility is allowed; and

1872 b. One moorage pile or buoy if a dock, pier, float or launching facility is  
1873 allowed or two moorage piles or buoys if a dock, pier, float, or launching facility is not  
1874 allowed;

1875 3. Only one dock, pier, moorage pile or buoy, float or launching facility is  
 1876 allowed for each commercial or industrial use; and

1877 4. Multi-user recreational boating facilities serving more than four single  
 1878 detached residences shall comply with Section 33 of this ordinance.

1879 D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or  
 1880 launching facility for a commercial or manufacturing use must be located at least two  
 1881 hundred fifty feet from another dock or pier;

1882 E. In the Resource and Forestry Shoreline environments, only one dock, pier,  
 1883 moorage pile or buoy, float or launching facility is permitted and only as an accessory use  
 1884 to a residential use or to support a resource or forestry use;

1885 F. In the Natural environment, a dock, pier, moorage pile or buoy, float or  
 1886 launching facility is prohibited;

1887 G. In freshwater lakes:

1888 1. A new pier, dock or moorage pile for residential uses shall meet the following  
 1889 requirements:

<u>New Pier, Dock or Moorage Piles</u>			<u>Dimensional and Design Standards</u>
<u>a.</u>	<u>Maximum Area:</u> <u>surface coverage,</u> <u>including all</u> <u>attached float</u> <u>decking, ramps,</u>	<u>(1)</u>	<u>480 square feet for single dwelling unit;</u>

	<u>ells and fingers</u>		
		(2)	<u>700 square feet for joint-use facility used by 2 dwelling units;</u>
		(3)	<u>1000 square feet for joint-use facility used by 3 or more dwelling units;</u>
		(4)	<u>These area limitations shall include platform lifts;</u>
		(5)	<u>150 square feet for float for a single dwelling unit; and</u>
		(6)	<u>Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.</u>
b.	<u>Maximum Length for piers, docks, ells, fingers and attached floats</u>	(1)	(A) <u>On Lake Washington and Lake Sammamish, 150 ft, but</u> ) <u>piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and</u>
			(B) <u>On all other freshwater lakes, the shorter of: 80 feet or</u> ) <u>the point where the water depth is 13 feet below ordinary high water</u>
		(2)	<u>26 feet for ells; and</u>
		(3)	<u>20 feet for fingers and float decking attached to a pier</u>

c.	<u>Maximum Width</u>	(1)	<u>4 feet for pier or dock walkway or ramp;</u>
		(2)	<u>6 feet for ells;</u>
		(3)	<u>2 feet for fingers;</u>
		(4)	<u>6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and</u>
		(5)	<u>For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.</u>
d.	<u>Height of piers and diving boards</u>	(1)	<u>Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier;</u>
		(2)	<u>Maximum of 3 feet above deck surface for diving boards or similar features;</u>
		(3)	<u>Maximum of 3 feet above deck for safety railing, which shall be an open framework.</u>
e.	<u>Minimum Water Depth for ells and float decking attached to a pier</u>	(1)	<u>Must be in water with depths of 10 feet or greater at the landward end of the float</u>
		(2)	<u>Must be in water with depths of 9 feet or greater at the landward end of the ell or finger</u>
f.	<u>Decking for piers,</u>	(1)	<u>If float tubs for docks preclude use of fully grated decking</u>

	<u>docks walkways, platform lifts, ells and fingers</u>		<u>material, then a minimum of 2 feet of grating down the center of the entire float shall be provided</u>
		(2)	<u>Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material</u>
g.	<u>Location of ells, fingers and deck platforms</u>	(1)	<u>Within 30 feet of the OHWM, only the pier walkway or ramp is allowed</u>
		(2)	<u>No closer than 30 feet waterward of the OHWM, measured perpendicular to the OHWM</u>
h.	<u>Pilings and Moorage Piles</u>	(1)	<u>Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.</u>
		(2)	<u>First set of pilings or moorage piles located no closer than 18 feet from OHWM</u>
		(3)	<u>Moorage piles shall not be any farther waterward than the end of the pier or dock</u>
i.	<u>Mitigation</u>		<u>Plantings or other mitigation as provided in subsection L. of this section.</u>

1890 2. On Lake Washington and Lake Sammamish, the department may approve the  
 1891 following modifications to a new pier proposal that deviates from the dimensional  
 1892 standards of subsection G.1. of this section if both the U.S. Army Corps of Engineers and

1893 Washington state Department of Fish and Wildlife have approved an alternate project  
 1894 design. In addition, the following requirements and all other applicable provisions in this  
 1895 chapter shall be met:

	<u>Administrative Approval for Alternative Design of New Pier or Dock</u>	<u>Requirements</u>	
a.	<u>State and Federal Agency Approval</u>	<u>U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved proposal</u>	
b.	<u>Maximum Area</u>	<u>No larger than authorized through state and federal approval</u>	
c.	<u>Maximum Width</u>	(1)	<u>Except as provided in c.ii. of this subsection, the pier and all components shall meet the standards noted in subsection G.1. of this section.</u>
		(2)	<u>4 feet for portion of pier or dock located within 30 feet of the OHWM; and 6 feet for walkways</u>
d.	<u>Minimum Water Depth</u>	<u>No shallower than authorized through state and federal approval</u>	

1896 3.a. A replacement of an existing pier or dock shall meet the following  
 1897 requirements:

	<u>Replacement of Existing Pier or Dock</u>	<u>Requirements</u>	
(1)	<u>Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)</u>	<u>Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.</u>	
(2)	<u>Mitigation</u>	(a)	<u>Existing skirting shall be removed and may not be replaced.</u>
		(b)	<u>Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.</u>

1898 b. On Lake Washington and Lake Sammamish, the department may approve the  
 1899 following modifications to a pier replacement proposal that deviates from the  
 1900 dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of  
 1901 Engineers and Washington state Department of Fish and Wildlife have approved an  
 1902 alternate project design. With submittal of a building permit, the applicant shall provide  
 1903 documentation that the U.S. Army Corps of Engineers, and the Washington state  
 1904 Department of Fish and Wildlife have approved the alternative proposal design. In

1905 addition, the following requirements and all other applicable provisions in this chapter  
 1906 shall be met;

<u>Administrative Approval for Alternative Design of Replacement Pier or Dock</u>		<u>Requirements</u>
(1)	<u>State and Federal Agency Approval</u>	<u>U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal</u>
(2)	<u>Maximum Area</u>	<u>No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater</u>
(3)	<u>Maximum Length</u>	<u>26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</u>
(4)	<u>Maximum Width</u>	<u>(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways</u>
		<u>(b) 8 feet for ells and float decking attached to a pier</u>
		<u>(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide</u>

		(d) <u>Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</u>
(5)	<u>Minimum Water Depth</u>	<u>No shallower than authorized through state and federal approval</u>

1907                   4. Proposals involving the addition to or enlargement of existing piers or docks  
 1908 must comply with the requirements in the following table. These provisions shall not be  
 1909 used in combination with the provisions for new or replacement piers in subsections G.1.  
 1910 or G.3. of this section.

	<u>Addition to Existing Pier or Dock</u>	<u>Requirements</u>	
a.	<u>Addition or enlargement</u>	(1).	<u>Must demonstrate that there are no alternatives with less impact on the shoreline; and</u>
		(2)	<u>Must demonstrate that there is a need for the enlargement of an existing pier or dock and that there are no alternatives with less impact on the shoreline</u> <u>Examples of need include, but are not limited to safety concerns or inadequate depth of water</u>
b.	<u>Dimensional standards</u>	<u>Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in subsection G.1. of this section.</u>	

c.	<u>Decking for piers, docks walkways, ells and fingers</u>	<u>Must convert an area of decking within 30 feet of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of fifty percent light transmittance through the material</u>	
d.	<u>Mitigation</u>	(1)	<u>Existing skirting shall be removed and may not be replaced</u>
		(2)	<u>Existing in-water and overwater structures located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures or pier or dock walkways or piers, shall be removed at a 1:1 ratio to the area of the addition</u>

1911 5.a. Repair proposals that replace only decking or decking substructure and less  
 1912 than fifty percent of the existing pier-support piles must comply with the following  
 1913 regulations:

<u>Minor Repair of Existing Pier or Dock</u>		<u>Requirements</u>	
(1)	<u>Replacement pilings or moorage piles</u>	(a)	<u>Must use materials as described under subsection G.1.h.iii. of this section</u>
		(b)	<u>Must minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific</u>

		<u>engineering or design considerations</u>
(2)	<u>Replacement of 50 percent or more of the decking or 50 percent or more of decking substructure</u>	<u>Must replace any solid decking surface of the pier or dock located within 30 feet of the OHWM with a grated surface material that allows a minimum of fifty percent light transmittance through the material</u>

1914                    b. Other repairs to existing legally established moorage facilities where the  
 1915 nature of the repair is not described in this subsection shall be considered minor repairs  
 1916 and are permitted, consistent with all other applicable codes and regulations. If  
 1917 cumulative repairs of an existing pier or dock would make a proposed repair exceed the  
 1918 threshold for a replacement pier established in subsection G.3. of this section, the repair  
 1919 proposal shall be reviewed under subsection G.1. of this section for a new pier or dock,  
 1920 except as described in subsection G.3.b. of this section for administrative approval of  
 1921 alternative design.

1922                    H. Boatlifts, personal watercraft lifts, boatlift canopies and moorage piles may be  
 1923 permitted as an accessory to piers and docks, subject to the following regulations:

	<u>Boatlift, Personal Watercraft Lift, Boat Canopy and Moorage Piles</u>	<u>Requirements</u>
1.	<u>Location</u>	<u>a. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM</u>
		<u>b. Boat lifts are not permitted within the Maury Island</u>

			<u>Environmental Aquatic Reserve</u>
		<u>c.</u>	<u>The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be a least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier</u>
		<u>d.</u>	<u>Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock</u>
<u>2.</u>	<u>Maximum Number</u>	<u>a.</u>	<u>1 free-standing or deck-mounted boatlift per dwelling unit</u>
		<u>b.</u>	<u>1 personal watercraft lift or 1 fully grated platform lift per dwelling unit</u>
		<u>c.</u>	<u>1 boatlift canopy per dwelling unit, including joint use piers</u>
<u>3.</u>	<u>Canopy Materials</u>	<u>a.</u>	<u>Must be made of translucent fabric materials.</u>
		<u>b.</u>	<u>Must not be constructed of permanent structural material.</u>
<u>4.</u>	<u>Fill for Boatlift</u>	<u>a.</u>	<u>Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:</u>
		<u>b.</u>	<u>May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate</u>
		<u>c.</u>	<u>Must be clean</u>
		<u>d.</u>	<u>Must consist of rock or pre-cast concrete blocks</u>
		<u>e.</u>	<u>Must only be used to anchor the boatlift</u>
		<u>f.</u>	<u>Minimum amount of fill is used to anchor the boatlift</u>

- 1925            1. Buoys shall not impede navigation;
- 1926            2. The use of buoys for moorage of recreational and commercial vessels is
- 1927 preferred over pilings or float structures;
- 1928            3. Buoys shall be located and managed in a manner that minimizes impacts to
- 1929 eelgrass and other aquatic vegetation;
- 1930            4. Preference should be given mid-line float or all-rope line systems that have
- 1931 the least impact on marine vegetation;
- 1932            5. New buoys that would result in a closure of local shellfish beds for future
- 1933 harvest shall be prohibited; and
- 1934            6. No more than four buoys per acre are allowed.
- 1935            J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other
- 1936 overwater structure or device shall meet the following setback requirements:
- 1937            a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use
- 1938 shall comply with the following location standards:

<u>New Pier, Dock, Boatlift and</u>		<u>Minimum Setback Standards</u>
<u>Moorage Pile or Buoy</u>		
<u>(1)</u>	<u>Side property lines</u>	<u>15 feet</u>
<u>(2)</u>	<u>Another moorage structure not</u> <u>on the subject property,</u> <u>excluding adjacent moorage</u> <u>structure that does not comply</u> <u>with required side property line</u>	<u>25 feet, except that this standard shall</u> <u>not apply to moorage piles</u>

	<u>setback</u>	
(3)	<u>Outlet of an aquatic area, including piped streams</u>	<u>Maximum distance feasible while meeting other required setback standards established under this section</u>
(4)	<u>Public park</u>	<u>Outside of the urban growth area, 25 feet</u>

1939            b. Joint-use structures may abut property lines when the property owners  
 1940 sharing the moorage facility have mutually agreed to the structure location in a contract  
 1941 recorded with the King County division of records and elections to run with the  
 1942 properties. A copy of the contract must accompany an application for a building permit  
 1943 or a shoreline permit.

1944            2. An overwater structure may abut property lines for the common use of  
 1945 adjacent property owners

1946            K. On marine shorelines, a new, repaired, or replaced pier, dock or float for  
 1947 residential uses shall meet the following requirements:

<u>Pier, Dock or Float on Marine Waters</u>			<u>Dimensional and Design Standards</u>
<u>1.</u>	<u>Maximum Area: surface coverage, including all attached float decking and</u>	<u>a.</u>	<u>480 square feet for single dwelling unit;</u>

	<u>ramps</u>		
		<u>b.</u>	<u>700 square feet for joint-use facility used by 2 dwelling units;</u>
		<u>c.</u>	<u>1000 square feet for joint-use facility used by 3 or more dwelling units;</u>
		<u>d.</u>	<u>These area limitations shall include platform lifts; and</u>
		<u>e.</u>	<u>240 square feet for float for a single dwelling unit.</u>
<u>2.</u>	<u>Maximum Width</u>	<u>a.</u>	<u>4 feet for pier or dock for single dwelling unit;</u>
		<u>b.</u>	<u>6 feet for pier or dock for joint use facility; and</u>
		<u>c.</u>	<u>4 feet for ramp connecting to a pier or float</u>
<u>3.</u>	<u>Floats</u>	<u>a.</u>	<u>For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float;</u>
		<u>b.</u>	<u>For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float;</u>
		<u>c.</u>	<u>To the maximum extent practical, floats must be installed with the length in the north-south direction;</u>
		<u>d.</u>	<u>If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location;</u>

		e.	<u>Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubs not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris;</u>
		f.	<u>Flotation components shall be installed under the solid portions of the float, not under the grating; and</u>
		g.	<u>If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length.</u>
4.	<u>Float stops</u>	a.	<u>To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations;</u>
		b.	<u>If float stops attached to pilings are not feasible (this must be explained in the application), then up to four 10 inch diameter stub pilings can be installed instead;</u>
		c.	<u>Float feet attached to the float may be considered an option only under these circumstances: (A) in coarse substrate with</u>

			<p><u>25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (B) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate;</u></p>
		d.	<p><u>For repair or replacement of existing float feet if: (A) substrate contains mostly gravel; and (B) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and</u></p>
		e.	<p><u>Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers or float support/stub pilings as follows: (A) For a single-use float, a maximum of 4 piling (not including stub piling) or helical screw or "duckbill" anchors can be installed to hold the float in place. (B) For a joint-use float, a maximum of 8 piling or helical screw or "duckbill" anchors can be installed to hold the float in place. (C) If anchors and anchor lines need to be used, the anchor lines shall not rest on the substrate at any time. (D) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the</u></p>

			<u>department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted.</u>
5.	<u>Decking for piers, docks walkways, platform lifts, ells and fingers</u>	a.	<u>Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, boards or furniture;</u>
		b.	<u>Grating shall be kept clean of algae, mud or other debris that may impede light transmission;</u>
		c.	<u>Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material;</u>
		d.	<u>Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration;</u>
		e.	<u>Overwater structures shall incorporate as much functional grating as possible. Grating needs to have a minimum of 60 % open area; and</u>
		f.	<u>The area of floating boat lifts to be moored at the overwater structure shall be included in the float grating calculations.</u>
6.	<u>Pier or dock</u>		<u>Only straight line piers or docks are allowed. Ells, fingers or "T"</u>

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

		e.	<u>A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats; and</u>
		f.	<u>Dolphins are not permitted.</u>
8.	<u>Mitigation</u>		<u>Plantings or other mitigation as provided in subsection L. of this section.</u>

1948 L. New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat  
 1949 canopies and moorage piles or buoys shall comply with the following:

1950 1. Existing habitat features, such as large and small woody debris and substrate  
 1951 material, shall be retained and new or expanded moorage facilities placed to avoid  
 1952 disturbance of such features;

1953 2. Invasive weeds, such as milfoil, may be removed as provided in K.C.C.  
 1954 chapter 21A.24;

1955 3. In order to mitigate the impacts of new or expanded moorage facilities, the  
 1956 applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a  
 1957 minimum of ten feet wide along the entire length of the lot immediately landward of  
 1958 ordinary high water mark. Planting shall consist of native shrubs and trees and, when  
 1959 possible, emergent vegetation. At least five native trees will be included in a planting  
 1960 plan containing one or more evergreen trees and two or more trees that like wet roots,  
 1961 such as willow species. Such planting shall be monitored for a period of five years  
 1962 consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24.

1963 This subsection is not intended to prevent reasonable access through the shoreline critical  
 1964 area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

1965            ~~((B. No))~~ M. Except as otherwise provided for covered boat lifts under  
1966 subsection H. of this section, covered docks or piers, covered moorages, covered floats,  
1967 ~~((or))~~ and other covered structures ((is)) are not permitted waterward of the ordinary high  
1968 water mark; and ((, except that submerged, free-standing mechanical boat lifts associated  
1969 with single-family residential piers and recreational watercraft may be covered with a  
1970 canopy, provided:

- 1971            1. ~~No canopy shall be more than 25 feet in length or wider than 15 feet;~~
- 1972            2. ~~No portion of the canopy shall exceed a height of 10 feet above the Ordinary~~  
1973 ~~High Water Line (OHWL);~~
- 1974            3. ~~The canopy shall at no time have any side partly or wholly enclosed;~~
- 1975            4. ~~The highest portion of the canopy shall be located below the topographical~~  
1976 ~~grade of existing homes on surrounding properties;~~
- 1977            5. ~~Canopies shall be made out of canvas or other such non-toxics;~~
- 1978            6. ~~Canopies shall be of a solid color and should be of a shade which is non-~~  
1979 ~~obtrusive;~~
- 1980            7. ~~The canopy shall be included in the square footage calculations for piers, as~~  
1981 ~~enumerated in K.C.C. 25.16.140E; and~~
- 1982            8. ~~Only one boat lift canopy per single-family residence shall be allowed.~~

1983            C. ~~No pier, moorage, float, or overwater structure or device shall be located~~  
1984 ~~closer than fifteen feet from the side property line extended, except that such structures~~  
1985 ~~may abut property lines for the common use of adjacent property owners when mutually~~  
1986 ~~agreed to by the property owners in a contract recorded with the King County division of~~  
1987 ~~records and elections, a copy of which must accompany an application for a building~~

1988 ~~permit or a shoreline permit; such joint use piers may be permitted up to twice the surface~~  
1989 ~~area allowed by this title.~~

1990 ~~D. All piers, moorages, floats or other such structures shall float at all times on~~  
1991 ~~the surface of the water or shall be of open pile construction, provided no portion of the~~  
1992 ~~structure shall, during the course of the normal fluctuations of the elevation of the water~~  
1993 ~~body, protrude more than five feet above the surface of the water, except as provided in~~  
1994 ~~subsection B2.~~

1995 ~~E. No pier, including finger pier, moorage, float, or overwater structure or device~~  
1996 ~~shall be wider than fifty percent of the lot with which it is associated.~~

1997 ~~F.)) N. No dwelling unit may be constructed on a dock or pier. A water related  
1998 or water enjoyment use may be allowed on a dock, pier or other over-water structure only  
1999 as part of a mixed-use development and only if accessory to and in support of a water-  
2000 dependent use.~~

2001 SECTION 44. K.C.C. 25.16.190, as amended by this ordinance, is hereby  
2002 recodified as a new section in the new chapter established in section 16 of this ordinance.

2003 SECTION 45. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190,  
2004 are each hereby amended to read as follows:

2005 Excavation, dredging, dredge material disposal and filling may be permitted ((in  
2006 the urban environment, only as part of an approved overall development plan not as an  
2007 independent activity, but only in accordance with the following)) only as follows:

2008 A. ((Any f))Fill or excavation ((regardless of size,)) landward of the ordinary  
2009 high water mark shall be subject to ((the provisions of)) K.C.C. ((16.82.100)) chapters  
2010 16.82 and 21A.24;

2011 B. (~~Landfill~~) Fill may be permitted below the ordinary high water mark only:

2012 1. (~~w~~) When necessary (~~for the operation of~~) to support a water dependent  
2013 (~~or water related~~) use (~~or~~);

2014 2. To provide for public access;

2015 3. (~~w~~) When necessary to mitigate conditions (~~which~~) that endanger public  
2016 safety, including flood risk reduction projects;

2017 4. To allow for cleanup and disposal of contaminated sediments as part of an  
2018 interagency environmental cleanup plan;

2019 5. To allow for the disposal of dredged material considered suitable under, and  
2020 conducted in accordance with, the dredged material management program of the  
2021 Washington state Department of Natural Resources;

2022 6. For expansion or alteration of transportation or utility facilities currently  
2023 located on the shoreline and then only upon demonstration that alternatives to fill are not  
2024 feasible; or

2025 7. As part of mitigation actions, environmental restoration projects and habitat  
2026 enhancement projects;

2027 C. (~~Landfill~~) Fill or excavations shall be permitted only when technical  
2028 information demonstrates water circulation, littoral drift, aquatic life and water quality  
2029 will not be substantially impaired and that the fill or excavation will not obstruct the flow  
2030 of the ordinary high water, floodwaters or cutoff or isolate hydrologic features from each  
2031 other;

2032 D. ~~((Wetlands such as marshes, swamps and bogs shall not be disturbed or~~  
2033 ~~altered through excavation, filling, dredging or disposal of dredged material unless the~~  
2034 ~~manager determines that either:~~

2035 1. ~~The wetland does not serve any of the valuable functions of wetlands~~  
2036 ~~identified in K.C.C. 20.12.080 and United States Army Corps of Engineers 33 CFR~~  
2037 ~~320.4(b), including but not limited to wildlife habitat and natural drainage functions; or~~

2038 2. ~~The proposed development would preserve or enhance the wildlife habitat,~~  
2039 ~~natural drainage and other valuable functions of wetlands as discussed in K.C.C.~~  
2040 ~~20.12.080 or United States Army Corps of Engineers 33 CFR 320.4(b) and would be~~  
2041 ~~consistent with the purposes of this Title;~~

2042 E. ~~Class I beaches shall not be covered by landfill except for approved beach~~  
2043 ~~feeding programs;~~

2044 F. ~~Excavations on beaches shall include precautions to prevent the migration of~~  
2045 ~~fine grain sediments, disturbed by the excavation, onto adjacent beach areas and~~  
2046 ~~excavations on beaches shall be backfilled promptly using material of similar~~  
2047 ~~composition and similar or more coarse grain size;~~

2048 G. ~~No refuse disposal sites, solid waste disposal sites or sanitary fills of~~  
2049 ~~putrescible or nonputrescible material shall be permitted within the shorelines of the~~  
2050 ~~state;~~

2051 H. ~~Excavation or dredging)) Dredging and dredged material disposal below the~~  
2052 ~~ordinary high water mark shall be permitted only:~~

2053 1. ~~When necessary for the operation of a water dependent ((or water related))~~  
2054 ~~use;~~

2055           2. When necessary to mitigate conditions (~~(which)~~) that endanger public safety  
2056 or fisheries resources(~~(, or)~~);

2057           3. As part of and necessary to roadside or agricultural ditch maintenance that is  
2058 performed consistent with best management practices promulgated through  
2059 administrative rules (~~(pursuant to)~~) under the (~~(sensitive)~~) critical areas provisions of  
2060 K.C.C. chapter 21A.24 and if:

2061           a. the maintenance does not involve any expansion of the ditch beyond its  
2062 previously excavated size. This limitation shall not restrict the county's ability to require  
2063 mitigation, (~~(pursuant to)~~) under K.C.C. chapter 21A.24, or other applicable laws;

2064           b. the ditch was not constructed or created in violation of law;

2065           c. the maintenance is accomplished with the least amount of disturbance to the  
2066 stream or ditch as possible;

2067           d. the maintenance occurs during the summer low flow period and is timed to  
2068 avoid disturbance to the stream or ditch during periods critical to salmonids; and

2069           e. the maintenance complies with standards designed to protect salmonids and  
2070 salmonid habitat, consistent with K.C.C. chapter 21A.24(~~(; provided, that)~~), though this  
2071 (~~(paragraph)~~) subsection D.3.e. shall not be construed to permit the mining or quarrying  
2072 of any substance below the ordinary high water mark;

2073           4. For establishing, maintaining, expanding, relocating or reconfiguring  
2074 navigation channels and basins when necessary to ensure safe and efficient  
2075 accommodation of existing navigation uses when:

2076           a. significant ecological impacts are minimized;

2077           b. mitigation is provided;

2078 c. maintained to the existing authorized location, depth and width;

2079 5. For restoration projects when;

2080 a. the site where the fill is placed is located waterward of the ordinary high  
2081 water mark; and

2082 b. the project is associated with a habitat project under the Model Toxics  
2083 Control Act or the Comprehensive Environmental Response, Compensation, and  
2084 Liability Act; or

2085 c. any habitat enhancement or restoration project; and

2086 6. For flood risk reduction projects conducted in accordance with Policy RCM-3  
2087 of the King County Flood Hazard Management Plan;

2088 E. Dredging is not allowed waterward of the ordinary high water mark for the  
2089 primary purpose of obtaining fill material or creating a new marina((-));

2090 ~~((I.))~~ F. Disposal of dredged material shall be done only in approved deep water  
2091 disposal sites or approved ((contain)) upland disposal sites and is not allowed within  
2092 wetlands or channel migration zones;

2093 ~~((J.))~~ G. Stockpiling of dredged material in or under water is prohibited; and

2094 ~~((K. Maintenance dredging not requiring a shoreline permit(s) shall conform to~~  
2095 ~~the requirements of this section;~~

2096 ~~L. Dredging shall be timed so that it does not interfere with aquatic life;~~

2097 ~~M. The county may impose reasonable conditions on dredging or disposal~~  
2098 ~~operations including but not limited to working seasons and provisions of buffer strips,~~  
2099 ~~including retention or replacement of existing vegetation, dikes and settling basins to~~

2100 ~~protect the public safety and shore users' lawful interests from unnecessary adverse~~  
2101 ~~impact;~~

2102 N.) H. In order to insure that operations involving dredged material disposal and  
2103 maintenance dredging are consistent with ~~((this program))~~ the King County shoreline  
2104 master program as required by RCW 90.58.140(1), no dredging may commence ~~((on))~~ in  
2105 any shoreline environment without the responsible person having first obtained either a  
2106 substantial development permit or a statement of exemption ~~((, though no))~~ when required  
2107 under K.C.C. 25.32.010, as recodified by this ordinance. A statement of exemption or  
2108 shoreline permit is not required ~~((for))~~ before emergency dredging needed to protect  
2109 property from imminent damage by the elements ~~((;))~~, if statement of exemption or  
2110 substantial development permit is subsequently obtained following the procedures in  
2111 K.C.C. 16.82.065.

2112 ~~((O. Operation and maintenance of any existing system of ditches, canals or~~  
2113 ~~drains, or construction of irrigation reservoirs, for agricultural purposes are exempt from~~  
2114 ~~the shoreline permit requirement.))~~

2115 NEW SECTION. SECTION 46. There is hereby added a new section in the new  
2116 chapter established in section 16 of this ordinance to read as follows:

2117 The expansion of a dwelling unit or residential accessory structure located in the  
2118 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

2119 A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a  
2120 shoreline conditional use permit is required;

2121 B. If the proposed expansion will result in a total cumulative expansion of the  
2122 dwelling unit and accessory structures of more than one thousand square feet, a shoreline  
2123 variance is required; and

2124 C. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,  
2125 the expansion is not allowed.

2126 NEW SECTION. SECTION 47. A. The shoreline dimensions table in  
2127 subsections B. and C. of this section establishes the shoreline standards within each of the  
2128 shoreline environments. The shoreline environment is located on the vertical column and  
2129 the density and dimensions standard is located on the horizontal row of the table. The  
2130 table should be interpreted as follows:

2131 1. If the cell is blank in the box at the intersection of the column and the row,  
2132 the standards are the same as for the underlying zoning.

2133 2. If the cell has a number in the box at the intersection of the column and the  
2134 row, that number is the density or dimension standard for that shoreline environment.

2135 3. If the cell has a parenthetical number in the box at the intersection of the  
2136 column and the row, that parenthetical number identifies specific conditions immediately  
2137 following the table that are related to the density and dimension standard for that  
2138 environment.

2139 B. The dimensions enumerated in this section apply within the shoreline  
2140 jurisdiction. If there is a conflict between the dimension standards in this section and  
2141 K.C.C. chapter 21A.12, the more restrictive shall apply.

2142 **Shoreline dimensions.**

	HIGH IN TE N SI T Y	RES IDE NTI AL	RURAL	CONSE RV AN CY	RES OU RCE	FOR EST RY	NA TUR AL	A QU A TI C
<b>Standards</b>								
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres	
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet	
Impervious surface				10 % (3)				

2143 C. Development conditions.

2144 1. This height can be exceeded consistent with the base height for the zone only

2145 if the structure will not obstruct the view of a substantial number of residences on areas

2146 adjoining the shoreline or if overriding considerations of the public interest will be  
2147 served, and only for:  
2148           a. agricultural buildings;  
2149           b. water dependent uses and water related uses; and  
2150           c. regional light rail transit support structures, but no more than is reasonably  
2151 necessary to address the engineering, operational, environmental issues at the location of  
2152 the structure;

2153           2. The minimum lot areas may be reduced as follows:  
2154           a. to no less than 10,000 square feet or the minimum lot areas for the zone,  
2155 whichever is greater, through lot averaging; and  
2156           b. when public access is provided, to no less than 8,000 square feet, or the  
2157 minimum lot area for the zone, whichever is greater, through cluster development, as  
2158 provided in K.C.C. chapter 21A.14.

2159           3. For lots created before the effective date of this section, if achieving the ten  
2160 percent maximum impervious surface limit is not feasible, the amount of impervious  
2161 surface shall be limited to the maximum extent practical but not to exceed the amount of  
2162 impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040,

2163           SECTION 48. K.C.C. 25.16.150, as amended by this ordinance, is hereby  
2164 recodified as a new section in the new chapter established in section 16 of this ordinance.

2165           SECTION 49. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150  
2166 are each hereby amended to read as follows:

2167           A. Any existing lot that does not comply with the density and dimensions  
2168 standards of K.C.C. chapter 21A.12 or section 47 of this ordinance and that is located

2169 wholly or partially within the (~~shorelines of the state~~) shoreline jurisdiction shall be  
2170 subject to the following provisions:

2171           1. If the adjoining property is not under the same ownership as such lot, then the  
2172 lot shall be considered a separate building site(~~(-)~~); and

2173           2. If the adjoining property is under the same ownership as such lot, then the lot  
2174 shall not be considered a separate building site until the lot is combined with adjoining  
2175 property under the same ownership in such a way as to comply with the density and  
2176 dimensions standards of K.C.C. chapter 21A.12.

2177           B. Submerged land within the boundaries of any waterfront parcel shall not be  
2178 used to compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar  
2179 required conditions of land subdivision or development, except, where specifically  
2180 authorized by ordinance, such lands may be used in area computations as an incentive to  
2181 encourage common open space waterfront areas.

2182           C. All newly created lots wholly or partially within the shoreline shall be of  
2183 uniform size and dimension, whenever possible.

2184           D. Subdivision of more than four lots shall provide an improved and maintained  
2185 pedestrian easement to the shoreline that is of sufficient width to ensure usable access for  
2186 all residents. Public access to the shoreline shall be in conformance with the standards in  
2187 section 36 of this ordinance.

2188           E. Subdivisions should be designed to locate structures outside the shoreline  
2189 jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction,  
2190 the size and shape of the lots should allow for the construction of residential units that do  
2191 not require shoreline stabilization.

2192           NEW SECTION. SECTION 50. Historic resources include historic buildings,  
2193 sites, objects, districts and landscapes, prehistoric and historic archaeological resources  
2194 and traditional cultural places. Development within shoreline environments shall protect  
2195 historic resources as follows:

2196           A.1. Known historic resources are inventoried by the historic preservation  
2197 program and are subject to the procedures in K.C.C. 20.62.150. As required by K.C.C.  
2198 20.62.150, the department shall inform the historic preservation officer regarding the  
2199 impacts of development proposals on inventoried resources. Disturbance of known  
2200 archaeological sites is also subject to state regulations, including chapters 27.44, 27.53  
2201 and 68.80 RCW.

2202           2. If a known archaeological site or traditional cultural place is affected by a  
2203 development proposal, the historic preservation officer shall inform and consult with the  
2204 Washington state Department of Archaeology and Historic Preservation and any  
2205 concerned Native American tribes. To the extent feasible, the historic preservation  
2206 officer shall coordinate county and state required permitting and compliance procedures  
2207 and requirements to avoid substantial duplication of effort by permit applicants. The  
2208 department shall require a site inspection or evaluation by a professional archaeologist in  
2209 coordination with any concerned Native American tribes.

2210           3. In considering shoreline permits or shoreline exemptions with regard to  
2211 known historic resources, the department may attach conditions to provide sufficient time  
2212 for the Historic Preservation Officer to consult with the Washington State Department of  
2213 Archaeology and Historic Preservation and any concerned Native American tribes, and to  
2214 ensure that historic resources are properly protected, or for appropriate agencies to

2215 contact property owners regarding purchase or other long-term stewardship and  
2216 protection arrangements. Provision for the protection and preservation of historic  
2217 resources shall be incorporated in permits and exemptions to the maximum extent  
2218 practical;

2219           B.1. Consistent with the definitions and requirements in chapters 27.44, 27.53  
2220 and 68.80 RCW, and with the intent of K.C.C. chapter 20.62, whenever potentially  
2221 significant historic resources, or archaeological artifacts, are discovered in the process of  
2222 development on shorelines, work on that portion of the development site shall be stopped  
2223 immediately and the find reported as soon as possible to the department.

2224           2. For inadvertent discoveries, the department shall notify the historic  
2225 preservation officer. If an archaeological site or artifacts have been discovered, the  
2226 department shall also notify the Washington state Department of Archaeology and  
2227 Historic Preservation, any concerned Native American tribes and other appropriate  
2228 agencies. The department shall require that a historic resource assessment be conducted  
2229 immediately by a professional archaeologist, ethnographer or historic preservation  
2230 professional, as applicable, in consultation with the historic preservation officer, to  
2231 determine the significance of the discovery and the extent of damage that may have  
2232 occurred to the resource. The historic resource assessment shall be distributed to the  
2233 historic preservation officer, and, if an archaeological site, archaeological artifacts or a  
2234 traditional cultural place have been discovered, the Washington state Department of  
2235 Archaeology and Historic Preservation, and any concerned Native American tribes for a  
2236 fifteen-day review period or, in the case of inadvertent discovery of human remains, a  
2237 thirty-day review period to determine the significance of the discovery. If the historic

2238 resource has been determined not to be significant by the agencies or governments listed  
2239 in this subsection B.2., or if those agencies or governments have failed to respond within  
2240 the applicable review period following receipt of the historic resource assessment, the  
2241 stopped work may resume; and

2242           3. Upon receipt of a positive determination of a resource's significance, or if  
2243 available information suggests that a negative determination is erroneous, the department  
2244 or the historic preservation officer may require that a historic resource management plan  
2245 be prepared by a qualified professional archaeologist or other appropriate professional if  
2246 such action is reasonable and necessary to implement related program objectives and is  
2247 consistent with the intent of King County policies and codes protecting historic resources;

2248           C.1. If a private or publicly owned historic resource is identified, public access  
2249 shall be encouraged as appropriate for purposes of public education, but only if:

2250           a. the type or level of public access is consistent with the long term protection  
2251 of both historic resource values and shoreline ecological functions; and

2252           b. an access management plan is developed in accordance with development  
2253 site- and resource-specific conditions in consultation with the historic preservation officer  
2254 and, if an archaeological site, archaeological artifacts or a traditional cultural place have  
2255 been discovered, the Washington state Department of Archaeology and Historic  
2256 Preservation, any concerned Native American tribes or other agencies, as appropriate, to  
2257 address physical protection of the resource, hours of operation, interpretive or directional  
2258 signage, lighting, pedestrian access or traffic and parking, as appropriate.

2259           2. For archaeological sites and traditional cultural places, the historic  
2260 preservation program, the Washington state Department of Archaeology and Historic

2261 Preservation, any concerned Native tribes or other agencies, as appropriate, shall approve  
2262 public access measures before provision of public access to a site.

2263 NEW SECTION. SECTION 51. Parking facilities, except parking facilities  
2264 associated with single detached dwelling units, shall meet the following standards:

2265 A. Parking areas serving a water-related, water-enjoyment or a non-water-  
2266 oriented use must be located beneath or upland of the development that the parking area  
2267 serves, except for utility facilities;

2268 B. The design of parking facilities must use low-impact designs, such as porous  
2269 concrete and vegetated swales;

2270 C. Lighting shall be the minimum necessary and shall be shielded and directed  
2271 away from the water and critical areas and critical area buffers; and

2272 D. In the Natural environment, parking areas shall be located at least two hundred  
2273 feet from the ordinary high water mark.

2274 SECTION 52. K.C.C. 25.16.160, as amended by this ordinance, is hereby  
2275 recodified as a new section in the new chapter established in section 16 of this ordinance.

2276 SECTION 53. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each  
2277 hereby amended to read as follows:

2278 New ~~((U))~~utility facilities and repair and replacement of existing utility facilities  
2279 may be permitted ~~((in the urban environment))~~ subject to the general requirements  
2280 ~~((section (Section 25.16.030)))~~ of this chapter, ~~((provided))~~ as follows:

2281 A. To the maximum extent practical, new ~~((U))~~utility and transmission facilities  
2282 shall:

2283 1. Avoid disturbance of unique and fragile areas;

- 2284           2. Avoid disturbance of wildlife spawning, nesting and rearing areas;
- 2285           3. Overhead utility facilities shall not be permitted in public parks, monuments,
- 2286 scenic recreation or historic areas((-));
- 2287           4. Avoid changing groundwater patterns and hyporheic flows that support
- 2288 streams and wetlands;
- 2289           5. Not be located within the Natural shoreline unless the utility is low-intensity;
- 2290 and
- 2291           6. Avoid locating new utility and transmission facilities in tidelands or in or
- 2292 adjacent to the Maury Island aquatic reserve;
- 2293           B. New ((U))utility distribution and transmission facilities shall be designed ((so
- 2294 as)) to:
- 2295           1. Be located outside the shoreline jurisdiction where feasible;
- 2296           2. Be located within existing rights of way and utility corridors where feasible;
- 2297           3. Minimize visual impact;
- 2298           ~~((2.))~~ 4. Harmonize with or enhance the surroundings;
- 2299           ~~((3.))~~ 5. Not create a need for shoreline protection; and
- 2300           ~~((4. Utilize))~~ 6. ~~((t))~~To the ((greatest extent possible)) maximum extent practical,
- 2301 use natural screening((-));
- 2302           C. To the maximum extent practical, the construction, repair, replacement and
- 2303 maintenance of utility facilities shall ~~((be done in such a way so as to))~~:
- 2304           1. Maximize the preservation of natural beauty and the conservation of
- 2305 resources;
- 2306           2. Minimize scarring of the landscape;

- 2307 3. Minimize siltation and erosion;
- 2308 4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
- 2309 5. Avoid disruption of critical aquatic and wildlife stages((-);

2310 D. Rehabilitation of areas disturbed by the construction, ~~((and/))~~ repair,

2311 replacement or maintenance of utility facilities shall:

2312 1. Be accomplished as rapidly as possible to minimize soil erosion and to

2313 maintain plant and wildlife habitats; and

2314 2. ~~((Utilize))~~ Use plantings compatible with the native vegetation((-);

2315 E. Solid waste transfer stations shall ~~((not))~~ only be permitted within ~~((the~~

2316 ~~shorelines of the state))~~ the High Intensity shoreline environment; and

2317 F. Utility production and processing facilities, such as power plants and sewage

2318 treatment plants, are not allowed within the shoreline jurisdiction.

2319 SECTION 54. K.C.C. 25.16.080, as amended by this ordinance, is hereby

2320 recodified as a new section in the new chapter established in section 16 of this ordinance.

2321 SECTION 55. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each

2322 hereby amended to read as follows:

2323 Signs may be permitted ~~((in the urban environment))~~ subject to ~~((the provisions of~~

2324 ~~the underlying zoning, provided))~~ K.C.C. chapter 21A.20, but only as follows:

2325 A. ~~((No sign which is not constructed parallel to and flush against the side of a~~

2326 ~~building shall be permitted which is more than seventy-two inches in height as measured~~

2327 ~~from the average grade level.~~

2328 ~~B. Signs painted upon or constructed parallel to and flush against the side of a~~  
2329 ~~building shall not extend beyond the wall or above the roof line against which they are~~  
2330 ~~constructed.~~

2331 ~~C. Signs shall be stationary, nonblinking and nonrevolving.~~

2332 ~~D. Signs shall have no auxiliary projections or attachments.~~

2333 ~~E. Signs shall not be erected nor maintained upon trees, or drawn or painted upon~~  
2334 ~~rocks or other natural features.~~

2335 ~~F. Artificial lighting of signs shall be directed away from adjacent properties and~~  
2336 ~~the water.~~

2337 ~~G.)) Signs waterward of the ordinary high water mark shall be permitted only to~~  
2338 ~~the extent necessary for the operation of a permitted overwater development ((provided~~  
2339 ~~n)). No such a sign shall be larger than five square feet((-);~~

2340 B. In the Rural environment, signs may not exceed fifty square feet;

2341 C. In the Resource, Natural and Conservancy environments, signs are not  
2342 allowed except for:

2343 1. Signs of not more than twenty-five square feet within public parks or trails;  
2344 and

2345 2. Signs permitted under K.C.C. chapter 21A.20 for residential uses;

2346 D. Signs to protect public safety or prevent trespass may be allowed and should  
2347 be limited in size and number to the maximum extent practical.

2348 NEW SECTION. SECTION 56. A. Transportation facilities, including, but not  
2349 limited to, streets, alleys, highways, railroads and regional light rail transit may be  
2350 located in all shoreline environments.

2351 B. Within street or alley rights-of-way, uses shall be limited to street purposes as  
2352 defined by law.

2353 C. Within railroad and regional light rail transit rights-of-way, allowed uses shall  
2354 be limited to: tracks, signals or other operating devices; movement of rolling stock;  
2355 utility lines and equipment; and facilities accessory to and used directly for the delivery  
2356 and distribution of services to abutting property.

2357 D. New transportation facilities shall, to the maximum extent practical:

2358 1. Be located outside of the shoreline jurisdiction;

2359 2. Avoid disturbance of unique and fragile areas;

2360 3. Avoid disturbance of wildlife spawning, nesting and rearing areas;

2361 4. Avoid changing groundwater patterns and hyporheic flows that support  
2362 streams and wetlands;

2363 5. Not create a need for shoreline protection; and

2364 6. Use natural screening.

2365 SECTION 57. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a  
2366 new section in the new chapter established in section 16 of this ordinance.

2367 SECTION 58. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each  
2368 hereby amended to read as follows:

2369 A. ~~((No-d))~~Development within the shoreline jurisdiction, including preferred  
2370 uses and uses that are exempt from permit requirements, shall be undertaken ~~((by any~~  
2371 ~~person on the shorelines of the state unless such))~~ only if that development is consistent  
2372 with the ((policy)) policies of ((Section 2 of the Shoreline Management Act of 1971, and,  
2373 after adoption and approval, the guidelines and regulations of the Washington State

2374 ~~Department of Ecology and~~) RCW 90.58.020, chapter 173-26 WAC the King County  
2375 shoreline master program and will not result in a net loss of shoreline ecological  
2376 functions or in a significant adverse impact to shoreline uses, resources and values, such  
2377 as navigation, recreation and public access. The proponent of a shoreline development  
2378 shall employ measures to mitigate adverse impacts on shoreline functions and processes  
2379 following the sequencing requirements of section 129 of this ordinance.

2380 B. ~~((No))~~ A substantial development permit shall be ~~((undertaken by any person~~  
2381 ~~on the shorelines of the state without first obtaining a substantial development permit~~  
2382 ~~from the director; provided, that such a permit shall not be required for the development~~  
2383 ~~excepted))~~ required for all proposed uses and modifications within the shoreline  
2384 jurisdiction unless the proposal is specifically exempt from the definition of substantial  
2385 development in RCW 90.58.030 ((and for developments)) and WAC 173-27-040 or is  
2386 exempted by RCW 90.58.140((9) and (10)). ~~((C. Any person claiming exception from~~  
2387 ~~the permit requirements of this chapter as a result of the exemptions described in~~  
2388 ~~subsection B. of this section may make an application to the director for such an~~  
2389 ~~exemption in the manner prescribed by the director. Development within the shorelines~~  
2390 ~~of the state which does not require a permit shall conform to the master program.~~  
2391 ~~Conditions requiring such conformance may be imposed prior to granting exemption~~  
2392 ~~from the permit requirement.))~~ If a proposal is exempt from the definition of substantial  
2393 development, a written statement of exemption is required for any proposed uses and  
2394 modifications if:

2395 1. WAC 173-27-050 applies; or

2396           2. Except for the maintenance of agricultural drainage that is not used by  
2397 salmonids or as otherwise provided in subsection F. of this section, the proposed use or  
2398 modification will occur at or below the ordinary high water mark.

2399           C. Whether or not a written statement of exemption is required, all permits issued  
2400 for development activities within the shoreline jurisdiction shall include a record of  
2401 review indicating compliance with the shoreline master program and regulations.

2402           D. As necessary to ensure consistency of the project with the shoreline master  
2403 program and this chapter, the department may attach conditions of approval to a  
2404 substantial development permit or a statement of exemption or to the approval of a  
2405 development proposal that does not require either.

2406           E. The department may issue a programmatic statement of exemption as follows:

2407           1. For an activity for which a statement of exemption is required, the activity  
2408 shall:

2409           a. be repetitive and part of a maintenance program or other similar program;

2410           b. have the same or similar identifiable impacts, as determined by the  
2411 department, each time the activity is repeated at all sites covered by the programmatic  
2412 statement of exemption; and

2413           c. be suitable to having standard conditions that will apply to any and all sites;

2414           2. The department shall uniformly apply conditions to each activity authorized  
2415 under the programmatic statement of exemption at all locations covered by the statement  
2416 of exemption. The department may require that the applicant develop and propose the  
2417 uniformly applicable conditions as part of the statement of exemption application and  
2418 may approve, modify or reject any of the applicant's proposed conditions. The

2419 department shall not issue a programmatic statement of exemption until applicable  
2420 conditions are developed and approved;

2421 3. Activities authorized under a programmatic statement of exemption shall be  
2422 subject to inspection by the department. The applicant may be required to notify the  
2423 department each time work subject to the programmatic statement of exemption is  
2424 undertaken for the department to schedule inspections. In addition, the department may  
2425 require the applicant to submit periodic status reports. The frequency, method and  
2426 contents of the notifications and reports shall be specified as conditions in the  
2427 programmatic statement of exemption;

2428 4. The department may require revisions, impose new conditions or otherwise  
2429 modify the programmatic statement of exemption or withdraw the programmatic  
2430 statement of exemption and require that the applicant apply for a standard statement of  
2431 exemption, if the department determines that:

2432 a. The programmatic statement of exemption or activities authorized under the  
2433 statement of exemption no longer comply with law;

2434 b. The programmatic statement of exemption does not provide adequate  
2435 regulation of the activity;

2436 c. The programmatic statement of exemption conditions or the manner in  
2437 which the conditions are implemented are not adequate to protect against the impacts  
2438 resulting from the activity; or

2439 d. A site requires site-specific regulation; and

2440 5. If an activity covered by a programmatic statement of exemption also  
2441 requires other county, state and federal approvals, to the extent feasible, the department

2442 shall attempt to incorporate conditions that comply with those other approvals into the  
2443 programmatic statement of exemption.

2444 F. A statement of exemption is not required for maintenance of agricultural  
2445 drainage used by salmonids if:

2446 1. The agricultural drainage is located within an agricultural production district;

2447 2. The maintenance project is conducted in compliance with a hydraulic project  
2448 approval issued by the Washington department of fish and wildlife pursuant to RCW  
2449 77.55;

2450 3. The maintenance project complies with the King County agricultural drainage  
2451 assistance program as agreed to by the Washington department of fish and wildlife, the  
2452 Washington department of ecology, the department of development and environmental  
2453 services and the department of natural resources and parks;

2454 4. The person performing the agricultural drainage maintenance and the land  
2455 owner has attended training provided by King County on the King County agricultural  
2456 drainage assistance program and the best management practices required under that  
2457 program; and

2458 5. The maintenance project complies with the requirements of K.C.C. Chapter  
2459 16.82.

2460 SECTION 59. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a  
2461 new section in the new chapter established in section 16 of this ordinance.

2462 SECTION 60. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each  
2463 hereby amended to read as follows:

2464 In the case of development subject to the permit requirements of this ~~((title))~~  
2465 chapter, King County shall not issue any other permit for such development until such  
2466 time as approval has been granted ~~((pursuant to))~~ under this ~~((title))~~ chapter. Any  
2467 development subsequently authorized by King County shall be subject to the same terms  
2468 and conditions ~~((which))~~ that apply to the development authorized ~~((pursuant to))~~ under  
2469 this ~~((title))~~ chapter.

2470 SECTION 61. K.C.C. 25.32.060, as amended by this ordinance, is recodified as a  
2471 new section in the new chapter established in section 16 of this ordinance.

2472 SECTION 62. Ordinance 3688, Section 806, as amended, and K.C.C. 25.32.060  
2473 are each hereby amended to read as follows:

2474 ~~((A. Applications for substantial development or building permits to modify a  
2475 nonconforming use or development may be approved only if:~~

2476 1. ~~The modifications will make the use or development less nonconforming; or~~

2477 2. ~~The modifications will not make the use or development more~~

2478 ~~nonconforming.~~

2479 ~~B. A use or development, not conforming to existing regulations, which is  
2480 destroyed, deteriorated, or damaged more than fifty percent of its fair market value at  
2481 present or at the time of its destruction by fire, explosion, or other casualty or act of God,  
2482 may be reconstructed only insofar as it is consistent with existing regulations.~~

2483 ~~C.))~~ The review of applications for the ~~((modification))~~ expansion or replacement  
2484 of a nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~  
2485 in accordance with K.C.C. chapter 21A.32 ~~((General Provisions-Noneconformance,  
2486 Temporary Uses, and Re-Use of Facilities)))~~.

2487            SECTION 63. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a  
2488 new section in the new chapter established in section 16 of this ordinance.

2489            SECTION 64. Ordinance 3688, Section 810, as amended, and K.C.C. 25.32.100  
2490 are each hereby amended to read as follows:

2491            A. Appeals from the final decision of the county with regard to shoreline  
2492 management shall be governed solely by ~~((the provisions of))~~ RCW 90.58.180.

2493            B. The effective date of King County's decision shall be the date of filing with  
2494 the Department of Ecology as defined in RCW 90.58.140.

2495            C. When a hearing and decision has occurred ~~((pursuant to Section))~~ under  
2496 K.C.C. 25.32.080, as recodified by this ordinance, and the examiner's recommendation  
2497 with regard to disposition of a proposed development ~~((pursuant to))~~ under K.C.C. Titles  
2498 20 and 21A ~~((of this code))~~ requires King County council action, the final decision of the  
2499 county ~~((pursuant to this title))~~ shall be effective on the date of filing as defined in RCW  
2500 90.58.140 for the purposes of appeal as provided in RCW ~~((90.50.140))~~ 90.58.140.

2501 However, ~~((no))~~ development may not occur until the King County council has taken  
2502 final action on the examiner's recommendation required by K.C.C. Titles 20 and ~~((or))~~  
2503 21A ~~((of this code)).~~

2504            SECTION 65. K.C.C. 25.08.090, as amended by this ordinance, is recodified as a  
2505 new section in K.C.C. chapter 21A.06.

2506            SECTION 66. Ordinance 3688, Section 208, and K.C.C. 25.08.090 are each  
2507 hereby amended to read as follows:

2508            (~~"~~)Breakwater(~~" means~~): an off-shore structure either floating or not (~~which~~)  
2509    that may or may not be connected to the shore, such structure being designated to absorb  
2510    (~~and/~~)or reflect back into the water body the energy of the waves.

2511            SECTION 67. K.C.C. 25.08.100, as amended by this ordinance, is recodified as a  
2512    new section in K.C.C. chapter 21A.06.

2513            SECTION 68. Ordinance 3688, Section 209, and K.C.C. 25.08.100 are each  
2514    hereby amended to read as follows:

2515            (~~"~~)Bulkhead(~~" means~~): a solid or open pile wall of rock, concrete, steel or  
2516    timber or other materials or a combination of these materials erected generally parallel to  
2517    and near the ordinary high water mark for the purpose of protecting (~~adjacent wetlands~~  
2518    ~~and~~) uplands from waves or currents.

2519            SECTION 69. K.C.C. 25.08.175, as amended by this ordinance, is hereby  
2520    recodified as a new section in K.C.C. chapter 21A.06.

2521            SECTION 70. Ordinance 5734, Section 1, and K.C.C. 25.08.175 are each hereby  
2522    amended to read as follows:

2523            (~~"~~)Dredging(~~" is~~): the removal, displacement, (~~and/~~)or disposal of  
2524    unconsolidated earth material such as sand, silt, gravel(~~;~~) or other (~~submerged~~)  
2525    materials, from (~~the bottom of~~) water bodies, ditches(~~;~~) or natural wetlands(~~;~~),  
2526    whether during submerged conditions or dry conditions. Dredging includes maintenance  
2527    dredging and(~~/or~~) support activities (~~are included in this definition~~).

2528            SECTION 71. K.C.C. 25.08.190, as amended by this ordinance, is hereby  
2529    recodified as a new section in K.C.C. chapter 21A.06.

2530            SECTION 72. Ordinance 3688, Section 218, and K.C.C. 25.08.190 are each  
2531 hereby amended to read as follows:

2532            ((~~"~~))Environment(~~(" or "master program environment" or "shoreline environment"~~  
2533 ~~means~~)), shoreline: the categories of shorelines (~~(of the state)~~) and shorelands established  
2534 by the King County shoreline (~~(management)~~) master program to differentiate between  
2535 areas whose features imply differing objectives regarding their use and future  
2536 development.

2537            SECTION 73. K.C.C. 25.08.210, as amended by this ordinance, is hereby  
2538 recodified as a new section in K.C.C. chapter 21A.06.

2539            SECTION 74. Ordinance 3688, Section 220, and K.C.C. 25.08.210 are each  
2540 hereby amended to read as follows:

2541            ((~~"~~))Float(~~(" means~~)): a structure or device (~~(which)~~) that is not a breakwater and  
2542 (~~(which)~~) that is moored, anchored(~~(;)~~) or otherwise secured in the waters of King County  
2543 and (~~(which)~~) is not connected to the shoreline.

2544            SECTION 75. K.C.C. 25.08.230, as amended by this ordinance, is hereby  
2545 recodified as a new section in K.C.C. chapter 21A.06.

2546            SECTION 76. Ordinance 3688, Section 222, and K.C.C. 25.08.230 are each  
2547 hereby amended to read as follows:

2548            ((~~"~~))Groin(~~(" means~~)): a barrier type structure extending from the backshore into  
2549 the water across the beach. The purpose of a groin is to interrupt sediment movement  
2550 along the shore.

2551            SECTION 77. K.C.C. 25.08.250, as amended by this ordinance, is hereby  
2552 recodified as a new section in K.C.C. chapter 21A.06.

2553            SECTION 78. Ordinance 3688, Section 224, and K.C.C. 25.08.250 are each  
2554 hereby amended to read as follows:

2555            ~~((“))~~Jetty(~~(“ means a)~~): an artificial barrier used to change the natural littoral drift  
2556 to protect inlet entrances from clogging by excess sediment.

2557            SECTION 79. K.C.C. 25.08.290, as amended by this ordinance, is hereby  
2558 recodified as a new section in K.C.C. chapter 21A.06.

2559            SECTION 80. Ordinance 3688, Section 228, and K.C.C. 25.08.290 are each  
2560 hereby amended to read as follows:

2561            ~~((“))~~Master program(~~(“ means))~~), shoreline: the comprehensive shoreline use plan  
2562 for King County consisting of:

2563            A. The ~~((use regulations and procedures contained in this title; and))~~ King  
2564 County shoreline management goals and policies, set forth in King County  
2565 Comprehensive Plan Chapter 5, that guide environmental designations, shoreline  
2566 protection, shoreline use and shoreline modifications; and

2567            B. The ~~((goals, objectives and policies of the King County shoreline management~~  
2568 ~~master program which are contained in a separate document and adopted by ordinance.))~~  
2569 development regulations identified in section 4 of this ordinance.

2570            NEW SECTION. SECTION 81. There is hereby added to K.C.C. chapter  
2571 21A.06 a new section to read as follows:

2572            Navigability or navigable: the capability of susceptibility of a body of water of  
2573 having been or being used for the transport of useful commerce. The state of Washington  
2574 considers all bodies of water meandered by government surveyors as navigable unless  
2575 otherwise declared by a court.

2576            NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter  
2577 21A.06 a new section to read as follows:

2578            Nearshore: the area beginning at the crest of coastal bluffs and extending seaward  
2579 through the marine photics zone, and to the head of tide in coastal rivers and streams.  
2580 Nearshore includes estuaries.

2581            SECTION 83. K.C.C. 25.08.370, as amended by this ordinance, is hereby  
2582 recodified as a new section in K.C.C. chapter 21A.06.

2583            SECTION 84. Ordinance 3688, Section 234, and K.C.C. 25.08.370 are each  
2584 hereby amended to read as follows:

2585            ~~((("Pier((" or ((("dock((" means))~~: a structure built in or over<sub>2</sub> or floating upon<sub>2</sub>  
2586 the water extending from the shore, ~~((which))~~ that may be used as a landing place ~~((for~~  
2587 ~~marine transport or))~~ for air or water craft or recreational activities.

2588            SECTION 85. K.C.C. 25.08.020, as amended by this ordinance, is hereby  
2589 recodified as a new section in K.C.C. chapter 21A.06.

2590            SECTION 86. Ordinance 3688, Section 201, and K.C.C. 25.08.020 are each  
2591 hereby amended to read as follows:

2592            ~~((A.))~~ Public ~~((A))~~access:~~((("Public access" means actual unobstructed access~~  
2593 ~~available to))~~ the ability of the general public ~~((from land to the ordinary high water mark~~  
2594 ~~or to the wetland directly abutting the ordinary high water mark))~~ to reach, touch and  
2595 enjoy the water's edge, to travel on the waters of the state and to view the water and the  
2596 shoreline from adjacent locations.

2597            ~~((B. Limited Public Access. "Limited public access" means:~~

2598           1. ~~Actual physical access from land to the ordinary high water mark or to the~~  
2599 ~~wetland directly abutting the ordinary high water mark, such access being limited to~~  
2600 ~~specific groups of people or to certain regularly prescribed times; or~~

2601           2. ~~Visual access available to the general public to the shoreline and adjacent~~  
2602 ~~waterbody, such access being specifically provided for in the development of the site.))~~

2603           SECTION 87. K.C.C. 25.08.400, as amended by this ordinance, is hereby  
2604 recodified as a new section in K.C.C. chapter 21A.06.

2605           SECTION 88. Ordinance 3688, Section 237, and K.C.C. 25.08.400 are each  
2606 hereby amended to read as follows:

2607           ((~~"~~))Redesignation(~~" means~~)): a change in the shoreline environment designation  
2608 by the procedures provided in ((~~Chapter 25.32 of this title~~)) K.C.C. chapter 20.18.

2609           NEW SECTION. SECTION 89. There is hereby added to K.C.C. chapter  
2610 21A.06 a new section to read as follows:

2611           Shorelands: areas landward of the ordinary high water mark along shorelines  
2612 extending landward two hundred feet, and also including:

- 2613           A. The one hundred year floodplain;  
2614           B. All associated wetlands; and  
2615           C. All river deltas.

2616           SECTION 90. K.C.C. 25.08.460, as amended by this ordinance, is hereby  
2617 recodified as a new section in K.C.C. chapter 21A.06.

2618           SECTION 91. Ordinance 3688, Section 247, and K.C.C. 25.08.460 are each  
2619 hereby amended to read as follows:

2620 (~~"~~)Shoreline (~~(management)~~) conditional use(~~(" or "shoreline conditional use"~~  
2621 ~~means)~~); a shoreline use (~~(specifically designated as a shoreline conditional use in the~~  
2622 ~~shoreline management master program)~~) that is allowed only if it meets the criteria  
2623 established in K.C.C. 25.32.050, as recodified by this ordinance, and is subject to  
2624 conditions of approval.

2625 NEW SECTION. SECTION 92. There is hereby added to K.C.C. chapter  
2626 21A.06 a new section to read as follows:

2627 Shoreline jurisdiction: shorelines and shorelands in unincorporated King County.

2628 SECTION 93. K.C.C. 25.08.480, as amended by this ordinance, is hereby  
2629 recodified as a new section in K.C.C. chapter 21A.06.

2630 SECTION 94. Ordinance 3688, Section 251, and K.C.C. 25.08.480 are each  
2631 hereby amended to read as follows:

2632 (~~"~~)Shoreline (~~(protection "means)~~) stabilization: a structure or device,  
2633 including, but not limited to, breakwaters, bulkheads, jetties, groins and riprap, (~~(which)~~)  
2634 that is placed so as to prevent erosion or to alter the normal currents, wave actions or  
2635 other natural forces or actions of a waterbody. Shoreline stabilization does not include  
2636 flood protection facilities.

2637 SECTION 95. K.C.C. 25.08.470, as amended by this ordinance, is hereby  
2638 recodified as a new section in K.C.C. chapter 21A.06.

2639 SECTION 96. Ordinance 3688, Section 248, and K.C.C. 25.08.470 are each  
2640 hereby amended to read as follows:

2641            (~~"~~)Shoreline (~~(management)~~) variance(~~("means)~~): an adjustment in the  
2642 application of the regulations of the shoreline management master program consistent  
2643 with WAC 173-27-170 and K.C.C. 25.32.040, as recodified by this ordinance.

2644            SECTION 97. K.C.C. 25.08.490, as amended by this ordinance, is hereby  
2645 recodified as a new section in K.C.C. chapter 21A.06.

2646            SECTION 98 Ordinance 3688, Section 246, and K.C.C. 25.08.490 are each  
2647 hereby amended to read as follows:

2648            (~~"~~)Shorelines(~~("means)~~): all (~~(of the water areas within the unincorporated~~  
2649 ~~portion of King County, including reservoirs, and their associated wetlands together with~~  
2650 ~~the lands underlying them; except:~~

2651            ~~A. Shorelines on segments of streams upstream of a point where the mean annual~~  
2652 ~~flow is twenty cubic feet per second or less and the wetlands associated with such~~  
2653 ~~upstream segments;~~

2654            ~~B. Shorelines on lakes less than twenty acres in size and wetlands associated with~~  
2655 ~~such lakes)) marine waters, lakes greater than 20 acres and rivers and streams with a~~  
2656 ~~minimum of twenty cubic feet per second mean annual flow.~~

2657            SECTION 99. K.C.C. 25.08.510, as amended by this ordinance, is hereby  
2658 recodified as a new section in K.C.C. chapter 21A.06.

2659            SECTION 100. Ordinance 3688, Section 249, and K.C.C. 25.08.510 are each  
2660 hereby amended to read as follows:

2661            (~~"~~)Shorelines of statewide significance(~~("means)~~): those shorelines described in  
2662 RCW 90.58.030(2)(e) (~~(which)~~) that are within the unincorporated portion of King  
2663 County.

2664            SECTION 101. K.C.C. 25.08.570, as amended by this ordinance, is hereby  
2665 recodified as a new section in K.C.C. chapter 21A.06.

2666            SECTION 102. Ordinance 3688, Section 255, and K.C.C. 25.08.570 are each  
2667 hereby amended to read as follows:

2668            ~~((“))Substantial development((“ means)):~~ any development ~~((which))~~ that  
2669 requires a shoreline management substantial development permit, as defined in RCW  
2670 90.58.030(3)(e) ~~((as now or hereafter amended))~~.

2671            SECTION 103. K.C.C. 25.08.590, as amended by this ordinance, is hereby  
2672 recodified as a new section in K.C.C. chapter 21A.06.

2673            SECTION 104. Ordinance 3688, Section 257, and K.C.C. 25.08.590 are each  
2674 hereby amended to read as follows:

2675            ~~((“))Water dependent use((“ or “water dependent development” means)):~~ a  
2676 ~~((principal))~~ use ~~((which can only))~~ or portion of a use that cannot exist ~~((where the~~  
2677 ~~landwater interface provides biological or physical conditions necessary for the use))~~ in a  
2678 location that is not adjacent to the water and that is dependent on the water by reason of  
2679 the intrinsic nature of its operations.

2680            NEW SECTION. SECTION 105. There is hereby added to K.C.C. chapter  
2681 21A.06 a new section to read as follows:

2682            Water enjoyment use: a recreational use or other use that facilitates public access  
2683 to the shoreline as a primary characteristic of the use; or a use that provides for  
2684 recreational use or aesthetic enjoyment of the shoreline for a substantial number of  
2685 people as a general characteristic of the use and which through location, design and  
2686 operation ensures the public's ability to enjoy the physical and aesthetic qualities of the

2687 shoreline. A water enjoyment use must be open to the general public and the shoreline-  
2688 oriented space within the project must be devoted to the specific aspects of the use that  
2689 fosters shoreline enjoyment.

2690 NEW SECTION. SECTION 106. There is hereby added to K.C.C. chapter  
2691 21A.06 a new section to read as follows:

2692 Water oriented use: a use that is water dependent, water related or water  
2693 enjoyment, or a combination of such uses.

2694 SECTION 107. K.C.C. 25.08.600, as amended by this ordinance, is hereby  
2695 recodified as a new section in K.C.C. chapter 21A.06.

2696 SECTION 108. Ordinance 3688, Section 258, and K.C.C. 25.08.600 are each  
2697 hereby amended to read as follows:

2698 ~~((("Water related use(" or "water related development" means)); a ((principal))~~  
2699 ~~use ((which)) or portion of a use that is not intrinsically dependent on a waterfront~~  
2700 ~~location ((abutting the ordinary high water mark but which)) but whose economic~~  
2701 ~~viability is dependent upon a waterfront location because:~~

2702 A. ~~((Promotes the public's enjoyment of or access to the)) The use has a~~  
2703 ~~functional requirement for a waterfront location, such as the arrival or shipment of~~  
2704 ~~materials by water or the need for large quantities of water; or~~

2705 B. ~~((Gains a cost savings or revenue-differentiating advantage, which is not~~  
2706 ~~associated with land rents or costs, from being located within the shorelines of the state~~  
2707 ~~that could not be obtained at an upland location; such uses include but are not limited to~~  
2708 ~~residential development, boat sales or restaurants)) The use provides a necessary service~~

2709 supportive of the water-dependent uses and the proximity of the use to its customers  
2710 makes its services less expensive or more convenient, or both.

2711 NEW SECTION. SECTION 109. There is hereby added a new section to K.C.C.  
2712 chapter 21A.08 to read as follows:

2713 The permitted land uses allowed in this chapter are allowed within the shoreline  
2714 jurisdiction except as amended by section 31 of this ordinance.

2715 NEW SECTION. SECTION 110. There is hereby added a new section to K.C.C.  
2716 chapter 21A.12 to read as follows:

2717 The density and dimensions established in this chapter apply within the shoreline  
2718 jurisdiction except as inconsistent with section 47 of this ordinance.

2719 SECTION 111. Ordinance 13130, Section 3, as amended, and K.C.C.  
2720 21A.32.045 are each hereby amended to read as follows:

2721 A nonconforming use that has been discontinued, or a nonconforming structure or  
2722 site improvement that has been damaged or destroyed, may be reestablished or  
2723 reconstructed if:

2724 A. The nonconforming use, structure~~((;))~~ or site improvement ~~((which))~~ that  
2725 previously existed is not expanded;

2726 B. A new nonconformance is not created; ~~((and))~~

2727 C.1. The use has not been discontinued for more than twelve months ~~((prior to))~~  
2728 before its ~~((re-establishment))~~ reestablishment, or the nonconforming structure or site  
2729 improvement is reconstructed ~~((pursuant to))~~ in accordance with a complete permit  
2730 application submitted to the department within twelve months of the occurrence of  
2731 damage or destruction; or~~((;))~~

2732           2. If the use has been discontinued for more than twelve months, the applicant  
2733 provides documentation that demonstrates to the satisfaction of the department that there  
2734 was no intent to abandon the use. Documentation may include, but is not limited to,  
2735 requests for approvals necessary to reestablish the use or structure submitted to  
2736 appropriate county, state and federal agencies within twelve months after the use was  
2737 discontinued. A statement from the property owner that merely states that there is no  
2738 intent to abandon is not sufficient documentation without a showing of additional actions  
2739 taken by the property owner to reestablish the use or structure; and

2740           D. A nonconforming use, structure or site improvement located within the  
2741 shoreline jurisdiction that is damaged or destroyed more than fifty percent of its fair  
2742 market value at present or at the time of its destruction may be reconstructed only insofar  
2743 as it is consistent with existing regulations.

2744           SECTION 112. K.C.C. 25.32.040, as amended by this ordinance, is recodified as  
2745 a new section in K.C.C. chapter 21A.44.

2746           SECTION 113. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040  
2747 are each hereby amended to read as follows:

2748           A. ~~((The director is authorized to grant a variance from the performance~~  
2749 ~~standards of this master program only under the conditions enumerated WAC 173-14-150~~  
2750 ~~(Review Criteria for Variances).)) A shoreline variance shall be granted by the county  
2751 from the bulk, dimensional or performance standards set forth in section 47 of this  
2752 ordinance only if the applicant demonstrates that:~~

2753           1. The review criteria of WAC 173-27-170 have been met;

2754           2. The shoreline variance does not permit a use that is specifically prohibited in  
2755 the environmental designation; and

2756           3. Views from nearby roads and public areas are protected.

2757           B. A variance from county zoning code requirements shall not be construed to  
2758 mean a variance from shoreline master program use regulations and vice versa.

2759           C. ~~((Shoreline variances may not be used to permit a use that is specifically~~  
2760 ~~prohibited in an environment designation.~~

2761           D.)) The burden of proving that a proposed variance meets these conditions shall  
2762 be on the applicant; absence of such proof shall be grounds for denial of the application.

2763           ~~((E. The fee which shall accompany an application for a shoreline variance shall~~  
2764 ~~be as adopted by ordinance.))~~

2765           SECTION 114. K.C.C. 25.32.050, as amended by this ordinance, is recodified as  
2766 a new section in K.C.C. chapter 21A.44.

2767           SECTION 115. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each  
2768 hereby amended to read as follows:

2769           A. ~~((The director is authorized to issue))~~ A shoreline conditional use ~~((permits))~~  
2770 shall be granted by the department for conditional uses identified in K.C.C. 25.20.060, as  
2771 recodified by this ordinance, and K.C.C. 25.16.180, as recodified by this ordinance, as  
2772 shoreline conditional uses only ((under the following circumstances)) if the applicant  
2773 demonstrates that:

2774           1. ~~((The development must be compatible with uses which are permitted within~~  
2775 ~~the master program environment in which the development is proposed.))~~ The review  
2776 criteria of WAC 173-27-160 have been met; and

2777 2. ~~((The use will cause no unreasonable adverse effects on the shoreline or~~  
2778 ~~surrounding properties and uses.~~

2779 3.)) The use will promote or not interfere with public use of surface waters.

2780 ~~((4. The development of the site will not be contrary to the policies of the~~  
2781 ~~master program.))~~

2782 B. A shoreline conditional use may be granted by the department for uses not  
2783 identified as conditional uses in section 32 of this ordinance and K.C.C. 25.16.180, as  
2784 recodified by this ordinance, only if the applicant demonstrates that:

2785 1. The criteria in subsection A. of this section have been met;

2786 2. The use is not specifically prohibited in the shoreline environment;

2787 3. The use clearly requires specific site location on the shoreline not provided  
2788 for under the shoreline master program; and

2789 4. Extraordinary circumstances preclude reasonable use of the property in a  
2790 manner consistent with the use regulations of the new chapter created in section 16 of this  
2791 ordinance.

2792 C. The burden of proving that a proposed shoreline conditional use meets the  
2793 criteria enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence  
2794 of such proof shall be grounds for denial of the application~~((; provided, however, that the~~  
2795 ~~director is authorized to determine and impose, on a case-by-case basis, those conditions~~  
2796 ~~and standards which may be required to enable any proposed shoreline conditional use to~~  
2797 ~~satisfy the criteria established in subsection A. of this section)).~~

2798 SECTION 116. Ordinance 10870, Section 631, and K.C.C. 21A.50.030 are each  
2799 hereby amended to read as follows:

2800 No building permit or land use approval in conflict with ~~((the provisions of))~~ this  
2801 title shall be issued. Structures or uses ~~((which))~~ that do not conform to this title, except  
2802 legal nonconformances specified in K.C.C. chapter 21A.32 and approved variances, are  
2803 violations subject to the enforcement, penalty and abatement provisions of K.C.C. Title  
2804 23, including, but not limited to:

2805 A. Establishing a use not permitted in the zone in which it is located;

2806 B. Constructing, expanding or placing a structure in violation of setback, height  
2807 and other dimensional standards in this title;

2808 C. Establishing a permitted use without complying with applicable development  
2809 standards set forth in other titles, ordinances, rules or other laws, including but not  
2810 limited to, road construction, surface water management, the Fire Code~~((s))~~ and rules of  
2811 the department of public health;

2812 D. Failing to carry out or observe conditions of land use or permit approval,  
2813 including contract development standards;

2814 E. Failing to secure required land use or permit approval ~~((prior to))~~ before  
2815 establishing a permitted use; ~~((and))~~

2816 F. Failing to maintain site improvements, such as landscaping, parking or  
2817 drainage control facilities as required by this code or other King County ordinances;

2818 G. Undertaking any development within the shoreline jurisdiction without first  
2819 obtaining a required substantial development permit or required statement of exemption;  
2820 and;

2821 H. Undertaking any development within the shoreline jurisdiction that is exempt  
2822 from the requirement to obtain a substantial development permit that is not in compliance

2823 with the policy of RCW 90.58.020 and the requirements of chapter 173-26 WAC and the  
2824 King County shoreline master program.

2825 NEW SECTION. SECTION 117. There is hereby added a new section to K.C.C.  
2826 chapter 21A.06 to read as follows:

2827 Regional light rail transit: A public rail transit line that operates at grade level,  
2828 above grade level((;)) or in a tunnel and that provides high capacity, regional transit  
2829 service owned or operated by a regional transit authority authorized under chapter 81.112  
2830 RCW. A regional light rail transit system may be designed to share a street right-of-way  
2831 although it may also use a separate right-of-way.

2832 SECTION 118. Ordinance 15051, Section 86, as amended, and K.C.C.  
2833 21A06.942 are each hereby amended to read as follows:

2834 Public road right-of-way structure: the existing, maintained, improved road right-  
2835 of-way, regional light rail transit or railroad prism and the roadway drainage features  
2836 including ditches and the associated surface water conveyance system, flow control and  
2837 water quality treatment facilities and other structures that are ancillary to those facilities  
2838 including catch-basins, access holes and culverts.

2839 SECTION 119. Ordinance 10870, Section 323, as amended, and K.C.C.  
2840 21A.06.1391 are each hereby amended to read as follows:

2841 Wetland: an area that is not an aquatic area and that is inundated or saturated by  
2842 ground or surface water at a frequency and duration sufficient to support, and under  
2843 normal circumstances supports, a prevalence of vegetation typically adapted for life in  
2844 saturated soil conditions. For purposes of this definition:

2845 A. (~~Where the vegetation has been removed or substantially altered, "wetland" is~~  
2846 ~~determined by the presence or evidence of hydric soil, by other documentation such as~~  
2847 ~~aerial photographs of the previous existence of wetland vegetation or by any other~~  
2848 ~~manner authorized in~~) Wetlands shall be delineated using the wetland delineation  
2849 manual required by RCW 36.70A.175; and

2850 B. Except for artificial features intentionally made for the purpose of mitigation,  
2851 "wetland" does not include an artificial feature made from a nonwetland area, which may  
2852 include, but is not limited to:

- 2853 1. A surface water conveyance for drainage or irrigation;
- 2854 2. A grass-lined swale;
- 2855 3. A canal;
- 2856 4. A flow control facility;
- 2857 5. A wastewater treatment facility;
- 2858 6. A farm pond;
- 2859 7. A wetpond;
- 2860 8. Landscape amenities; or
- 2861 9. A wetland created after July 1, 1990, that was unintentionally made as a  
2862 result of construction of a road, street or highway.

2863 SECTION 120. Ordinance 15051, Section 137, as amended, and K.C.C.

2864 21A.24.045 are each hereby amended to read as follows:

2865 A. Within the following seven critical areas and their buffers all alterations are  
2866 allowed if the alteration complies with the development standards, impact avoidance and  
2867 mitigation requirements and other applicable requirements established in this chapter:

- 2868           1. Critical aquifer recharge area,  
2869           2. Coal mine hazard area;  
2870           3. Erosion hazard area;  
2871           4. Flood hazard area except in the severe channel migration hazard area;  
2872           5. Landslide hazard area under forty percent slope;  
2873           6. Seismic hazard area; and  
2874           7. Volcanic hazard areas.
- 2875           B. Within the following seven critical areas and their buffers, unless allowed as  
2876 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
2877 subsection C. of this section are allowed if the alteration complies with conditions in  
2878 subsection D. of this section and the development standards, impact avoidance and  
2879 mitigation requirements and other applicable requirements established in this chapter:
- 2880           1. Severe channel migration hazard area;  
2881           2. Landslide hazard area over forty percent slope;  
2882           3. Steep slope hazard area;  
2883           4. Wetland;  
2884           5. Aquatic area;  
2885           6. Wildlife habitat conservation area; and  
2886           7. Wildlife habitat network.
- 2887           C. In the following table where an activity is included in more than one activity  
2888 category, the numbered conditions applicable to the most specific description of the  
2889 activity governs. Where more than one numbered condition appears for a listed activity,  
2890 each of the relevant conditions specified for that activity within the given critical area



<p>A number in a cell means the corresponding numbered condition in subsection D. applies</p> <p>"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</p>					

<b>ACTIVITY</b>					
<b>Structures</b>					
Construction of new single detached dwelling unit			A 1	A 2	
<u>Construction of a new tree-supported structure</u>			<u>A 64</u>	<u>A 64</u>	<u>A 64</u>
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15

Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A22	A22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
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			A26	A26	

Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28				
Construction of farm field access drive	A 29				
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39				
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27

Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well			A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37

water conveyance system					
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public	A 48	A 48	A 48	A 48	A 4, 48

park facility, trail or publicly improved recreation area					
<b>Habitat, education and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54

Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
<u>Shoreline water dependent or shoreline water oriented use</u>				<u>A 65</u>	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

2893 D. The following alteration conditions apply:

2894 1. Limited to farm residences in grazed or tilled wet meadows and subject to the

2895 limitations of subsection D.3. of this section.

2896           2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
2897 created before January 1, 2005, if:

2898           a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
2899 seventy-five percent of the lake frontage, whichever constitutes the most developable  
2900 lake frontage, has existing density of four dwelling units per acre or more;

2901           b. the development proposal, including mitigation required by this chapter, will  
2902 have the least adverse impact on the critical area;

2903           c. existing native vegetation within the critical area buffer will remain  
2904 undisturbed except as necessary to accommodate the development proposal and required  
2905 building setbacks;

2906           d. access is located to have the least adverse impact on the critical area and  
2907 critical area buffer;

2908           e. the alteration is the minimum necessary to accommodate the development  
2909 proposal and in no case in excess of a development footprint of five thousand square feet;

2910           f. the alteration ~~((does not exceed the residential development setbacks~~  
2911 ~~required under K.C.C. chapter 25.04 and))~~ is no ~~((circumstances shall the alteration be~~  
2912 ~~allowed))~~ closer than(~~(;~~

2913 ~~—————(1))~~ twenty-five feet of the ordinary high water mark of ~~((a))~~ the lake  
2914 shoreline ~~((designated urban under K.C.C. chapter 25.16;~~

2915 ~~—————(2)~~ fifty feet of the ordinary high water mark of a lake shoreline designated  
2916 ~~rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or~~

2917 ~~—————(3)~~ one hundred feet of the ordinary high water mark of a lake shoreline  
2918 ~~designated natural under K.C.C. chapter 25.28)); and~~

---

2919 g. to the maximum extent practical, alterations are mitigated on the  
2920 development proposal site by enhancing or restoring remaining critical area buffers.

2921 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
2922 buffers of wetlands or aquatic areas where:

2923 a. the site is predominantly used for the practice of agriculture;

2924 b. the structure is in compliance with an approved farm management plan in  
2925 accordance with K.C.C. 21A.24.051;

2926 c. the structure is either:

2927 (1) on or adjacent to existing nonresidential impervious surface areas,  
2928 additional impervious surface area is not created waterward of any existing impervious  
2929 surface areas and the area was not used for crop production;

2930 (2) higher in elevation and no closer to the critical area than its existing  
2931 position; or

2932 (3) at a location away from existing impervious surface areas that is  
2933 determined to be the optimum site in the farm management plan;

2934 d. all best management practices associated with the structure specified in the  
2935 farm management plan are installed and maintained;

2936 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
2937 require the development of a farm management plan if required best management  
2938 practices are followed and the installation does not require clearing of critical areas or  
2939 their buffers; and

2940 f. in a severe channel migration hazard area portion of an aquatic buffer only  
2941 if:

- 2942 (1) there is no feasible alternative location on-site;
- 2943 (2) the structure is located where it is least subject to risk from channel  
2944 migration;
- 2945 (3) the structure is not used to house animals or store hazardous substances;  
2946 and
- 2947 (4) the total footprint of all accessory structures within the severe channel  
2948 migration hazard area will not exceed the greater of one thousand square feet or two  
2949 percent of the severe channel migration hazard area on the site.
- 2950 4. Allowed if no clearing, external construction or other disturbance in a  
2951 wildlife habitat conservation area occurs during breeding seasons established under  
2952 K.C.C. 21A.24.382.
- 2953 5. Allowed for structures when:
- 2954 a. the landslide hazard poses little or no risk of injury;
- 2955 b. the risk of landsliding is low; and
- 2956 c. there is not an expansion of the structure.
- 2957 6. Within a severe channel migration hazard area allowed for:
- 2958 a. existing legally established primary structures if:
- 2959 (1) there is not an increase of the footprint of any existing structure; and  
2960 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 2961 and
- 2962 b. existing legally established accessory structures if:
- 2963 (1) additions to the footprint will not make the total footprint of all existing  
2964 structures more than one-thousand square feet; and

2965                   (2) there is not an expansion of the footprint towards any source of channel  
2966 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
2967 and has less impact on the critical area.

2968                   7. Allowed only in grazed wet meadows or the buffer or building setback  
2969 outside a severe channel migration hazard area if:

2970                   a. the expansion or replacement does not increase the footprint of a  
2971 nonresidential structure;

2972                   b.(1) for a legally established dwelling unit, the expansion or replacement,  
2973 including any expansion of a legally established accessory structure or impervious  
2974 surfaces allowed under this subsection B.7.b., does not increase the footprint of the  
2975 dwelling unit and all other structures by more than one thousand square feet, not  
2976 including any expansion of a drainfield made necessary by the expansion of structures.  
2977 To the maximum extent practical, the replacement or expansion of a drainfield in the  
2978 buffer should be located within areas of existing lawn or landscaping, unless another  
2979 location will have a lesser impact on the critical area and its buffer;

2980                   (2) for a structure accessory to a dwelling unit, the expansion or replacement  
2981 is located on or adjacent to existing impervious surface areas and does not result in a  
2982 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
2983 more than one thousand square feet; (~~and~~)

2984                   (3) the location of the expansion has the least adverse impact on the critical  
2985 area; and

2986                   (4) a comparable area of degraded buffer area shall be enhanced through  
2987 removal of nonnative plants and replacement with native vegetation in accordance with  
2988 an approved landscaping plan;

2989                   c. the structure was not established as the result of an alteration exception,  
2990 variance, buffer averaging or reasonable use exception; and

2991                   d. to the maximum extent practical, the expansion or replacement is not  
2992 located closer to the critical area or within the relic of a channel that can be connected to  
2993 an aquatic area.

2994                   8. Allowed upon another portion of an existing impervious surface outside a  
2995 severe channel migration hazard area if:

2996                   a. the structure is not located closer to the critical area; ~~((and))~~

2997                   b. the existing impervious surface within the critical area or buffer is not  
2998 expanded; and

2999                   c. the degraded buffer area is enhanced through removal of nonnative plants  
3000 and replacement with native vegetation in accordance with an approved landscaping plan.

3001                   9. Limited to piers or seasonal floating docks in a category II, III or IV wetland  
3002 or its buffer or along a lake shoreline or its buffer where:

3003                   a. ~~((the existing and zoned density of all properties abutting the entire lake~~  
3004 ~~shoreline averages three dwelling units per acre or more;~~

3005                   b. ~~at least seventy-five percent of the lots abutting the shoreline or seventy-five~~  
3006 ~~percent of the lake frontage, whichever constitutes the most lake frontage, has been~~  
3007 ~~developed with dwelling units;~~

3008 e.)) the vegetation where the alteration is proposed does not consist of  
3009 dominant native wetland herbaceous or woody vegetation six feet in width or greater and  
3010 the lack of this vegetation is not the result of any violation of law;

3011 ~~((d.))~~ b. the wetland or lake shoreline is not a salmonid spawning area; ~~((and))~~

3012 ~~((e.))~~ c. hazardous substances or toxic materials are not used; and

3013 e. if located on a freshwater lake, the pier or dock conforms to the standards  
3014 for docks under K.C.C. 25.16.120, as recodified by this ordinance.

3015 10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
3016 materials are not used.

3017 11. Allowed on type S or F aquatic areas outside of the severe channel  
3018 migration hazard area if in compliance with ~~((K.C.C. Title 25))~~ K.C.C. 25.16.120, as  
3019 recodified by this ordinance.

3020 12. When located on a lake, must be in compliance with ~~((K.C.C. Title 25))~~  
3021 K.C.C. 25.16.120, as recodified by this ordinance.

3022 13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
3023 grading activity.

3024 14. The following are allowed in the severe channel migration hazard area if  
3025 conducted more than one~~((-))~~ hundred ~~((and))~~ sixty-five feet from the ordinary high water  
3026 mark in the rural area and one-hundred ~~((and))~~ fifteen feet from the ordinary high water  
3027 mark in the urban area:

3028 a. grading of up to fifty cubic yards on lot less than five acres; and

3029 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
3030 percent of the severe channel migration hazard area.

3031           15. Only where erosion or landsliding threatens a structure, utility facility,  
3032 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
3033 practical, stabilization work does not disturb the slope and its vegetative cover and any  
3034 associated critical areas.

3035           16. Allowed when performed by, at the direction of or authorized by a  
3036 government agency in accordance with regional road maintenance guidelines.

3037           17. Allowed when not performed under the direction of a government agency  
3038 only if:

3039           a. the maintenance or expansion does not involve the use of herbicides,  
3040 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands  
3041 or their buffers; and

3042           b. when maintenance, expansion or replacement of bridges or culverts involves  
3043 water used by salmonids:

3044           (1) the work is in compliance with ditch standards in public rule; and

3045           (2) the maintenance of culverts is limited to removal of sediment and debris  
3046 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
3047 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
3048 excavation of a new sediment trap adjacent to the inlet.

3049           18. Allowed for the removal of hazard trees and vegetation as necessary for  
3050 surveying or testing purposes.

3051           19. The limited trimming and pruning of vegetation for the making and  
3052 maintenance of view corridors or habitat enhancement under a vegetation management  
3053 plan approved by the department, if the soils are not disturbed and the activity will not

3054 adversely affect the long term slope stability or water quality or cause erosion. The  
3055 vegetation management plan shall use native species with adequate root strength to add  
3056 stability to a steep slope.

3057           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
3058 fruits, for restoration and enhancement projects is allowed.

3059           21. Cutting of firewood is subject to the following:

3060           a. within a wildlife habitat conservation area, cutting firewood is not allowed;

3061           b. within a wildlife network, cutting shall be in accordance with a management  
3062 plan approved under K.C.C. 21A.24.386 by this ordinance; and

3063           c. within a critical area buffer, cutting shall be for personal use and in  
3064 accordance with an approved forest management plan or rural stewardship plan.

3065           22. Allowed only in buffers if in accordance with best management practices  
3066 approved by the King County fire marshal.

3067           23. Allowed as follows:

3068           a. if conducted in accordance with an approved forest management plan, farm  
3069 management plan((;)) or rural stewardship plan; or

3070           b. without an approved forest management plan, farm management plan or  
3071 rural stewardship plan, only if:

3072           (1) removal is undertaken with hand labor, including hand-held mechanical  
3073 tools, unless the King County noxious weed control board otherwise prescribes the use of  
3074 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
3075 methods;

3076           (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

- 3077           (3) the cleared area is revegetated with native vegetation and stabilized  
3078 against erosion; and
- 3079           (4) herbicide use is in accordance with federal and state law;
- 3080           24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:
- 3081           a. a forest management plan is approved for the site by the King County  
3082 department of natural resources and parks; and
- 3083           b. the property owner provides a notice of intent in accordance with RCW  
3084 76.09.060 that the site will not be converted to nonforestry uses within six years.
- 3085           25. Only if in compliance with published Washington state Department of Fish  
3086 and Wildlife and Washington state Department of Natural Resources Management  
3087 standards for the species. If there are no published Washington state standards, only if in  
3088 compliance with management standards determined by the county to be consistent with  
3089 best available science.
- 3090           26. Allowed only if:
- 3091           a. there is not another feasible location with less adverse impact on the critical  
3092 area and its buffer;
- 3093           b. the corridor is not located over habitat used for salmonid rearing or  
3094 spawning or by a species listed as endangered or threatened by the state or federal  
3095 government unless the department determines that there is no other feasible crossing site.
- 3096           c. the corridor width is minimized to the maximum extent practical;
- 3097           d. the construction occurs during approved periods for instream work;
- 3098           e. the corridor will not change or diminish the overall aquatic area flow peaks,  
3099 duration or volume or the flood storage capacity; and

3100 f. no new public right-of-way is established within a severe channel migration  
3101 hazard area.

3102 27. To the maximum extent practical, during breeding season established under  
3103 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
3104 equipment are not operated within a wildlife habitat conservation area.

3105 28. Allowed only if:

3106 a. an alternative access is not available;

3107 b. impact to the critical area is minimized to the maximum extent practical  
3108 including the use of walls to limit the amount of cut and fill necessary;

3109 c. the risk associated with landslide and erosion is minimized;

3110 d. access is located where it is least subject to risk from channel migration; and

3111 e. construction occurs during approved periods for instream work.

3112 29. Only if in compliance with a farm management plan in accordance with  
3113 K.C.C. 21A.24.051.

3114 30. Allowed only if:

3115 a. the replacement is made fish passable in accordance with the most recent  
3116 Washington state Department of Fish and Wildlife manuals or with the National Marine  
3117 and Fisheries Services guidelines for federally listed salmonid species; and

3118 b. the site is restored with appropriate native vegetation.

3119 31. Allowed if necessary to bring the bridge or culvert up to current standards  
3120 and if:

3121 a. there is not another feasible alternative available with less impact on the  
3122 aquatic area and its buffer; and

3123           b. to the maximum extent practical, the bridge or culvert is located to minimize  
3124 impacts to the aquatic area and its buffer's.

3125           32. Allowed in an existing roadway if conducted consistent with the regional  
3126 road maintenance guidelines.

3127           33. Allowed outside the roadway if:

3128           a. the alterations will not subject the critical area to an increased risk of  
3129 landslide or erosion;

3130           b. vegetation removal is the minimum necessary to locate the utility or  
3131 construct the corridor; and

3132           c. significant risk of personal injury is eliminated or minimized in the landslide  
3133 hazard area.

3134           34. Limited to the pipelines, cables, wires and support structures of utility  
3135 facilities within utility corridors if:

3136           a. there is no alternative location with less adverse impact on the critical area  
3137 and critical area buffer;

3138           b. new utility corridors meet the all of the following to the maximum extent  
3139 practical:

3140           (1) are not located over habitat used for salmonid rearing or spawning or by a  
3141 species listed as endangered or threatened by the state or federal government unless the  
3142 department determines that there is no other feasible crossing site;

3143           (2) the mean annual flow rate is less than twenty cubic feet per second; and

3144           (3) paralleling the channel or following a down-valley route near the channel  
3145 is avoided;

- 3146 c. to the maximum extent practical utility corridors are located so that:
- 3147 (1) the width is the minimized;
- 3148 (2) the removal of trees greater than twelve inches diameter at breast height is
- 3149 minimized;
- 3150 (3) an additional, contiguous and undisturbed critical area buffer, equal in
- 3151 area to the disturbed critical area buffer area including any allowed maintenance roads, is
- 3152 provided to protect the critical area;
- 3153 d. to the maximum extent practical, access for maintenance is at limited access
- 3154 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
- 3155 maintenance road is necessary the following standards are met:
- 3156 (1) to the maximum extent practical the width of the maintenance road is
- 3157 minimized and in no event greater than fifteen feet; and
- 3158 (2) the location of the maintenance road is contiguous to the utility corridor
- 3159 on the side of the utility corridor farthest from the critical area;
- 3160 e. the utility corridor or facility will not adversely impact the overall critical
- 3161 area hydrology or diminish flood storage capacity;
- 3162 f. the construction occurs during approved periods for instream work;
- 3163 g. the utility corridor serves multiple purposes and properties to the maximum
- 3164 extent practical;
- 3165 h. bridges or other construction techniques that do not disturb the critical areas
- 3166 are used to the maximum extent practical;
- 3167 i. bored, drilled or other trenchless crossing is laterally constructed at least four
- 3168 feet below the maximum depth of scour for the base flood;

3169           j. bridge piers or abutments for bridge crossing are not placed within the  
3170 FEMA floodway or the ordinary high water mark;

3171           k. open trenching is only used during low flow periods or only within aquatic  
3172 areas when they are dry. The department may approve open trenching of type S or F  
3173 aquatic areas only if there is not a feasible alternative and equivalent or greater  
3174 environmental protection can be achieved; and

3175           l. minor communication facilities may collocate on existing utility facilities if:

3176                 (1) no new transmission support structure is required; and

3177                 (2) equipment cabinets are located on the transmission support structure.

3178           35. Allowed only for new utility facilities in existing utility corridors.

3179           36. Allowed for private individual utility service connections on site or to public  
3180 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or  
3181 fertilizers are applied.

3182           37. Allowed if the disturbed area is not expanded, clearing is limited to the  
3183 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
3184 applied.

3185           38. Allowed if:

3186                 a. conveying the surface water into the wetland or aquatic area buffer and  
3187 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge  
3188 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer  
3189 than if the surface water were discharged at the buffer's edge and allowed to naturally  
3190 drain through the buffer;

3191           b. the volume of discharge is minimized through application of low impact  
3192 development and water quality measures identified in the King County Surface Water  
3193 Design Manual;

3194           c. the conveyance and outfall are installed with hand equipment where  
3195 feasible;

3196           d. the outfall shall include bioengineering techniques where feasible; and

3197           e. the outfall is designed to minimize adverse impacts to critical areas.

3198           39. Allowed only if:

3199           a. there is no feasible alternative with less impact on the critical area and its  
3200 buffer;

3201           b. to the maximum extent practical, the bridge or culvert is located to minimize  
3202 impacts to the critical area and its buffer;

3203           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
3204 spawning unless there is no other feasible crossing site;

3205           d. construction occurs during approved periods for in-stream work; and

3206           e. bridge piers or abutments for bridge crossings are not placed within the  
3207 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high  
3208 water mark.

3209           40. Allowed for an open, vegetated stormwater management conveyance system  
3210 and outfall structure that simulates natural conditions if:

3211           a. fish habitat features necessary for feeding, cover and reproduction are  
3212 included when appropriate;

- 3213           b. vegetation is maintained and added adjacent to all open channels and ponds,  
3214 if necessary to prevent erosion, filter out sediments or shade the water; and
- 3215           c. bioengineering techniques are used to the maximum extent practical.
- 3216           41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 3217           a. necessary to avoid erosion of slopes; and
- 3218           b. bioengineering techniques are used to the maximum extent practical.
- 3219           42. Allowed in a severe channel migration hazard area or an aquatic area buffer  
3220 to prevent bank erosion only:
- 3221           a. if consistent with the Integrated Streambank Protection Guidelines  
3222 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering  
3223 techniques are used to the maximum extent practical, unless the applicant demonstrates  
3224 that other methods provide equivalent structural stabilization and environmental function;
- 3225           b. based on a critical areas report, the department determines that the new  
3226 flood protection facility will not cause significant impacts to upstream or downstream  
3227 properties; and
- 3228           c. to prevent bank erosion for the protection of:
- 3229           (1) public roadways;
- 3230           (2) sole access routes in existence before February 16, 1995;
- 3231           (3) new primary dwelling units, accessory dwelling units or accessory living  
3232 quarters and residential accessory structures located outside the severe channel migration  
3233 hazard area if:
- 3234           (a) the site is adjacent to or abutted by properties on both sides containing  
3235 buildings or sole access routes protected by legal bank stabilization in existence before

3236 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
3237 located no more than six hundred feet apart as measured parallel to the migrating  
3238 channel; and

3239 (b) the new primary dwelling units, accessory dwelling units, accessory  
3240 living quarters or residential accessory structures are located no closer to the aquatic area  
3241 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
3242 or residential accessory structures on abutting or adjacent properties; or

3243 (4) existing primary dwelling units, accessory dwelling units, accessory living  
3244 quarters or residential accessory structures if:

3245 (a) the structure was in existence before the adoption date of a King County  
3246 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

3247 (b) the structure is in imminent danger, as determined by a geologist,  
3248 engineering geologist or geotechnical engineer;

3249 (c) the applicant has demonstrated that the existing structure is at risk, and  
3250 the structure and supporting infrastructure cannot be relocated on the lot further from the  
3251 source of channel migration; and

3252 (d) nonstructural measures are not feasible.

3253 43. Applies to lawfully established existing structures if:

3254 a. the height of the facility is not increased, unless the facility is being replaced  
3255 in a new alignment that is landward of the previous alignment and enhances aquatic area  
3256 habitat and process;



3280           47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in  
3281 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,  
3282 if:

3283           a. the trail surface is made of pervious materials, except that public  
3284 multipurpose trails may be made of impervious materials if they meet all the  
3285 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
3286 be constructed as a raised boardwalk or bridge;

3287           b. to the maximum extent practical, buffers are expanded equal to the width of  
3288 the trail corridor including disturbed areas;

3289           c. there is not another feasible location with less adverse impact on the critical  
3290 area and its buffer;

3291           d. the trail is not located over habitat used for salmonid rearing or spawning or  
3292 by a species listed as endangered or threatened by the state or federal government unless  
3293 the department determines that there is no other feasible crossing site;

3294           e. the trail width is minimized to the maximum extent practical;

3295           f. the construction occurs during approved periods for instream work; and

3296           g. the trail corridor will not change or diminish the overall aquatic area flow  
3297 peaks, duration or volume or the flood storage capacity.

3298           h. the trail may be located across a critical area buffer for access to a viewing  
3299 platform or to a permitted dock or pier;

3300           i. A private viewing platform may be allowed if it is:

3301           (1) located upland from the wetland edge or the ordinary high water mark of  
3302 an aquatic area;

3303 (2) located where it will not be detrimental to the functions of the wetland or  
3304 aquatic area and will have the least adverse environmental impact on the critical area or  
3305 its buffer;

3306 (3) limited to fifty square feet in size;

3307 (4) constructed of materials that are (~~non-toxic~~) nontoxic; and

3308 (5) on footings located outside of the wetland or aquatic area.

3309 48. Only if the maintenance:

3310 a. does not involve the use of herbicides or other hazardous substances except  
3311 for the removal of noxious weeds or invasive vegetation;

3312 b. when salmonids are present, the maintenance is in compliance with ditch  
3313 standards in public rule; and

3314 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
3315 culvert, engineered slope or other improved area being maintained.

3316 49. Limited to alterations to restore habitat forming processes or directly restore  
3317 habitat function and value, including access for construction, as follows:

3318 a. projects sponsored or cosponsored by a public agency that has natural  
3319 resource management as a primary function or by a federally recognized tribe;

3320 b. restoration and enhancement plans prepared by a qualified biologist; or

3321 c. conducted in accordance with an approved forest management plan, farm  
3322 management plan or rural stewardship plan.

3323 50. Allowed in accordance with a scientific sampling permit issued by  
3324 Washington state Department of Fish and Wildlife or an incidental take permit issued  
3325 under Section 10 of the Endangered Species Act.

3326           51. Allowed for the minimal clearing and grading, including site access,  
3327 necessary to prepare critical area reports.

3328           52. The following are allowed if associated spoils are contained:

3329           a. data collection and research if carried out to the maximum extent practical  
3330 by nonmechanical or hand-held equipment;

3331           b. survey monument placement;

3332           c. site exploration and gage installation if performed in accordance with state-  
3333 approved sampling protocols and accomplished to the maximum extent practical by  
3334 hand-held equipment and; or similar work associated with an incidental take permit  
3335 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of  
3336 the Endangered Species Act.

3337           53. Limited to activities in continuous existence since January 1, 2005, with no  
3338 expansion within the critical area or critical area buffer. "Continuous existence" includes  
3339 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
3340 states associated with these horticultural and agricultural activities.

3341           54. Allowed for expansion of existing or new agricultural activities where:

3342           a. the site is predominantly involved in the practice of agriculture;

3343           b. there is no expansion into an area that:

3344           (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
3345 practice permit; or

3346           (2) is more than ten thousand square feet with tree cover at a uniform density  
3347 more than ninety trees per acre and with the predominant mainstream diameter of the  
3348 trees at least four inches diameter at breast height, not including areas that are actively

3349 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
3350 stock;

3351 c. the activities are in compliance with an approved farm management plan in  
3352 accordance with K.C.C. 21A.24.051; and

3353 d. all best management practices associated with the activities specified in the  
3354 farm management plan are installed and maintained.

3355 55. Only allowed in grazed or tilled wet meadows or their buffers if:

3356 a. the facilities are designed to the standards of an approved farm management  
3357 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
3358 accordance with K.C.C. chapter 21A.30;

3359 b. there is not a feasible alternative location available on the site; and

3360 c. the facilities are located close to the outside edge of the buffer to the  
3361 maximum extent practical.

3362 56. Allowed in a severe channel migration hazard area portion of an aquatic  
3363 area buffer if:

3364 a. the facilities are designed to the standards in an approved farm management  
3365 plan in accordance with K.C.C. 21A.24.051;

3366 b. there is not a feasible alternative location available on the site; and

3367 c. the structure is located where it is least subject to risk from channel  
3368 migration.

3369 57. Allowed for new agricultural drainage in compliance with an approved farm  
3370 management plan in accordance with K.C.C. 21A.24.051 and all best management

3371 practices associated with the activities specified in the farm management plan are  
3372 installed and maintained.

3373           58. If the agricultural drainage is used by salmonids, maintenance shall be in  
3374 compliance with an approved farm management plan in accordance with K.C.C.  
3375 21A.24.051.

3376           59. Allowed within existing landscaped areas or other previously disturbed  
3377 areas.

3378           60. Allowed for residential utility service distribution lines to residential  
3379 dwellings, including, but not limited to, well water conveyance, septic system  
3380 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

3381           a. there is no alternative location with less adverse impact on the critical area  
3382 or the critical area buffer;

3383           b. the residential utility service distribution lines meet the all of the following,  
3384 to the maximum extent practical:

3385           (1) are not located over habitat used for salmonid rearing or spawning or by a  
3386 species listed as endangered or threatened by the state or federal government unless the  
3387 department determines that there is no other feasible crossing site;

3388           (2) not located over a type S aquatic area;

3389           (3) paralleling the channel or following a down-valley route near the channel  
3390 is avoided;

3391           (4) the width of clearing is minimized;

3392           (5) the removal of trees greater than twelve inches diameter at breast height is  
3393 minimized;

3394 (6) an additional, contiguous and undisturbed critical area buffer, equal in  
3395 area to the disturbed critical area buffer area is provided to protect the critical area;

3396 (7) access for maintenance is at limited access points into the critical area  
3397 buffer.

3398 (8) the construction occurs during approved periods for instream work;

3399 (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
3400 laterally constructed at least four feet below the maximum depth of scour for the base  
3401 flood; and

3402 (10) open trenching across Type O or Type N aquatic areas is only used  
3403 during low flow periods or only within aquatic areas when they are dry.

3404 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
3405 district and the department determines that the project and its location:

3406 a. is the best flood risk reduction alternative practicable;

3407 b. is part of a comprehensive, long-term flood management strategy;

3408 c. is consistent with the King County Flood Hazard Management Plan policies;

3409 d. will have the least adverse impact on the ecological functions of the critical  
3410 area or its buffer, including habitat for fish and wildlife that are identified for protection

3411 in the King County Comprehensive Plan; and

3412 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

3413 62.a. Not allowed in wildlife habitat conservation areas;

3414 b. Only allowed if:

3415 (1) the project is sponsored or cosponsored by a public agency whose primary  
3416 function deals with natural resources management;

- 3417           (2) the project is located on public land or on land that is owned by a (~~non-~~  
3418 ~~profit~~) nonprofit agency whose primary function deals with natural resources  
3419 management;
- 3420           (3) there is not a feasible alternative location available on the site with less  
3421 impact to the critical area or its associated buffer;
- 3422           (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 3423           (5) the project minimizes the footprint of structures and the number of access  
3424 points to any critical areas; and
- 3425           (6) the project meets the following design criteria:
- 3426           (A) to the maximum extent practical size of platform shall not exceed one  
3427 hundred square feet;
- 3428           (B) all construction materials for any structures, including the platform,  
3429 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
3430 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
3431 fiberglass or cured concrete that the department determines will not have an adverse  
3432 impact on water quality;
- 3433           (C) the exterior of any structures are sufficiently camouflaged using netting  
3434 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
3435 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 3436           (D) structures shall be located outside of the wetland or aquatic area  
3437 landward of the Ordinary High Water Mark or open water component (if applicable) to  
3438 the maximum extent practical on the site;

3439 (E) construction occurs during approved periods for work inside the  
3440 Ordinary High Water Mark;

3441 (F) construction associated with bird blinds shall not occur from March 1  
3442 through August 31, in order to avoid disturbance to birds during the breeding, nesting((;))  
3443 and rearing seasons;

3444 (G) to the maximum extent practical, provide accessibility for persons with  
3445 physical disabilities in accordance with the International Building Code;

3446 (H) trail access is designed in accordance with public rules adopted by the  
3447 department;

3448 (I) existing native vegetation within the critical area will remain undisturbed  
3449 except as necessary to accommodate the proposal. Only minimal hand clearing of  
3450 vegetation is allowed; and

3451 (J) disturbed bare ground areas around the structure must be replanted with  
3452 native vegetation approved by the department.

3453 63. Not allowed in the severe channel migration zone, there is no alternative  
3454 location with less adverse impact on the critical area and buffer and clearing is minimized  
3455 to the maximum extent practical.

3456 64. Only structures wholly or partially supported by a tree and used as accessory  
3457 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
3458 following:

3459 a. not allowed in wildlife habitat conservation areas or severe channel  
3460 migration hazard areas;

3461           b. the structure's floor area shall not exceed two hundred square feet, excluding  
3462 a narrow access stairway or landing leading to the structure;

3463           c. the structure shall be located as far from the critical area as practical, but in  
3464 no case closer than seventy-five feet from the critical area;

3465           d. only one tree-supported structure within a critical area buffer is allowed on a  
3466 lot;

3467           e. all construction materials for the structure, including the platform, pilings,  
3468 exterior and interior walls and roof, shall be constructed of nontoxic material, such as  
3469 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
3470 fiberglass or cured concrete that the department determines will not have an adverse  
3471 impact on water quality;

3472           f. to the maximum extent practical, the exterior of the structure shall be  
3473 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
3474 and visibility from the critical area. The camouflage shall be maintained to retain  
3475 concealment effectiveness;

3476           g. the structure must not adversely impact the long-term health and viability of  
3477 the tree. The evaluation shall include, but not be limited to, the following:

3478           (1) the quantity of supporting anchors and connection points to attach the tree  
3479 house to the tree shall be the minimum necessary to adequately support the structure;

3480           (2) the attachments shall be constructed using the best available tree anchor  
3481 bolt technology; and

3482           (3) an ISA Certified Arborist shall evaluate the tree proposed for placement  
3483 of the tree house and shall submit a report discussing how the tree's long-term health and  
3484 viability will not be negatively impacted by the tree house or associated infrastructure;

3485           h. exterior lighting shall meet the following criteria:

3486           (1) limited to the minimum quantity of lights necessary to meet the building  
3487 code requirements to allow for safe exiting of the structure and stairway; and

3488           (2) exterior lights shall be fully shielded and shall direct light downward, in  
3489 an attempt to minimize impacts to the nighttime environment;

3490           i. unless otherwise approved by the department, all external construction shall  
3491 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
3492 species during typical breeding, nesting and rearing seasons;

3493           j. trail access to the structure shall be designed in accordance with trail  
3494 standards under subsection D.47. of this section;

3495           k. to the maximum extent practical, existing native vegetation shall be left  
3496 undisturbed. Only minimal hand clearing of vegetation is allowed; and

3497           l. vegetated areas within the critical area buffer that are temporarily impacted  
3498 by construction of the structure shall be restored by planting native vegetation according  
3499 to a vegetation management plan approved by the department.

3500           65. Shoreline water dependent and shoreline water oriented uses are allowed in  
3501 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
3502 chapter \_\_\_\_\_ (the new chapter created by section 16 of this ordinance), chapter 90.58  
3503 RCW and the King County Comprehensive Plan.

3504            SECTION 121. Ordinance 15051, Section 139, as amended, and K.C.C.

3505    21A.24.055 are each hereby amended to read as follows:

3506            A. On a site zoned RA, the department may approve a modification of the  
3507    minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation  
3508    areas and maximum clearing restrictions through a rural stewardship plan for single  
3509    family detached residential development in accordance with this section.

3510            B. The property owner or applicant shall develop the rural stewardship plan as  
3511    part of a rural stewardship program offered or approved by King County and has the  
3512    option of incorporating appropriate components of a county-approved farm management  
3513    or a county-approved forest stewardship plan.

3514            C. In its evaluation of any proposed modification of the minimum buffer widths  
3515    for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing  
3516    restrictions, the department shall consider the following factors:

3517            1. The existing condition of the drainage basin or marine shoreline as designated  
3518    on the Basin and Shoreline Conditions Map;

3519            2. The existing condition of wetland and aquatic area buffers;

3520            3. The existing condition of wetland functions based on the adopted Washington  
3521    State Wetland Rating System for Western Washington, Washington state department of  
3522    ecology publication number 04-06-025, published August 2004;

3523            4. The location of the site in the drainage basin;

3524            5. The percentage of impervious surfaces and clearing on the site; and

3525            6. Any existing development on the site that was approved as a result of a  
3526    variance or alteration exception that allowed development within a critical area or critical

3527 area buffer. If the existing development was approved through a variance or alteration  
3528 exception, the rural stewardship plan shall demonstrate that the plan will result in  
3529 enhancing the functions and values of critical areas located on the site as if the  
3530 development approved through the variance or alteration exception had not occurred.

3531 D. A rural stewardship plan does not modify the requirement for permits for  
3532 activities covered by the rural stewardship plan.

3533 E. Modifications of critical area buffers shall be based on the following  
3534 prioritized goals:

3535 1. To the maximum extent practical, to avoid impacts to critical areas (~~to the~~  
3536 ~~maximum extent practical~~) and, if applicable, to the shoreline jurisdiction;

3537 2. To avoid impacts to the higher quality wetland or aquatic area or the more  
3538 protected fish or wildlife species, if there is a potential to affect more than one category  
3539 of wetland or aquatic area or more than one species of native fish or wildlife;

3540 3. To maintain or enhance the natural hydrologic systems on the site to the  
3541 maximum extent practical;

3542 4. To maintain, restore or enhance native vegetation;

3543 5. To maintain, restore or enhance the function and value of critical areas or  
3544 critical area buffers located on the site;

3545 6. To minimize habitat fragmentation and enhance corridors between wetlands,  
3546 riparian corridors, wildlife habitat conservation areas and other priority habitats;

3547 7. To minimize the impacts of development over time by implementing best  
3548 management practices and meeting performance standards during the life of the  
3549 development; and

3550           8. To monitor the effectiveness of the stewardship practices and implement  
3551 additional practices through adaptive management to maintain, restore or enhance critical  
3552 area functions when necessary.

3553           F. If a part or all of the site is located within the shoreline jurisdiction, the rural  
3554 stewardship plan shall:

3555           1. Consider and be consistent with the goals of the Shoreline Management Act  
3556 and the policies of the King County Shoreline Master Program;

3557           2. Consider the priorities of the King County Shoreline Protection and  
3558 Restoration Plan; and

3559           3. Ensure no net loss of shoreline ecological functions.

3560           G. A rural stewardship plan may include, but is not limited to, the following  
3561 elements:

3562           1. Critical areas designation under K.C.C. 21A.24.500;

3563           2. Identification of structures, cleared and forested areas and other significant  
3564 features on the site;

3565           3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3566           4. Analysis of impacts of planned changes to any existing structures, for other  
3567 changes to the site that involve clearing or grading or for new development;

3568           5. Site-specific best management practices that mitigate impacts of development  
3569 and that protect and enhance the ecological values and functions of the site;

3570           6. A schedule for implementation of the elements of the rural stewardship plan;

3571 and

3572           7. A plan for monitoring the effectiveness of measures approved under the rural  
3573 stewardship plan and to modify if adverse impacts occur.

3574           ~~((G.))~~ H. A rural stewardship plan may be developed as part of a program offered  
3575 or approved by King County and shall include a site inspection by the county to verify  
3576 that the plan is reasonably likely to accomplish the goals in subsection E. of this section  
3577 to protect water quality, reduce flooding and erosion, maintain, restore or enhance the  
3578 function and value of critical areas and their buffers and maintain or enhance native  
3579 vegetation on the site of this section.

3580           ~~((H.))~~ I. A property owner who completes a rural stewardship plan that is  
3581 approved by the county may be eligible for tax benefits under the public benefit rating  
3582 system in accordance with K.C.C. 20.36.100.

3583           ~~((I.))~~ J. If a property owner withdraws from the rural stewardship plan, in  
3584 addition to any applicable penalties under the public benefit rating system, the following  
3585 apply:

3586           1. Mitigation is required for any structures constructed in critical area buffers  
3587 under the rural stewardship plan; and

3588           2. The property owner shall apply for buffer averaging or an alteration  
3589 exception, as appropriate, to permit any structure or use that has been established under  
3590 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3591           ~~((J.))~~ K. A rural stewardship plan is not effective until approved by the county.  
3592 Before approval, the county may conduct a site inspection, which may be through a  
3593 program offered or approved by King County, to verify that the plan is reasonably likely  
3594 to accomplish the goals in subsection E. of this section.

3595           ~~((K-))~~ L. Once approved, activities carried out in compliance with the approved  
3596 rural stewardship plan shall be deemed in compliance with this chapter. In the event of a  
3597 potential code enforcement action, the department of development and environmental  
3598 services shall first inform the department of natural resources and parks of the activity.  
3599 ~~((Prior to))~~ Before taking code enforcement action, the department of development and  
3600 environmental services shall consult with the department of natural resources and parks  
3601 to determine whether the activity is consistent with the rural stewardship plan.

3602           SECTION 122. Ordinance 10870, Section 454, as amended, and K.C.C.  
3603 21A.24.070 are each hereby amended to read as follows:

3604           A. The director may approve alterations to critical areas, critical area buffers and  
3605 critical area setbacks not otherwise allowed by this chapter as follows:

3606           1. Except as otherwise provided in subsection A.2. of this section, ~~((F))~~for linear  
3607 alterations, the director may approve alterations to critical areas, critical area buffers and  
3608 critical area setbacks only when all of the following criteria are met:

3609           a. there is no feasible alternative to the development proposal with less adverse  
3610 impact on the critical area;

3611           b. the proposal minimizes the adverse impact on critical areas to the maximum  
3612 extent practical;

3613           c. the approval does not require the modification of a critical area development  
3614 standard established by this chapter;

3615           d. the development proposal does not pose an unreasonable threat to the public  
3616 health, safety or welfare on or off the development proposal site and is consistent with the  
3617 general purposes of this chapter and the public interest;

3618 e. the linear alteration:

3619 (1) connects to or is an alteration to a public roadway, regional light rail  
3620 transit line, public trail, a utility corridor or utility facility or other public infrastructure  
3621 owned or operated by a public utility; or

3622 (2) is required to overcome limitations due to gravity; ~~((and))~~

3623 2. In order to accommodate the siting of a regional light rail transit facility  
3624 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
3625 area buffers and critical area setbacks not otherwise allowed by this chapter and may  
3626 impose reasonable conditions to minimize the impact of the light rail transit facility on  
3627 the critical area and its buffer; and

3628 3. For nonlinear alterations the director may approve alterations to critical areas  
3629 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic  
3630 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
3631 critical area setbacks, when all of the following criteria are met:

3632 a. there is no feasible alternative to the development proposal with less adverse  
3633 impact on the critical area;

3634 b. the alteration is the minimum necessary to accommodate the development  
3635 proposal;

3636 c. the approval does not require the modification of a critical area development  
3637 standard established by this chapter;

3638 d. the development proposal does not pose an unreasonable threat to the public  
3639 health, safety or welfare on or off the development proposal site and is consistent with the  
3640 general purposes of this chapter and the public interest;

3641 e. for dwelling units, no more than five thousand square feet or ten percent of  
3642 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
3643 land alteration, including grading, utility installations and landscaping, but not including  
3644 the area used for a driveway or for an on-site sewage disposal system;

3645 f. to the maximum extent ~~((possible))~~ practical, access is located to have the  
3646 least adverse impact on the critical area and critical area buffer;

3647 g. the critical area is not used as a salmonid spawning area; and

3648 h. the director may approve an alteration in a category II, III and IV wetland  
3649 for development of a public school facility.

3650 B. The director may approve alterations to critical areas, critical area buffers and  
3651 critical area setbacks if the application of this chapter would deny all reasonable use of  
3652 the property~~((:))~~ as follows:

3653 1. If the critical area, critical area buffer or critical area setback is outside of the  
3654 shoreline jurisdiction, ~~((F))~~the applicant may apply for a reasonable use exception  
3655 ~~((pursuant to))~~ under this subsection without first having applied for an alteration  
3656 exception under this section if the requested reasonable use exception includes relief from  
3657 development standards for which an alteration exception cannot be granted ~~((pursuant to~~  
3658 ~~the provisions of))~~ under this section. The director shall determine that all of the  
3659 following criteria are met:

3660 a. there is no other reasonable use with less adverse impact on the critical area;

3661 b. the development proposal does not pose an unreasonable threat to the public  
3662 health, safety or welfare on or off the development proposal site and is consistent with the  
3663 general purposes of this chapter and the public interest;

3664 c. any authorized alteration to the critical area or critical area buffer is the  
3665 minimum necessary to allow for reasonable use of the property; and

3666 d. for dwelling units, no more than five thousand square feet or ten percent of  
3667 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
3668 land alteration, including grading, utility installations and landscaping but not including  
3669 the area used for a driveway or for an on-site sewage disposal system; and

3670 2. If the critical area, critical area buffer or critical area setback is located within  
3671 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a  
3672 request for a shoreline variance under K.C.C. 25.32.040, as recodified by this ordinance.

3673 C. For the purpose of this section, "linear" alteration means infrastructure that  
3674 supports development, that is linear in nature and includes public and private roadways,  
3675 public trails, private driveways, railroads, regional light rail transit, utility corridors and  
3676 utility facilities.

3677 D. Alteration exceptions approved under this section shall meet the mitigation  
3678 requirements of this chapter.

3679 E. An applicant for an alteration exception shall submit a critical area report, as  
3680 required by K.C.C. 21A.24.110.

3681 SECTION 123. Ordinance 11621, Section 75, as amended, and K.C.C.  
3682 21A.24.275 are each hereby amended to read as follows:

3683 The following development standards apply to development proposal and  
3684 alterations on sites within channel migration zones that have been mapped and adopted  
3685 by public rule:

3686           A. The development standards that apply to the aquatic area buffers in K.C.C.  
3687 21A.24.365 also apply to the severe channel migration zone and the portion of the  
3688 moderate channel migration zone that is within the aquatic area buffer. The more-  
3689 restrictive standards apply where there is a conflict;

3690           B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a  
3691 severe channel migration hazard area; and

3692           C. The following standards apply to development proposals and alterations  
3693 within the moderate channel migration hazard area:

3694           1. Maintenance, repair or expansion of any use or structure is allowed if the  
3695 existing structure's footprint is not expanded towards any source of channel migration  
3696 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3697           2. New primary dwelling units, accessory dwelling units or accessory living  
3698 quarters, and required infrastructure, are allowed if:

3699           a. the structure is located on a separate lot in existence on or before February  
3700 16, 1995;

3701           b. a feasible alternative location outside of the channel migration hazard area is  
3702 not available on-site; and

3703           c. to the maximum extent practical, the structure and supporting infrastructure  
3704 is located the farthest distance from any source of channel migration hazard, unless the  
3705 applicant can demonstrate that an alternative location is:

3706           (1) the least subject to risk; or

3707           (2) within the outer third of the moderate channel migration hazard area as  
3708 measured perpendicular to the channel;

3709 3. New accessory structures are allowed if:  
3710 a. a feasible alternative location is not available on-site; and  
3711 b. to the maximum extent practical, the structure is located the farthest distance  
3712 from the migrating channel; and

3713 4. The subdivision of property is allowed within the portion of a moderate  
3714 channel migration hazard area located outside an aquatic area buffer if:

3715 a. All lots contain five-thousand square feet or more of buildable land outside  
3716 of the moderate channel migration hazard area;

3717 b. Access to all lots does not cross the moderate channel migration hazard  
3718 area; and

3719 c. All infrastructure is located outside the moderate channel migration hazard  
3720 area except that an on-site septic system is allowed in the moderate channel migration  
3721 hazard area if:

3722 (1) a feasible alternative location is not available on-site; and

3723 (2) to the maximum extent practical, the septic system is located the farthest  
3724 distance from the migrating channel and critical saltwater habitat.

3725 SECTION 124. Ordinance 15051, Section 185, as amended, and K.C.C.

3726 21A.24.325 are each hereby amended to read as follows:

3727 Except as otherwise provided in this section, buffers shall be provided from the  
3728 wetland edge as follows:

3729 A. In the Urban Growth Area, buffers for wetlands shall be established in  
3730 accordance with the following standards:

3731 1. The standard buffer widths of the following table shall apply unless modified  
 3732 in accordance with subsection A.2, A.3, C. or D. of this section:

<b>WETLAND CATEGORY AND CHARACTERISTICS</b>	<b>BUFFER</b>
<b>Category I</b>	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria above	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
Category II wetlands not meeting any of the criteria above	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet

---

Category III wetlands not meeting any of the criteria above	75 feet
<b>Category IV</b>	50 feet

3733           2. If a Category I or II wetland with habitat score greater than twenty points is  
3734 located within three hundred feet of a priority habitat area as defined by the Washington  
3735 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this  
3736 section shall be increased by fifty feet unless:

3737           a.(i) the applicant provides relatively undisturbed vegetated corridor at least  
3738 one hundred feet wide between the wetland and all priority habitat areas located within  
3739 three hundred feet of the wetland. The corridor shall be protected for the entire distance  
3740 between the wetland and the priority habitat through a conservation easement, native  
3741 growth protection easement or the equivalent; and

3742           (ii) the applicable mitigation measures in subsection A.3.b. of this section are  
3743 provided; or

3744           b. the wetland is a freshwater or deep freshwater wetland; and

3745           3. Buffers calculated in accordance with subsection A.1. and A.2. of this section  
3746 shall be reduced as follows:

3747           a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if  
3748 the applicant implements all applicable mitigation measures identified in subsection  
3749 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the  
3750 impacts of the development and the department determines the alternative provides  
3751 equivalent mitigation.

3752           b. The following mitigation measures may be used by an applicant to obtain a  
3753 reduced buffer width under subsection A.1. of this section:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>	<b>Activities that may cause the disturbance</b>
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces using low impact development measures identified in the King County Surface Water Design Manual	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas

Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to ensure at least 80% survival of plantings	All activities potentially requiring buffers

3754 B. For a wetland located outside the Urban Growth Area:

3755 1. The buffers shown on the following table apply unless modified in

3756 accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
<b>Category I</b>	
Category I wetlands not meeting any of the criteria below	125 feet
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
<b>Category II</b>	

Category II wetlands not meeting any of the criteria below	100 feet
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
<b>Category III</b>	
Category III wetlands not meeting any of the criteria below	75 feet
Habitat score from 20 to 28 points	125 feet
<b>Category IV</b>	50 feet

3757 2. For purposes of this subsection B., unless the director determines a lesser  
 3758 level of impact is appropriate based on information provided by the applicant, the  
 3759 intensity of impact of the adjacent land use is determined as follows:

3760 a. high impact includes:

3761 (1) sites zoned commercial or industrial;

3762 (2) commercial or industrial use on a site regardless of the zoning  
 3763 designation;

3764 (3) nonresidential use on a site zoned for residential use;

3765 (4) active recreation use on a site regardless of zoning;

3766 b. moderate impact includes:

3767 (1) residential uses on sites zoned rural residential;

3768 (2) residential use on a site zoned agriculture or forestry; or

3769 (3) agricultural uses without an approved farm management plan; and

3770 c. low impact includes:

3771 (1) forestry use on a site regardless of zoning designation;

3772 (2) passive recreation uses, such as trails, nature viewing areas, fishing and  
3773 camping areas((,)) and other similar uses that do not require permanent structures, on a  
3774 site regardless of zoning; or

3775 (3) agricultural uses carried out in accordance with an approved farm  
3776 management plan.

3777 C. The department may approve a modification of the minimum buffer width  
3778 required by this section by averaging the buffer width if:

3779 1. The department determines that:

3780 a. the ecological structure and function of the buffer after averaging is  
3781 equivalent to or greater than the structure and function before averaging; or

3782 b. averaging includes the corridors of a wetland complex; and

3783 2. The resulting buffer meets the following standards:

3784 a. the total area of the buffer after averaging is equivalent to or greater than the  
3785 area of the buffer before averaging;

3786 b. the additional buffer is contiguous with the standard buffer; and

3787 c. if the buffer width averaging allows a structure or landscaped area to intrude  
3788 into the area that was buffer area before averaging, the resulting landscaped area shall  
3789 extend no more than fifteen feet from the edge of the structure's footprint toward the  
3790 reduced buffer.

3791 D. Wetland buffer widths shall also be subject to modifications under the  
3792 following special circumstances:

3793           1. For wetlands containing documented habitat for endangered, threatened or  
3794 species of local importance, the following shall apply:

3795           a. the department shall establish the appropriate buffer, based on a habitat  
3796 assessment, to ensure that the buffer provides adequate protection for the sensitive  
3797 species; and

3798           b. the department may apply the buffer increase rules in subsection A.2. of this  
3799 section, the buffer reduction rules in subsection A.3. of this section((~~5~~)) and the buffer  
3800 averaging rules in subsection C. of this section;

3801           2. For a wetland buffer that includes a steep slope hazard area or landslide  
3802 hazard area, the buffer width is the greater of the buffer width required by the wetland's  
3803 category in this section or twenty-five feet beyond the top of the hazard area; and

3804           3. For a wetland complex located outside the Urban Growth Area established by  
3805 the King County Comprehensive Plan or located within the Urban Growth Area in a  
3806 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included  
3807 as Attachment A to Ordinance 15051, the buffer width is determined as follows:

3808           a. the buffer width for each individual wetland in the complex is the same  
3809 width as the buffer width required for the category of wetland;

3810           b. if the buffer of a wetland within the complex does not touch or overlap with  
3811 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
3812 that wetland to one other wetland buffer in the complex considering the following  
3813 factors:

3814 (1) the corridor is designed to support maintaining viable wildlife species that  
3815 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3816 during a critical life cycle stage, such as breeding, rearing((;)) or feeding;

3817 (2) the corridor minimizes fragmentation of the wetlands;

3818 (3) higher category wetlands are connected through corridors before lower  
3819 category wetlands; and

3820 (4) the corridor width is a least twenty-five percent of the length of the  
3821 corridor, but no less than twenty-five feet in width; and

3822 (5) shorter corridors are preferred over longer corridors;

3823 c. wetlands in a complex that are connected by an aquatic area that flows  
3824 between the wetlands are not required to be connected through a corridor;

3825 d. the department may exclude a wetland from the wetland complex if the  
3826 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species  
3827 that are commonly recognized to exclusively or partially use wetlands and wetland  
3828 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

3829 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are  
3830 allowed in corridors subject to the same conditions and requirements as wetland buffers  
3831 as long as the alteration is designed so as not to disrupt wildlife movement through the  
3832 corridor;

3833 4. Where a legally established roadway transects a wetland buffer, the  
3834 department may approve a modification of the minimum required buffer width to the  
3835 edge of the roadway if the part of the buffer on the other side of the roadway sought to be  
3836 reduced:

3837 a. does not provide additional protection of the proposed development or the  
3838 wetland; and

3839 b. provides insignificant biological, geological or hydrological buffer functions  
3840 relating to the other portion of the buffer adjacent to the wetland; and

3841 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,  
3842 the buffer widths shall be established under the rural stewardship plan and shall not  
3843 exceed the standard for a low impact land use, unless the department determines that a  
3844 larger buffer is necessary to achieve no net loss of wetland ecological function.

3845 E. The department may approve a modification to the buffers established in  
3846 subsections A. and B. of this section if the wetland was created or its characterization was  
3847 upgraded as part of a voluntary enhancement or restoration project.

3848 F. If the site is located within the shoreline jurisdiction, the department shall  
3849 determine that a proposal to reduce wetland buffers under this section will result in no net  
3850 loss of shoreline ecological functions.

3851 SECTION 125. Ordinance 15051, Section 193, as amended, and K.C.C.  
3852 21A.24.358 are each hereby amended to read as follows:

3853 A. Aquatic area buffers shall be measured as follows:

3854 1. From the ordinary high water mark or from the top of bank if the ordinary  
3855 high water mark cannot be identified;

3856 2. If the aquatic area is located within a mapped severe channel migration area,  
3857 the aquatic area buffer width shall be the greater of the aquatic area buffer width as  
3858 measured consistent with subsection A.1. of this section or the outer edge of the severe  
3859 channel migration area; and

3860           3. If the aquatic area buffer includes a steep slope hazard area or landslide  
3861 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in  
3862 this section or the top of the hazard area.

3863           B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

- 3864           1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;  
3865           2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"  
3866 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;  
3867           3. A type N aquatic area buffer is sixty-five-feet; and  
3868           4. A type O aquatic area buffer is twenty-five-feet.

3869           C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

- 3870           1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;  
3871           2. A type N aquatic area buffer is sixty-five-feet; and  
3872           3. A type O aquatic area buffer is twenty-five-feet.

3873           D. Within the Bear Creek drainage basin a type N aquatic area buffer in a  
3874 designated regionally significant resource area is one-hundred-feet.

3875           E. The department may approve a modification of buffer widths if:

3876           1.a. The department determines that through buffer averaging the ecological  
3877 structure and function of the resulting buffer is equivalent to or greater than the structure  
3878 and function before averaging and meets the following standards:

- 3879           ((a.)) i. ((F))the total area of the buffer is not reduced;  
3880           ((b.)) ii. ((F))the buffer area is contiguous; and

3881            ~~((e-))~~ iii. ~~((A))~~ averaging does not result in the reduction of the minimum  
3882 buffer for the buffer area waterward of the top of the associated steep slopes or for a  
3883 severe channel migration hazard area;

3884            ~~((2-))~~ b. ~~((F))~~ the applicant demonstrates that the buffer cannot provide certain  
3885 functions because of soils, geology or topography, ~~((provided that))~~ in which case the  
3886 department shall establish a buffer ~~((which))~~ width that protects the remaining ecological  
3887 functions that the buffer can provide;

3888            ~~((3-))~~ c. ~~((F))~~ the site is zoned RA and is subject to an approved rural  
3889 stewardship plan. In modifying the buffers, the department shall consider factors such as,  
3890 the basin and shoreline condition, the location of the site within the basin and shoreline,  
3891 the buffer condition and the amount of clearing;

3892            ~~((4-A))~~ d. a legally established roadway transects an aquatic area buffer, the  
3893 roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the  
3894 buffer on the other side of the roadway provides insignificant biological or hydrological  
3895 function in relation to the portion of the buffer adjacent to the aquatic area; ~~((and))~~ or

3896            ~~((5-))~~ e. ~~((F))~~ the aquatic area is created or its type is changed as a result of  
3897 enhancement or restoration projects that are not mitigation for a development proposal or  
3898 alteration; and

3899            2. If the site is located within the shoreline jurisdiction, that no net loss of  
3900 shoreline ecological functions will result when considering projects that combine reduced  
3901 buffers and habitat restoration.

3902            SECTION 126. Ordinance 10870, Section 14, as amended, and K.C.C.

3903 21A.02.040 are each hereby amended to read as follows:

3904           A. No development, use or structure shall be established, substituted, expanded,  
3905 constructed, altered, moved, maintained, or otherwise changed except in conformance  
3906 with this title.

3907           B. Creation of or changes to lot lines shall conform with the use provisions,  
3908 dimensional and other standards, and procedures of this title and Title 19, Subdivisions.

3909           C. All land uses and development authorized by this title shall comply with all  
3910 other regulations and or requirements of this title as well as any other applicable local,  
3911 state or federal law. Where a difference exists between this title and other county  
3912 regulations, the more restrictive requirements shall apply.

3913           D. Where more than one part of this title applies to the same aspect of a proposed  
3914 use or development, the more restrictive requirement shall apply.

3915           E. Temporary uses or activities, conducted during an emergency event, or  
3916 training exercises conducted at emergency sites, designated pursuant to an emergency  
3917 management plan, shall not be subject to the provisions of this title.

3918           NEW SECTION. SECTION 127. A new section is hereby added to K.C.C.  
3919 chapter 21A.06 to read as follows:

3920           No net loss of shoreline ecological function: the maintenance of the aggregate  
3921 total of King County shoreline ecological functions over time. The no net loss standard  
3922 in WAC 173-26-186 requires that the impacts of shoreline use or development, whether  
3923 permitted or exempt from permit requirements, be identified and mitigated such that there  
3924 are no resulting adverse impacts on ecological functions or processes.

3925           NEW SECTION. SECTION 128. A new section is hereby added to K.C.C.  
3926 chapter 21A.06 to read as follows:

3927           Critical saltwater habitat: all kelp beds, eelgrass beds, spawning and holding  
3928 areas for forage fish, such as herring, smelt and sandlance; and subsistence, commercial  
3929 and recreational shellfish beds; and mudflats, intertidal habitats with vascular plants and  
3930 areas with which priority species have a primary association.

3931           NEW SECTION. SECTION 129. A new section is hereby added to the chapter  
3932 created by section 16 of this ordinance to read as follows:

3933           A. Mitigation measures shall be applied in the following sequence of steps listed  
3934 in order of priority, with subsection A.1. of this section being top priority:

3935           1. Avoiding the impact altogether by not taking a certain action or parts of an  
3936 action;

3937           2. Minimizing impacts by limiting the degree or magnitude of the action and its  
3938 implementation by using appropriate technology or by taking affirmative steps to avoid  
3939 or reduce impacts;

3940           3. Rectifying the impact by repairing, rehabilitating or restoring the affected  
3941 environment;

3942           4. Reducing or eliminating the impact over time by preservation and  
3943 maintenance operations;

3944           5. Compensating for the impact by replacing, enhancing or providing substitute  
3945 resources or environments; and

3946           6. Monitoring the impact and the compensation projects and taking appropriate  
3947 corrective measures.

3948 B. In determining appropriate mitigation measures applicable to shoreline  
3949 development, lower priority measures shall be applied only where higher priority  
3950 measures are determined to be infeasible or inapplicable.

3951 C. Mitigation shall be designed to:

3952 1. Achieve no net loss of ecological functions for each new development;

3953 2. Not require mitigation in excess of that necessary to assure that the  
3954 development will result in no net loss of shoreline ecological functions; and

3955 3. Not result in a significant adverse impact on other shoreline ecological  
3956 functions.

3957 D. When compensatory measures are appropriate under the mitigation priority  
3958 sequence in subsection A. of this section, preferential consideration shall be given to  
3959 measures that replace the impacted functions directly and in the immediate vicinity of the  
3960 impact. The department may approve alternative compensatory mitigation within the  
3961 watershed if the mitigation addresses limiting factors or identified critical needs for  
3962 shoreline resource conservation based on watershed or comprehensive resource  
3963 management plans applicable to the area of impact. The department may require  
3964 appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline  
3965 ecological functions as conditions of approval for compensatory mitigation measures.

3966 SECTION 130. Ordinance 11621, Section 20, as amended, and K.C.C.

3967 21A.06.182 are each hereby amended to read as follows:

3968 Channel migration zone: those areas within the lateral extent of likely stream  
3969 channel movement that are subject to risk due to stream bank destabilization, rapid

3970 stream incision, stream bank erosion and shifts in the location of stream channels((;-)) as  
3971 follows:

3972 A. In areas located outside King County's shoreline jurisdiction, channel  
3973 migration zones are as shown on King County's Channel Migration Zone maps. In those  
3974 areas, "((;-))channel migration zone" means the corridor that includes the present  
3975 channel, the severe channel migration hazard area and the moderate channel migration  
3976 hazard area((;-));

3977 B. In areas located in King County's shoreline jurisdiction, channel migration  
3978 zones include:

3979 1. Areas shown on King County's Channel Migration Zone maps, including  
3980 both the severe channel migration hazard area and the moderate channel migration hazard  
3981 area; and

3982 2. Areas not shown on King County's Channel Migration Zone maps but located  
3983 within the floodplain;

3984 C. "Channel migration zone" does not include areas that lie behind an arterial  
3985 road, a public road serving as a sole access route, a state or federal highway or a  
3986 railroad((;-)); and

3987 D. "Channel migration zone" may exclude areas that lie behind a lawfully  
3988 established flood protection facility that is likely to be maintained by existing programs  
3989 for public maintenance consistent with designation and classification criteria specified by  
3990 public rule. When a natural geologic feature affects channel migration, the channel  
3991 migration zone width will consider such natural constraints.

3992            NEW SECTION. SECTION 131. A new section is hereby added to the chapter  
3993 created by section 16 of this ordinance to read as follows:

3994            In the channel migration zone in the shoreline jurisdiction, to the maximum extent  
3995 practical, new development shall be located and designed to avoid the need for future  
3996 shoreline stabilization.

3997            SECTION 132. K.C.C. 25.08.030, as amended by this ordinance, is recodified as  
3998 a new section in the K.C.C. chapter 21A.06.

3999            SECTION 133. Ordinance 3688, Section 202, as amended, and K.C.C. 25.08.030  
4000 are each hereby amended to read as follows:

4001            (~~"Aquatic resource practices" means~~) Aquaculture: the culture or farming of fin  
4002 fish, shellfish, algae or other plants or animals in fresh or marine waters. (~~Excluded~~  
4003 ~~from the definition of aquatic resource practices are~~) Aquaculture does not include:  
4004 related commercial or industrial uses such as wholesale or retail sales; or final processing,  
4005 packing(~~(s)~~) or freezing.

4006            SECTION 134. Work program. The council hereby adopts the following work  
4007 program item as part of the 2010 King County Comprehensive Plan update:

4008            The executive shall undertake a comprehensive evaluation of parcels that have  
4009 intense land use zoning but that are also shorelines that are of high ecological quality,  
4010 warranting preservation or conservation. This evaluation shall include at least the Glacier  
4011 Northwest properties on Maury Island (tax parcel numbers 2822030-9023, 282203-9057,  
4012 282203-9024 and 282203-9025). The evaluation of such properties and any proposed  
4013 revisions to policies, codes and shoreline environment designations shall be included as  
4014 part of the executive's proposed 2012 Comprehensive Plan update.

- 4015            SECTION 135. K.C.C. 7.02.010 is hereby decodified.
- 4016            SECTION 136. K.C.C. 23.02.020 is hereby decodified.
- 4017            SECTION 137. The following are each hereby repealed:
- 4018            A. Ordinance 3688, Section 101, and K.C.C. 25.04.010;
- 4019            B. Ordinance 3688, Section 102, and K.C.C. 25.04.020;
- 4020            C. Ordinance 11622, Section 1, and K.C.C. 25.04.025;
- 4021            D. Ordinance 3688, Section 103, and K.C.C. 25.04.030;
- 4022            E. Ordinance 3688, Section 106, and K.C.C. 25.04.060;
- 4023            F. Ordinance 11700, Section 45, as amended, and K.C.C. 25.08.015;
- 4024            G. Ordinance 3688, Section 203, and K.C.C. 25.08.040;
- 4025            H. Ordinance 3688, Section 204, and K.C.C. 25.08.050;
- 4026            I. Ordinance 3688, Section 205, and K.C.C. 25.08.060;
- 4027            J. Ordinance 3688, Section 206, and K.C.C. 25.08.070;
- 4028            K. Ordinance 3688, Section 207, and K.C.C. 25.08.080;
- 4029            L. Ordinance 3688, Section 210, and K.C.C. 25.08.110;
- 4030            M. Ordinance 3688, Section 211, and K.C.C. 25.08.120;
- 4031            N. Ordinance 3688, Section 212, and K.C.C. 25.08.130;
- 4032            O. Ordinance 3688, Section 213, and K.C.C. 25.08.140;
- 4033            P. Ordinance 3688, Section 214, as amended, and K.C.C. 25.08.150;
- 4034            Q. Ordinance 3688, Section 215, and K.C.C. K.C.C. 25.08.160;
- 4035            R. Ordinance 3688, Section 216, and K.C.C. 25.08.170;
- 4036            S. Ordinance 3688, Section 217, and K.C.C. 25.08.180;
- 4037            T. Ordinance 5734, Section 1, and K.C.C. 25.08.185;

- 4038 U. Ordinance 3688, Section 219, and K.C.C. 25.08.200;
- 4039 V. Ordinance 3688, Section 221, and K.C.C. 25.08.220;
- 4040 W. Ordinance 3688, Section 223, and K.C.C. 25.08.240;
- 4041 X. Ordinance 3688, Section 225, and K.C.C. 25.08.260;
- 4042 Y. Ordinance 3688, Section 226, and K.C.C. 25.08.270;
- 4043 Z. Ordinance 3688, Section 227, and K.C.C. 25.08.280;
- 4044 AA. Ordinance 5734, Section 1, and K.C.C. 25.08.285;
- 4045 BB. Ordinance 4222, Section 2, and K.C.C. 25.08.300;
- 4046 CC. Ordinance 3688, Section 229, and K.C.C. 25.08.310;
- 4047 DD. Ordinance 3688, Section 230, and K.C.C. 25.08.320;
- 4048 EE. Ordinance 3688, Section 231, and K.C.C. 25.08.330;
- 4049 FF. Ordinance 3688, Section 232, and K.C.C. 25.08.340;
- 4050 GG. Ordinance 3688, Section 233, and K.C.C. 25.08.350;
- 4051 HH. Ordinance 3688, Section 235, and K.C.C. 25.08.360;
- 4052 II. Ordinance 3688, Section 236, and K.C.C. 25.08.380;
- 4053 JJ. Ordinance 3688, Section 238, and K.C.C. 25.08.390;
- 4054 KK. Ordinance 3688, Section 239, and K.C.C. 25.08.410;
- 4055 LL. Ordinance 3688, Section 240, and K.C.C. 25.08.420;
- 4056 MM. Ordinance 3688, Section 241, and K.C.C. 25.08.430;
- 4057 NN. Ordinance 3688, Section 242, and K.C.C. 25.08.440;
- 4058 OO. Ordinance 3688, Section 243, and K.C.C. 25.08.450;
- 4059 PP. Ordinance 3688, Section 252, and K.C.C. 25.08.500;
- 4060 QQ. Ordinance 3688, Section 250, and K.C.C. 25.08.520.

- 4061 RR. Ordinance 3688, Section 244, and K.C.C. 25.08.530;
- 4062 SS. Ordinance 3688, Section 245, and K.C.C. 25.08.540;
- 4063 TT. Ordinance 3688, Section 253, and K.C.C. 25.08.550;
- 4064 UU. Ordinance 3688, Section 254, and K.C.C. 25.08.560;
- 4065 VV. Ordinance 5734, Section 1, and K.C.C. 25.08.565;
- 4066 WW. Ordinance 3688, Section 256, and K.C.C. 25.08.580;
- 4067 XX. Ordinance 12750, Section 1, and K.C.C. 25.08.604;
- 4068 YY. Ordinance 3688, Section 259, and K.C.C. 25.08.610;
- 4069 ZZ. Ordinance 3688, Section 301, and K.C.C. 25.12.010;
- 4070 AAA. Ordinance 3688, Section 304, and K.C.C. 25.12.040;
- 4071 BBB. Ordinance 3688, Section 401, and K.C.C. 25.16.010;
- 4072 CCC. Ordinance 3688, Section 402, and K.C.C. 25.16.020;
- 4073 DDD. Ordinance 3688, Section 403, as amended, and K.C.C. 25.16.030;
- 4074 EEE. Ordinance 3688, Section 404, as amended, and K.C.C. 25.16.040;
- 4075 FFF. Ordinance 3688, Section 405, as amended, and K.C.C. 25.16.050;
- 4076 GGG. Ordinance 3688, Section 406, and K.C.C. 25.16.060;
- 4077 HHH. Ordinance 3688, Section 407, and K.C.C. 25.16.070;
- 4078 III. Ordinance 3688, Section 409(1), as amended, and K.C.C. 25.16.090;
- 4079 JJJ. Ordinance 3688, Section 409(2), as amended, and K.C.C. 25.16.100;
- 4080 KKK. Ordinance 3688, Section 409(3), and K.C.C. 25.16.110;
- 4081 LLL. Ordinance 3688, Section 409(5), and K.C.C. 25.16.130;
- 4082 MMM. Ordinance 3688, Section 409(6), as amended, and K.C.C. 25.16.140;
- 4083 NNN. Ordinance 3688, Section 412, and K.C.C. 25.16.170;

- 4084           OOO. Ordinance 3688, Section 501, and K.C.C. 25.20.010;
- 4085           PPP. Ordinance 3688, Section 502, and K.C.C. 25.20.020;
- 4086           QQQ. Ordinance 3688, Section 503, as amended, and K.C.C. 25.20.030;
- 4087           RRR. Ordinance 3688, Section 504, and K.C.C. 25.20.040;
- 4088           SSS. Ordinance 3688, Section 505, and K.C.C. 25.20.050;
- 4089           TTT. Ordinance 3688, Section 507, and K.C.C. 25.20.070;
- 4090           UUU. Ordinance 3688, Section 508, and K.C.C. 25.20.080;
- 4091           VVV. Ordinance 3688, Section 509, as amended, and K.C.C. 25.20.090;
- 4092           WWW. Ordinance 3688, Section 510, as amended, and K.C.C. 25.20.100;
- 4093           XXX. Ordinance 3688, Section 511, and K.C.C. 25.20.110;
- 4094           YYY. Ordinance 3688, Section 512, and K.C.C. 25.20.120;
- 4095           ZZZ. Ordinance 3688, Section 513, and K.C.C. 25.20.130;
- 4096           AAAA. Ordinance 3688, Section 514, as amended, and K.C.C. 25.20.140;
- 4097           BBBB. Ordinance 3688, Section 515, and K.C.C. 25.20.150;
- 4098           CCCC. Ordinance 3688, Section 601, and K.C.C. 25.24.010;
- 4099           DDDD. Ordinance 3688, Section 602, and K.C.C. 25.24.020;
- 4100           EEEE. Ordinance 3688, Section 603, as amended, and K.C.C. 25.24.030;
- 4101           FFFF. Ordinance 3688, Section 604, and K.C.C. 25.24.040;
- 4102           GGGG. Ordinance 3688, Section 605, and K.C.C. 25.24.050;
- 4103           HHHH. Ordinance 3688, Section 606, and K.C.C. 25.24.060;
- 4104           IIII. Ordinance 3688, Section 607, and K.C.C. 25.24.070;
- 4105           JJJJ. Ordinance 3688, Section 608, as amended, and K.C.C. 25.24.080;
- 4106           KKKK. Ordinance 3688, Section 609, as amended, and K.C.C. 25.24.090;

- 4107 LLLL. Ordinance 3688, Section 610, as amended, and K.C.C. 25.24.100;
- 4108 MMMM. Ordinance 3688, Section 611, and K.C.C. 25.24.110;
- 4109 NNNN. Ordinance 3688, Section 612, and K.C.C. 25.24.120;
- 4110 OOOO. Ordinance 3688, Section 613, as amended, and K.C.C. 25.24.130;
- 4111 PPPP. Ordinance 3688, Section 614, as amended, and K.C.C. 25.24.140;
- 4112 QQQQ. Ordinance 3688, Section 615, and K.C.C. 25.24.150;
- 4113 RRRR. Ordinance 3688, Section 701, and K.C.C. 25.28.010;
- 4114 SSSS. Ordinance 3688, Section 702, and K.C.C. 25.28.020;
- 4115 TTTT. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.030;
- 4116 UUUU. Ordinance 3688, Section 704, and K.C.C. 25.28.040;
- 4117 VVVV. Ordinance 3688, Section 703, as amended, and K.C.C. 25.28.050;
- 4118 WWWW. Ordinance 3688, Section 706, and K.C.C. 25.28.060;
- 4119 XXXX. Ordinance 3688, Section 707, and K.C.C. 25.28.070;
- 4120 YYYYY. Ordinance 3688, Section 708, as amended, and K.C.C. 25.28.080;
- 4121 ZZZZ. Ordinance 3688, Section 709, as amended, and K.C.C. 25.28.090;
- 4122 AAAAA. Ordinance 3688, Section 710, as amended, and K.C.C. 25.28.100;
- 4123 BBBBB. Ordinance 3688, Section 711, and K.C.C. 25.28.110;
- 4124 CCCCC. Ordinance 3688, Section 712, and K.C.C. 25.28.120;
- 4125 DDDDD. Ordinance 3688, Section 713, and K.C.C. 25.28.130;
- 4126 EEEEE. Ordinance 3688, Section 714, as amended, and K.C.C. 25.28.140;
- 4127 FFFFF. Ordinance 3688, Section 715, and K.C.C. 25.28.150;
- 4128 GGGGG. Ordinance 3688, Section 808, as amended, and K.C.C. 25.32.080;
- 4129 HHHHH. Ordinance 3688, Section 809, as amended, and K.C.C. 25.32.090;

4130 IIIII. Ordinance 3688, Section 811, and K.C.C. 25.32.110;

4131 JJJJJ. Ordinance 3688, Section 812, and K.C.C. 25.32.120;

4132 KKKKK. Ordinance 13687, Section 5, and K.C.C. 25.32.160; and

4133 LLLLL. Ordinance 13687, Section 6, and K.C.C. 25.32.170.

4134 SECTION 138. In accordance with K.C.C. 20.44.080, the metropolitan King

4135 County council finds that the requirements for environmental analysis, protections and

4136 mitigation measures in the chapters of K.C.C. Title 21A amended by this ordinance,

4137 provide adequate analysis of and mitigation for the specific adverse environmental

4138 impacts to which the requirements apply.

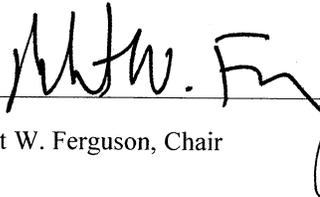
4139 SECTION 139. If any provision of this ordinance or its application to any person

4140 or circumstance is held invalid, the remainder of the ordinance or the application of the  
4141 provision to other persons or circumstances is not affected.  
4142

Ordinance 16985 was introduced on 11/16/2009 and passed by the Metropolitan King County Council on 11/30/2010, by the following vote:

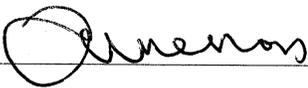
Yes: 5 - Mr. Phillips, Mr. Gossett, Ms. Patterson, Mr. Ferguson and  
McDermott  
No: 1 - Ms. Lambert  
Excused: 3 - Mr. von Reichbauer, Ms. Hague and Mr. Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

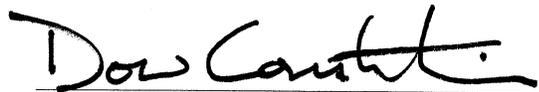
  
Robert W. Ferguson, Chair

RECEIVED  
2010 DEC - 1 PM 4: 24  
CLERK  
KING COUNTY COUNCIL

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 30 day of NOVEMBER, 2010.

  
Dow Constantine, County Executive

Attachments: A. Chapter Five --Shoreline Management – Dated November 16, 2010

## Chapter Five

# Shoreline Management

## I. Introduction

### A. Recitals

King County adopts the following, which are based on the Shoreline Management Act legislative findings in RCW 90.58.020. These recitals represent King County's belief and agreement that a coordinated approach to utilizing, managing, and protecting the shoreline resource is necessary and essential. These recitals apply to the shoreline jurisdiction.

1. Shorelines are some of the most valuable and fragile of King County's natural resources. There is appropriate concern throughout the county relating to the utilization, protection, restoration, and preservation of the shoreline jurisdiction.
2. Ever increasing pressures of additional use are being placed on the shoreline jurisdiction, which in turn necessitates increased coordination in its management and development.
3. Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of King County's shoreline jurisdiction.
5. It is the intent of King County to provide for the management of the shoreline jurisdiction by planning for and fostering all reasonable and appropriate uses. This program is designed to insure the development in a manner that, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.
6. King County shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
7. In the implementation of this chapter, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
8. Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines, industrial and commercial developments that are particularly dependent on their location on or use of the shoreline jurisdiction, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.

9. Shorelines and shorelands in King County shall be appropriately designated and these classifications shall be revised when circumstances warrant, regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of King County Shoreline Master Program.
10. Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

## **B. About King County & King County Shorelines**

### **1. Geography**

King County covers 2,130 square miles and extends from Puget Sound in the west to 8,000-foot Mt. Daniel at the Cascade crest in the east. King County's shoreline jurisdiction includes saltwater coastline, river floodplains, and extensive lakes and streams.

### **2. King County's shoreline jurisdiction**

King County's diverse shorelines fringe or flow into Puget Sound. Puget Sound and surrounding lowland lakes and river valleys are relatively young in geologic terms. Puget Sound is a glacially-carved, deep fjord between the Cascade and Olympic mountains.

Puget Sound is King County's link to the Pacific Ocean via two connections: the Strait of Juan de Fuca and the Strait of Georgia. Water, people and a diverse array of fish and wildlife travel freely between the ocean and King County via Puget Sound and these Straits.

Puget Sound is a large estuary complex created by the freshwater it receives from streams, rivers and springs and tidal exchange introduced through the two Straits. It is one of the more prominent and productive estuaries in the world. In 1988, it was identified as an Estuary of National Significance by the United States government. Within Puget Sound are numerous small to large estuaries. The largest estuary in King County is the Green-Duwamish, although it is now a small remnant of its pre-development state.

Puget Sound consists of five basins. King County's portion of Puget Sound lies within the Central Basin and includes Vashon-Maury Island. The Central or Main Basin extends from Admiralty Inlet to Tacoma Narrows. It is the largest and deepest of the basins. The major drainages to the Central Basin, including Cedar River/Lake Washington watershed (including Lake Sammamish and the Sammamish River), the Green-Duwamish watershed, and Puyallup River/White River watershed, drain a total area of about 2,700 square miles and contribute slightly less than 20% of Puget Sound's freshwater input. The Snohomish watershed (including the Snoqualmie River Basin that lies mostly in King County) outlet into Puget Sound lies in Everett.

Puget Sound is located in a region that has great overlap between valuable natural resources and a burgeoning human population. The productivity, diversity and value of the resources are greatly affected by the extent and density of the population. Due to proximity to transportation routes and abundant food and water resources, most of the region's human development since the mid-1800s, when settlers of European descent started to explore and develop the region, has occurred along Puget Sound's shorelines, large lakes and rivers.

## **C. Washington State's Shoreline Management Act**

### **1. Overview of Shoreline Management Act**

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The act establishes a broad policy giving preference to uses that:

- Protect the quality of water and the natural environment,
- Depend on proximity to the shoreline (“water-dependent uses”), and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Cities and counties are the primary regulators but the state, through the Department of Ecology (Ecology), has authority to review local shoreline master programs and shoreline permit decisions.

Under the SMA, each city and county adopts a shoreline master program that is based on Ecology's shoreline master program rules or guidelines, but tailored to the specific needs of the community. More than 200 cities and all 39 counties have shoreline master programs. Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Ecology provides technical assistance to local governments undertaking master program amendments. Master programs and master program amendments are only effective after Ecology's approval. In reviewing master programs, Ecology is limited to a decision on whether or not the program is consistent with the policy and provisions of the SMA and Ecology's guidelines.

Local governments may modify master programs to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement and Ecology approval. At a minimum, local governments must hold public hearings.

In 2003, Ecology adopted revised state guidelines. Cities and counties with shoreline master programs are required to update their shoreline master programs to bring them into compliance with these new state guidelines.

## **2. History of shoreline management in King County**

King County adopted its original Shoreline Master Program (SMP) through two ordinances adopted by the King County Council and approved by the King County Executive, John Spellman, on May 2, 1978. Ordinance 3692 adopted the Shoreline Master Plan, which established the goals, objectives, and policies of the King County SMP. Ordinance 3688 adopted the development regulations that implemented the Shoreline Master Plan. By a letter dated June 30, 1978, Ecology stated that it had approved King County's SMP.

The 1978 Shoreline Master Plan addressed the required elements of the shoreline guidelines originally adopted by Ecology in 1972. The 1978 Plan established goals, objectives, and policies for eight different shoreline elements. For each of the four shoreline environments, it also established general policies. The 1978 Plan stated that:

"Each environment represents a particular emphasis in the type of uses and the extent of development that should occur within it. The system is designed to encourage uses in each Environment which enhance the character of the Environment while at the same time requiring reasonable standards and restrictions on development so that the character of the Environment is not destroyed."

Finally, the 1978 SMP included general policies for a variety of different shoreline use activities, including agriculture, mining, recreation, and residential development. Associated shoreline regulations establish the designation criteria, the allowed uses, and development standards for the four shoreline environments recognized by the 1972 state guidelines.

In 1990, the King County Council adopted regulations governing environmentally sensitive areas, some of which include areas also within shoreline jurisdiction. (Ordinance 9614) King County updated its critical areas regulations effective January 1, 2005. (Ordinances 15032, 15033, and 15034) King County's Critical Areas Regulations and its SMP both provide that the regulations that are most protective of the environment apply in the case of a conflict.

### 3. Shoreline jurisdiction under the SMA

Shorelines of the State in King County, as defined by the SMA, include all marine waters, lakes greater than 20 acres, and rivers and streams with a minimum of 20 cubic feet per second (cfs) mean annual flow. The shoreline jurisdiction includes these water bodies and shorelands. Shorelands are defined as those areas extending landward for two hundred feet from the ordinary high water mark, floodways and contiguous floodplain areas landward two hundred feet from such floodways, and all associated wetlands and river deltas. King County currently includes the 100-year floodplain in its shoreline jurisdiction. Shoreline jurisdiction under the Shoreline Management Act does not include tribal reservation lands or lands held in trust by the federal government for the tribes.

Table S-1 below shows the number of shoreline miles managed under King County's SMP.

**Table S-1. Miles of shoreline under King County's jurisdiction**

Shoreline (miles)		
Lake	River/Stream	Marine
234	1,696	51

## D. King County's Shoreline Master Program

The SMP adopted by King County provides a legal framework for decision making on land use and other activities that complies with the SMA. This section describes the elements of the SMP, with the details being further developed throughout this chapter.

### 1. Components of the Shoreline Master Program

The King County SMP consists of this chapter and the implementing shoreline management regulations.

This chapter describes King County's shoreline goals and policies. It addresses the shoreline jurisdiction, overall shoreline policy goals, shoreline element policies, SMP relationship to other laws, shoreline environment designations, environmental protection, shoreline use and modification, and administrative policies. The following documents provide supporting information for these goals and policies:

**King County Shoreline Protection and Restoration Plan (September 2010):** The Shoreline Protection and Restoration Plan summarizes the methods and results of King County's shoreline analysis with respect to restoration planning, the elements and applicability of the restoration plan, and the ways in which shoreline restoration is expected to occur over time.

**King County Shoreline Public Access Plan (September 2010):** The Shoreline Public Access Plan includes an inventory of existing formal and informal shoreline public access opportunities in the unincorporated area, and identifies gaps in public access opportunities. The Shoreline Public Access Plan describes King County's priorities for providing new public access to major shorelines in the unincorporated area.

**King County Shoreline Cumulative Impacts Assessment (September 2010):** The Shoreline Cumulative Impacts Assessment provides a mechanism for examining the potential success of county policies and regulations in meeting the goal of no net loss of shoreline ecological processes and functions.

**King County Shoreline Inventory and Characterization (May 2007):** The Shoreline Inventory and Characterization includes the data and analytic methods used to develop King County's shoreline inventory and shoreline characterization (including evaluation of existing physical and shoreline ecological processes and functions, public access and recreation, land use and economic development, public facilities and utilities, and archaeological and historic resources). In addition, the Shoreline Inventory and Characterization includes methodologies for cumulative impact analysis associated with shoreline management and comprehensive shoreline restoration planning. Specific data can be found at:  
<http://www.metrokc.gov/shorelines/shorelines-plan-update.aspx>.

**King County Shoreline Map Folio (September 2010):** The Shoreline Map Folio includes all maps produced and referenced as part of the SMP update, with the exception of those maps included in this chapter. All geographic information can be found at:  
<http://www.kingcounty.gov/shorelines/shorelines-plan-update.aspx>

The terms "Shoreline Master Program," "SMP," "Shoreline Program" and "Program" are all used throughout this chapter to describe King County's shoreline policies (this chapter) and shoreline management regulations in their entirety.

## **2. Shoreline policies**

The SMP contains specific policies relating to a wide variety of shoreline uses and issues.

Shoreline policies establish broad shoreline management directives. They are statements of intent by King County that direct or authorize a course of action or specify criteria for regulatory or non-regulatory action. The policies serve as the basis for regulations that govern use and development along the shoreline.

King County's shoreline policies must:

1. Be consistent with the SMA;
2. Address the master program elements of RCW 90.58.100;
3. Include policies for environmental designations as described in WAC 173-26-211;
4. Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on regulation of private property; and
5. Be consistent with the King County Comprehensive Plan and functional plans adopted as components of the Comprehensive Plan.

Shoreline policies provide a comprehensive foundation for the SMP regulations, which are more specific standards that are used to evaluate shoreline development proposals. King County must evaluate permit applications in light of the shoreline policies and may approve a permit only after determining that the development conforms to the policies in the Shoreline Master Plan.

In addition, shoreline policies assist in prioritizing King County's spending on facilities and services within shorelines of the state. Finally, the shoreline policies provide direction for regional issues such as resource management, environmental protection, transportation, inter-governmental coordination and regional planning.

## **3. Shoreline Environments**

The SMA requires that shoreline management programs classify shoreline areas into specific environment designations. Ecology's guidelines recommend six different environment designations, but does not require that local programs adopt this particular scheme. King County's 1978 SMP adopted the four environment designations recommended by Ecology at that time: Urban, Rural, Conservancy, and Natural. In this update, King County is adopting eight environment designations in total, based on the recommendations from Ecology. These environment designations are:

**High Intensity Shoreline Environment:** Applied to areas that provide high-intensity water-oriented commercial, transportation, and industrial uses.

**Residential Shoreline Environment:** Applied to accommodate residential uses at urban densities, while allowing for non-residential uses that are consistent with the protection of the shoreline jurisdiction.

**Rural Shoreline Environment:** Applied to accommodate rural residential shoreline development, while allowing for rural non-residential uses that are consistent with the protection of the shoreline.

**Conservancy Shoreline Environment:** Applied to protect and conserve the shoreline for ecological, public safety, and recreation, purposes. Includes areas with important shoreline ecological processes and functions, valuable historic and cultural features, flood and geological hazards and recreational opportunities. Residential areas can also be designated as conservancy shorelines.

**Resource Shoreline Environment:** Applied to allow for mining and agriculture land uses, except for shorelines that are relatively intact or that have minimally degraded shoreline processes and functions.

**Forestry Shoreline Environment:** Applied in areas to allow for forest production and protect municipal water supplies.

**Natural Shoreline Environment:** Applied to shorelines that are relatively intact or have minimally degraded shoreline processes and functions that are intolerant of human use.

**Aquatic Shoreline Environment:** Applied to the areas waterward of the ordinary high water mark.

#### 4. Shoreline program elements

The SMA identifies eight "program elements" that must be addressed and included in local shoreline master programs:

**Economic development element** that considers the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce, and other developments that are particularly dependent on shorelines of the state.

**Public access element** that considers public access to publicly owned land along shorelines of the state.

**Recreational element** that identifies recreational opportunities along shorelines, such as parks, tidelands, beaches, and recreational areas, and that pursues acquisition through implementation of the King County SMP.

**Circulation element** that consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities.

**Land use element** that considers the general distribution and location, as well as the extent of use on the shorelines and adjacent areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private use of the land.

**Conservation element** that addresses the preservation of natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fish and wildlife.

**Historic, cultural, scientific and educational element** that prevents the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Tribes, and the state office of archaeology and historic preservation.

**Flood hazard element** that considers the prevention and minimization of flood damages.

#### 5. Shoreline modifications and uses

The SMA requires that local shoreline master programs distinguish between shoreline modifications and shoreline uses.

**Shoreline modifications** are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but can include other actions such as clearing, grading or application of chemicals. A shoreline modification is usually undertaken in support of or in preparation for a shoreline use.

**Shoreline uses** are classified as "water-dependent," "water-related," "water-enjoyment," or "water-oriented."

**A water-dependent use** is a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

**A water-related use** is a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive or more convenient.

**A water-enjoyment use** is a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through location, design and operation, ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

**A water-oriented use** is a use that is water-dependent, water-related, water-enjoyment, or a combination of such uses.

---

---

# **II. SHORELINE JURISDICTION**

---

---

## **A. King County's Responsibility to Regulate Shorelines**

**1. King County assumes primary responsibility for shoreline planning and regulation**  
King County has primary responsibility for shoreline management planning and for the administration of shoreline regulations within its jurisdiction.

**S-101 King County has primary responsibility within its boundaries for planning required by the Shoreline Management Act and for administering its shoreline regulatory program.**

King County recognizes that its SMP is subject to review and approval by the Washington State Department of Ecology and that the SMP must be consistent with the policies and provisions of the SMA (RCW 90.58)

**2. King County's Shoreline Master Program is intended to be consistent with the Shoreline Management Act & Guidelines**

King County's SMP is intended to be consistent with the required elements of Ecology's guidelines for implementing the SMA that are found in WAC 173-26 and 173-28. King County's SMP shall be interpreted consistently with the SMA. In the event of a conflict between SMA and King County's SMP, the SMP should be interpreted to give meaning and effect to the SMA.

**S-102 King County's Shoreline Master Program is to be interpreted consistently with the policies and requirements of the Shoreline Management Act (RCW 90.58).**

**S-103 King County's Shoreline Master Program is to be interpreted consistently with the required elements of the shoreline guidelines found in WAC 173-26 and 173-28.**

**3. King County's Shoreline Master Program is to be liberally construed**

The SMA explicitly provides that it is exempt from the rule of strict construction and must be liberally construed to give full effect to the Act's objectives and purposes. By adopting a liberal standard of construction, the state Legislature demonstrated the importance it attached to protecting the shoreline and accomplishing the goals and policies of the SMA. Consistent with this mandate, and because King County believes that accomplishing the goals and objectives of the SMA within the county is of primary importance, the SMP is to be liberally construed to accomplish its objectives and purpose.

**S-104 King County's Shoreline Master Program is exempted from the rules of strict construction and shall be construed liberally to give full effect to its objectives and purpose.**

## **B. Shoreline Jurisdiction**

**1. Shoreline jurisdiction extends over all "shorelines" and "shorelines of statewide significance" within unincorporated King County**

The SMA applies to all “shorelines of the state.” “Shorelines of the state” are defined to include “shorelines” and “shorelines of statewide significance.”

It is important to understand the distinction between the terms “shorelines” and “shorelines of statewide significance.” Both terms are used throughout the SMA and define the scope of King County’s shoreline jurisdiction. The distinction is important because the SMA imposes greater and more specific obligations when dealing with shorelines of statewide significance.

**a. “Shorelines”**

Shorelines are defined in the SMA as follows:

“Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

**b. “Shorelines of statewide significance”**

Shorelines of statewide significance, as specifically defined in the SMA include:

- Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tides;
- Lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark; and
- Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more.

In unincorporated King County, the water bodies that qualify as shorelines of statewide significance include:

- The marine waters around Vashon-Maury Island
- Northeast Lake Washington (north of Kirkland) and southwest Lake Washington (west of Renton)
- Lake Sammamish at Marymoor State Park and Lake Sammamish State Park
- Mud Mountain Reservoir and White River from river mile 15.5 to river mile 46 (excluding the Muckleshoot Indian Reservation between river mile 8.9 and river mile 15.5)
- Green River from its confluence with the Duwamish River to river mile 95
- Duwamish River from river mile 3.5 to river mile 5
- Chester Morse Lake (Reservoir)
- Tolt Reservoir
- Mainstem Snoqualmie River to river mile 43 and Middle Fork Snoqualmie River to river mile 39
- South Fork Skykomish River to river mile 30

Associated shorelands that are adjacent to shorelines of statewide significance are included within the shoreline of statewide significance jurisdiction.

**c. “Shorelands”**

Shorelines includes “associated shorelands” which are defined in the SMA as follows:

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from

such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter.

**d. Shoreline jurisdiction**

King County's shoreline jurisdiction consists of the combination of shorelines, shorelines of statewide significance, and shorelands.

**S-105 King County's shoreline jurisdiction extends over all shorelines of the state, as that term is defined in the Shoreline Management Act, in unincorporated King County. This includes jurisdiction over shorelines, shorelines of statewide significance and shorelands.**

**e. Options to extend geographic jurisdiction over shorelines and shorelines of statewide significance**

The SMA gives King County two options concerning the scope of its shoreline jurisdiction.

The first option allows the county to include one-hundred year floodplains:

Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom. (RCW 90.58.030(2)(f)(i))

In its original SMP adopted in 1977, King County included the one-hundred year floodplain. The continued regulation of the one-hundred year floodplain is necessary to comply with certain federal requirements under the National Flood Insurance Program. Therefore, King County continues to extend its shoreline jurisdiction to cover one-hundred year floodplains.

**S-106 King County includes within its shoreline jurisdiction the one-hundred year floodplains of shorelines of the state.**

The second option allows the extension of shoreline jurisdiction to include land necessary for buffers for critical areas that extend beyond the 200 foot shoreland jurisdiction:

Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to non-forest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter. (RCW 90.58.030(2)(f)(ii))

King County is not exercising its option to extend its shoreline jurisdiction to include lands for buffers for critical areas.

**S-107 Where critical areas are located within the unincorporated King County shorelands, the shoreline jurisdiction shall not include the critical area buffers that extend outside of the shoreline jurisdiction boundary.**

**2. Jurisdictional map**

Applying these definitions within King County has involved an extensive survey of the shoreline jurisdiction, which is discussed in detail in the King County Shorelines Inventory and Characterization (May 2007). The Shorelines of the State map at the end of this chapter shows the complete scope of King County's shorelines and shorelines of statewide significance.

---

---

# III. SHORELINE POLICY GOALS

---

---

## A. Introduction to Shoreline goals

King County's shoreline has a long history of settlement because of the abundant natural resources, availability of water, and usefulness as transportation routes. The shoreline also draws people to enjoy the aesthetic and recreational value that marine beaches, lakes, and rivers provide. The shoreline supports some of the region's most important industries, such as shipping, fishing, and tourism.

Because of the unique and irreplaceable value of the shorelines of the state, King County recognizes that it is in the public interest to protect shoreline ecological processes and functions, while allowing reasonable and necessary use of shorelines to support the regional economy and provide recreational opportunities for the public.

The high demand for shoreline use over time has degraded shoreline ecological processes and functions in many areas. Many segments of King County's shoreline jurisdiction are devoid of native vegetation, the banks are hardened with additions of rock and other materials, sediment movement is no longer driven by natural forces, and valuable fish and wildlife habitat is gone or impaired to a significant extent. Unaltered shorelines are increasingly rare. It has become critical to restore and enhance degraded shorelines.

A vast majority of the shoreline jurisdiction, particularly in the lower parts of the regional watersheds and along the marine shorelines, is in private ownership, giving the citizens of King County an important role in protecting unique and irreplaceable shoreline values. The challenge for King County is to manage these lands in a manner that protects, restores, and enhances King County's shoreline jurisdiction, while respecting private property rights and protecting the public interest.

King County has established a set of general policy goals that provide overarching guidance for discretionary decision-making, support shoreline regulations, and define the vision that King County has for the use, protection, restoration and enhancement of the shorelines of the state. These policy goals reflect the wide range of SMA mandates, while at the same time preserving the maximum possible flexibility for King County to address the unique shoreline conditions within its jurisdiction.

## B. Statement of Applicability

The SMA includes a requirement that development proposals must obtain a shoreline substantial development permit. However, the SMA includes a number of exemptions from this requirement. For example, proposals to construct a single family residence or to construct a bulkhead to protect a single family residence are exempt from the requirement to obtain a substantial development permit. Activities that do not require a shoreline substantial development permit can, individually and cumulatively, adversely impact adjacent properties and natural resources. King County has both the authority and the responsibility to enforce SMP regulations on all uses and development in the shoreline jurisdiction. In order to ensure that permit-exempt activities comply with the SMA and the County's SMP, King County generally requires applicants with exempt projects to apply for a shoreline exemption.

Because there has been confusion in the past regarding the scope of the SMA, Ecology requires that all master programs contain the following policy statement:

**S-201            All proposed uses and development occurring within King County's shoreline jurisdiction must conform to the Shoreline Management Act and to King County's Shoreline Master Program.**

## **C. Shoreline Preferred Uses**

The SMA establishes mandatory preferences for uses that are unique to or dependant upon a shoreline location. These preferred uses apply to the entire shoreline jurisdiction, both the shorelines and shorelines of statewide significance. The SMA preferred uses are recognized in the following policies.

- S-202** In establishing and implementing shoreline policies and development regulations, King County shall give preference to uses that are unique to or dependent upon a shoreline location.
- S-203** King County, when determining allowable uses and resolving use conflicts in the shoreline jurisdiction, shall apply the following preferences and priorities in the order listed below:
- 1. Reserve appropriate areas for protecting and restoring shoreline ecological processes and functions to control pollution and prevent damage to the natural environment and to public health.**
  - 2. Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the State Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities, such as transportation and utilities, should be reserved for water-dependent and water-related uses that are associated with commercial navigation, unless adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Shoreline mixed-use developments may be allowed if they include and support water-dependent uses and address specific conditions that affect water-dependent uses.**
  - 3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.**
  - 4. Locate single-family residential uses where they are appropriate and can be developed without significant impact to shoreline ecological processes and functions or displacement of water-dependent uses.**
  - 5. Limit nonwater-oriented uses to those locations that are inappropriate for higher priority uses or where the nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.**
- S-204** In particular circumstances, the preferred use policies, the local economic and land use conditions, and the policies and regulations that assure protection of shoreline resources may result in a determination that other uses may be considered as necessary or appropriate. These other uses may be accommodated, provided that the preferred uses are reasonably provided for throughout the shoreline jurisdiction.

## **D. General Policy Goals**

The SMA policies of protecting shoreline ecological processes and functions, fostering reasonable use, and maintaining the public right of navigation and corollary uses result in certain mandatory policy goals for the shoreline jurisdiction.

These policies apply to both shorelines and shorelines of statewide significance. The policies are not ranked in a specific order. King County reserves the right to balance these general policies based on the unique circumstances, location and physical condition of the shoreline.

- S-205** The following policy goals apply to all of the shoreline jurisdiction. The goals are not ranked in importance and have been assigned a number for identification purposes only.
1. The use of the shoreline jurisdiction for those economically productive uses that are particularly dependent on shoreline location or use.
  2. The use of the shoreline jurisdiction for public access and recreation.
  3. Protection and restoration of the ecological processes and functions of shoreline natural resources.
  4. Protection of the public right of navigation and corollary uses of waters of the state.
  5. The protection and restoration of buildings and sites having historic, cultural, and educational value.
  6. Planning for public facilities and utilities correlated with other shorelines uses.
  7. Prevention and minimization of flood damage.
  8. Recognizing and protecting private property rights.
  9. Preferential accommodation of single-family residential uses.
  10. Coordination of shoreline management with other relevant local, state and federal programs.

## **E. Shorelines of Statewide Significance Policy Goals**

The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and by calling for a higher level of effort in implementing the SMP. The state legislature has declared that the interest of all people shall be paramount in the management of shorelines of statewide significance.

- S-206** The interests of all people shall be paramount in the management of shorelines of statewide significance within King County.

The legislature has established policy goals that govern shorelines of statewide significance. Significantly, these policy goals are ranked in order of preference, i.e., the first goal must be given priority over all subsequent goals.

The following policy recognizes and accepts the policy goals as directed by the SMA for shorelines of statewide significance:

- S-207** In developing and implementing its Shoreline Master Program for shorelines of statewide significance, King County shall give preference, in the following order of preference, to uses that:
1. Recognize and protect the statewide interest over local interest;
  2. Preserve the natural character of the shoreline;
  3. Result in long-term over short-term benefit;
  4. Protect the resources and ecology of the shoreline;
  5. Increase public access to publicly owned areas of the shorelines;
  6. Increase recreational opportunities for the public in the shoreline; and
  7. Provide for any other element as defined in RCW 90.58.100.
- S-208** In developing and implementing policies relating to shorelines of statewide significance, King County shall provide for optimum implementation of policies that satisfy the statewide interest.

## **F. State-Owned Shoreline Policy Goals**

The state also owns property within King County. The SMA requires that certain policies be adopted with regard to shoreline land owned by the state. This is distinct from shorelines of statewide significance, which may or may not be in state ownership. Because state-owned shoreline is often adapted to providing recreational activities for the public, King County has given special consideration to these factors in developing the SMP.

- S-209 King County should encourage and help facilitate the use of state-owned shorelines for public recreational activities, where appropriate.**

## **G. Balancing Policy Goals**

The policy goals for the management of the shoreline jurisdiction have the potential for conflict. King County shorelines are considered among the most valuable and fragile of King County's natural resources. These shorelines are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research, and education. They are fragile because shorelines depend upon a balance between physical, biological, and chemical systems that may be significantly altered by both natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human activities (industrial, commercial, residential, recreation, navigational). Unbridled use of the shorelines ultimately could destroy their utility and value for human use.

- S-210 The policy goals of King County's Shoreline Master Program relate both to the use and protection of the extremely valuable and vulnerable shoreline resources of the state.**
- S-211 King County shall accommodate in the shoreline jurisdiction all reasonable and appropriate uses consistent with protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and consistent with public rights of navigation.**
- S-212 The policy of achieving both shoreline use and protection is reflected in the provision that permitted uses in the shoreline jurisdiction shall be designed and conducted in a manner to avoid or minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water.**
- S-213 King County shall balance shoreline use and shoreline protection when meeting the policy goals of the Shoreline Management Act.**

## **H. Multiple Approaches to Accomplishing Policy Goals**

The policy goals in the SMP may be achieved through a variety of methods that go beyond simply regulating development within the shoreline jurisdiction. There are a wide range of non-regulatory tools available that provide incentives for property owners to work cooperatively with King County to achieve these policy goals. In addition, King County works closely with other public and non-profit groups to achieve mutually beneficial objectives.

- S-214 The King County Shoreline Master Program policies may be achieved by a number of different means, both regulatory and non-regulatory. These include, but are not limited to:**
- 1. Regulations controlling development within the shoreline jurisdiction;**

2. Acquisition of land and easements by purchase, lease, or gift, either alone or in concert with other local governments;
3. Accepting grants, contributions, and appropriations from any public or private agency or individuals;
4. Public facility and park planning;
5. Watershed planning;
6. Voluntary salmon recovery projects; and
7. Incentive programs, such as the transfer of development rights or the public benefit rating system.

---

---

## **IV. SHORELINE ELEMENT POLICY GOALS**

---

---

### **A. Need for shoreline elements**

The SMA requires local master programs to include a number of elements that range from use of shorelines for economic benefit and accommodating necessary infrastructure to protecting both cultural and natural resources. These elements are addressed separately throughout this chapter and are based on the following overarching King County Shoreline Master Program element policy goals.

### **B. Economic Development Element**

King County's economy is the largest and most significant in the Puget Sound Region and in Washington State. With almost half of the state's nonagricultural jobs and almost 83,900 businesses, it is essential that the King County accommodate the industries and infrastructure to support a healthy and vibrant economy. Most of the county's industry and infrastructure lies within the incorporated cities and is not subject to the King County Shoreline Master Program. However, there are some portions of the shoreline jurisdiction in unincorporated King County that provide for economic development of the region.

**S-301 King County should plan for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.**

### **C. Public Access Element**

King County believes the shoreline should be accessible to the general public to enjoy and use within the limitations of private property rights and ecological considerations. Since a significant amount of shoreline property is in private ownership, the responsibility to maintain and provide public access falls primarily on public projects. Not all sites are appropriate for use by the public and must be evaluated carefully to ensure that public access can be safely provided without harm. Provisions should also be retained and sought to provide opportunities for the public to enjoy views of the water and shoreline.

**S-302 King County shall:**

- 1. Support the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety, as well as considering impacts on shoreline ecological processes and functions.**
- 2. Protect the rights of navigation and the space necessary for water-dependent uses.**
- 3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.**
- 4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.**

When planning shoreline public access, King County should try to achieve an integrated system that can supplement, and be coordinated with, multimodal transportation planning. King County has identified areas of potential public access that will be assessed in more detail through shoreline permits and public projects. The King County Shoreline Public Access Plan (July 2009) provides details on the analysis of existing shoreline public access in King County, identified public access gaps and opportunities, and the resulting shoreline Public Access Plan.

- S-303** The King County Shoreline Master Program should increase the amount and diversity of public access to the shoreline jurisdiction in areas identified within a shoreline public access gap. New public access should minimize impacts to shoreline ecological processes and functions, preserve natural shoreline character as much as possible, protect private property rights and consider public safety.
- S-304** Public agencies, including local governments, port districts, state agencies, and public utility districts, should include public access in their development proposals if public access is compatible with the activity and can be provided safely. An assessment of the impact of public access on the shoreline and constructed features should also be conducted.
- S-305** King County shall require public access to shorelines of the state for water-enjoyment, water-related, and nonwater-dependent non-residential uses and for subdivisions of land into more than four parcels unless:
1. The development proposal is not compatible with public access;
  2. There is a safety or security concern;
  3. Inclusion of public access will have an environmental impact that cannot be mitigated; or
  4. There are legal limitations on allowing public access.
- S-306** King County shall adopt development regulations that establish maximum building height limits, setbacks, and view corridors to minimize the impact to existing views from public property or a substantial number of residences. Where providing direct public access or allowing for water dependent shoreline uses conflicts with maintaining existing views, the direct public access or water dependent shoreline uses shall have priority.

## **D. Recreational Element**

Shorelines provide many opportunities for recreation, such as boating, swimming, beach combing, hiking, and nature viewing. Since much of the shoreline jurisdiction is in private ownership, using public lands for recreation will become increasingly important. Opportunities should be sought through public projects to protect and enhance recreational opportunities.

- S-307** King County should protect and, when possible, expand recreational opportunities, including but not limited to parks, beaches, tidelands, swimming beaches and boat launches.
- S-308** King County should evaluate opportunities to acquire shoreline property for purposes of public recreation from willing sellers of private property.

## **E. Circulation Element**

Circulation and transportation planning is conducted at many levels in King County. The overarching transportation planning agency in the Puget Sound region is the Puget Sound Regional Council, an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about growth and transportation issues in the Puget Sound region. At the local level, cities and counties approve local circulation patterns for their individual jurisdictions. King County should consider the policy goals in this Shoreline Master Program when participating in regional and local transportation planning discussions.

**S-309            The King County Shoreline Master Program should guide the county's transportation plans and projects within the shoreline jurisdiction.**

## **F.     Land Use Element**

Land use in King County is established through implementation of the Washington State Growth Management Act (GMA). To implement the GMA, King County relies primarily on the King County Comprehensive Plan and functional plans that are adopted as part of this Comprehensive Plan for facilities and services. This Comprehensive Plan establishes an urban growth line and designates land use and zoning for the unincorporated portions of King County. It also delineates and protects agricultural production districts, forest production districts and mineral resource sites.

**S-310            The King County Comprehensive Plan should consider the policy goals of the King County Shoreline Master Program when designating land use and zoning on shorelines of the state and adjacent lands.**

## **G.     Conservation Element**

The SMA requires local master programs to include a conservation element for the preservation of natural resources, including critical areas, scenic vistas, aesthetics, and vital freshwater, saltwater and estuarine areas for fish and wildlife.

### **1.     Critical areas**

King County's critical areas ordinance is based on best available science and protects coal mine hazard areas; erosion hazard areas; flood hazard areas; seismic hazard areas; landslide hazard areas; volcanic hazard areas; steep slope hazard areas; critical aquifer recharge areas; wetlands; aquatic areas (including lakes, rivers and streams and marine areas); and wildlife habitat conservation areas. The GMA requires that a shoreline master program provide a level of protection for critical areas located within shorelines that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. . Policy S-403 adopts this requirement.

Past development of the shorelines has degraded the habitat for many species by activities such as armoring banks against wave action and the erosive force of water flowing downstream; removal of vegetation; straightening channels; installing in-stream structures for flood control, hydroelectricity and water supply; and allowing stormwater runoff that degrades water quality. Degraded shorelines should be restored and shorelines that are in good condition should be preserved.

**S-311            King County shall protect shoreline critical areas and, where possible, should restore degraded habitat and critical area functions and values.**

### **2.     Scenic vistas**

The natural topography of King County provides numerous scenic vistas of the shoreline. King County should ensure that development occurring both within and outside the shorelines of the state avoids impacts on scenic vistas and protects view corridors while balancing other policy goals of this plan.

**S-312            King County should consider and, when possible, require protection of scenic vistas of the shoreline jurisdiction when reviewing public and private development proposals.**

### **3.     Aesthetics**

Natural shorelines are visually aesthetic in their natural state. When these shorelines are altered through development, the aesthetic value of the shoreline should be preserved as much as possible. In areas where shorelines have already been developed with little consideration of the aesthetics, restoration should return the shoreline to an aesthetically-pleasing environment.

**S-313** King County should ensure that public and private development proposals protect and restore the aesthetic quality of shorelines in the project design.

## **H. Historic, Cultural, Scientific and Educational Element**

The historic, cultural, scientific and educational element provides for protection and restoration of historic resources. Historic resources include historic building, sites, objects, districts and landscapes, prehistoric and historic archaeological resources and traditional cultural places.

- S-314** Historic resources in the shoreline jurisdiction should be protected to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state and federal authorities, including affected Tribes.
- 1.** Sites should be protected in collaboration with appropriate Tribal, state, federal, and other local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.
  - 2.** Where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
  - 3.** Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and incorporated into public and private programs and development.
- S-315** King County should work with Tribal, state, federal and local governments to maintain an inventory of all known historic resources. King County shall protect these inventories from public disclosure to the extent permitted or required under applicable federal and state law. As appropriate, such sites should be preserved and restored for study, education and public enjoyment to the maximum possible extent.
- S-316** Provisions for historic resource preservation, restoration and education should be incorporated with open space or recreation areas in site development plans whenever compatible and possible.
- S-317** Cooperation among involved private and public parties should be encouraged to achieve these historic, cultural, scientific and educational objectives.
- S-318** Private and public owners of historic resources should be encouraged to provide public access and educational opportunities at levels consistent with long term protection of both historic values and shoreline ecological processes and functions. Site-specific conditions may require public site access to be restricted at times, but educational means should be provided whenever possible.
- S-319** Historic resource development should be planned and carried out so as to prevent impacts to the resource. Impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels.
- S-320** Owners of historic resource are encouraged to make substantial development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, Tribes and others, may have ample time to assess the site and make arrangements to preserve historic, cultural, scientific and educational values as applicable.

**S-321**

**If development is proposed adjacent to an historic resource, the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological resource.**

---

---

## **V. SHORELINE PLAN RELATIONSHIP TO OTHER LAWS**

---

---

### **A. Washington's Growth Management Act (Chapter 36.70A RCW)**

The GMA, passed by the Washington State Legislature in 1990 and 1991, seeks to further protect the quality of life in Washington State. The GMA requires that the state's most populous and fastest growing counties and their cities prepare comprehensive land use plans that anticipate growth for a 20-year horizon. Smaller communities and those communities that are experiencing a slow rate of growth may choose to plan under the GMA, but are not required to do so. Comprehensive plans adopted in accordance with GMA must manage growth so that development is directed to designated urban areas and away from the Rural Area. The GMA also requires local governments to designate and protect critical areas and to identify and protect natural resource lands, which include commercially significant forestry, agriculture, and mining areas. In 1997, the Washington State Legislature amended both the GMA and the SMA in an effort to achieve consistency between the two statutes. Among the amendments to the GMA was a provision that makes the policies and goals of the SMA also policies and goals of the GMA. See RCW 36.70A.480.

**S-401        The King County Shoreline Master Program must be consistent with the Washington State Growth Management Act.**

### **B. King County Countywide Planning Policies**

King County, along with the City of Seattle, City of Bellevue, and suburban cities established the Growth Management Planning Council (GMPC) to prepare a coordinated policy framework for future development in King County. In July 1992, the GMPC adopted Phase 1 of the Countywide Planning Policies. Phase 2 was adopted in 1994. The King County Countywide Planning Policies have been ratified by a majority of the jurisdictions in King County and therefore apply to all jurisdictions. The Countywide Planning Policies address critical areas, land use patterns, transportation, community character and open space, affordable housing, development and provision of urban services, siting of public capital facilities, economic development, and regional financing and governance.

**S-402        The King County Shoreline Master Program must be consistent with and coordinated with the King County Countywide Planning Policies.**

### **C. Critical Areas Regulations**

Critical areas located within shorelines are regulated under the SMA and implemented through local shoreline master programs. The GMA requires that shoreline master programs provide a level of protection for shoreline critical areas that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

**S-403        The King County Shoreline Master Program and implementing regulations shall provide a level of protection for critical areas in the shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.**

The SMA provides options for assuring consistency with the GMA protection of critical areas. These options range from including the GMA critical areas regulations in the SMP to preparing a discrete set of shoreline regulations.

**S-404**      **The King County Shoreline Master Program includes by reference portions of the King County critical areas regulations into the Shoreline Master Program to meet the requirements of RCW 90.58.090(3) and 90.58.090(4).**

## **D.    Zoning, Clearing and Grading, and Stormwater Regulations**

King County has adopted a wide array of development regulations that protect various aspects of the environment and implement other King County policies. These regulations generally include King County's surface water management regulations, clearing and grading regulations, and zoning. In the shoreline jurisdiction, the Shoreline Master Program may impose additional requirements. Shoreline development regulations must:

1. Be sufficient in scope and detail to ensure implementation of the SMA statewide shoreline management policies, this chapter, and the King County Comprehensive Plan and functional plans adopted to implement the Comprehensive Plan;
2. Include regulations that apply to the environmental designations classified under WAC 173-26-211;
3. Include general regulations, specific use regulations that address issues of concern in regard to specific uses, and modification regulations;
4. Include clearing and grading and stormwater regulations that protect the ecological processes and functions of the shorelines; and
5. Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. (RCW 90.58.100)

However, to the extent that it can, consistent with requirements of the SMA, King County will rely on its existing regulations to meet the requirements of the SMA.

**S-405**      **To the maximum extent practical, King County's Shoreline Master Program shall rely on King County's existing regulations, including critical areas regulations, surface water management regulations, clearing and grading regulations, and zoning in order to comply with the Shoreline Management Act and the Ecology's guidelines.**

## **E.    Flood Hazard Management Plan**

The King County Flood Hazard Management Plan directs floodplain management within King County. This plan was developed in coordination with incorporated cities within King County as directed by RCW 86.12.210 and is binding on each jurisdiction located within King County. The goals of the King County Flood Hazard Management Plan are:

1. To reduce the risks from flood and channel migration hazards.
2. To avoid or minimize the environmental impacts of flood hazard management.
3. To reduce the long-term costs of flood hazard management.

Flood hazard regulations are implemented within unincorporated King County. Each jurisdiction within King County is required under the Flood Hazard Management Plan to adopt flood hazard management regulations that meet the minimum requirements of the National Flood Insurance Program.

In 2007, the King County Council approved the formation of a countywide flood control zone district under the authority in RCW 86.15.025. The overarching countywide strategies and objectives include:

1. Improving levee protection through major commercial, industrial and residential areas;
2. Improving flood water conveyance and capacity;
3. Reducing hazards by removing flood, erosion, and landslide prone residential structures;
4. Providing safe access to homes and businesses by protecting key transportation routes;
5. Minimizing creation of new risks to public safety from development pressure.

The King County Flood Control Zone District (FCZD) is governed by a District Board of Supervisors that consists of the members of the King County Council. An advisory committee advises the board of supervisors of the FCZD on regional flood protection issues by providing recommendations to the board of supervisors on the district's work program and budget, including capital improvement program projects. King County will rely on the Flood Hazard Management Plan and the FCZD to meet the general shoreline master program provisions for flood hazard reduction in WAC 173-26-221(3).

**S-406        The King County Shoreline Master Program will rely on the policies and programs established in the King County Flood Hazard Management Plan and flood hazard regulations to meet the requirements of the Shoreline Management Act and the Department of Ecology's guidelines for flood hazard reduction.**

---

---

# VI. SHORELINE ENVIRONMENT DESIGNATIONS

---

---

## A. Introduction to shoreline environment designations

Shoreline management addresses a wide range of physical conditions and development settings. The SMP classifies shoreline reaches into defined environment designations, based on the existing use pattern, the current biological and physical character of the shoreline, and the goals and aspirations of the community. King County prescribes environmental protection measures, allowable use provisions, and development standards for each shoreline environment designation.

King County has established eight shoreline environment designations:

- A. High Intensity Shoreline
- B. Residential Shoreline
- C. Rural Shoreline
- D. Conservancy Shoreline
- E. Resource Shoreline
- F. Forestry Shoreline
- G. Natural Shoreline
- H. Aquatic

This section sets forth the purpose, criteria and management policies for each shoreline environment. The Shoreline Environment Designation maps at the end of this chapter show how the environment designations apply to shoreline reaches within the shoreline jurisdiction in unincorporated King County. Shoreline areas that meet the jurisdictional criteria, but that are not mapped or designated, are assigned a Conservancy designation until the SMP is amended to assign a shoreline environment to that shoreline reach.

### Environment Designation Criteria

King County has a long history of comprehensive planning and basin planning. Beginning in the 1980s, basin plans were developed throughout the county and helped identify fragile aquatic resources. Relying on these plans, King County has assigned zoning that is appropriate given the nature of the resources that need protection. As a result, fragile resources generally have zoning classifications that permit only low intensity development. King County's zoning regulations limit high intensity development to urban areas designated under the County-Wide Planning Policies and the King County Comprehensive Plan.

King County recognizes, however, that zoning by itself is insufficient to determine the shoreline environment designations. Other factors are also important in assuring that the shoreline environment designations help King County achieve the goals of the SMA. These factors include, for a given shoreline:

- Existing development patterns together with zoning, the King County Comprehensive Plan land use designations and other officially adopted plans;
- Existing shoreline ecological processes and functions and the degree of human alteration;
- Whether the reach has a restoration priority that demonstrates it has both basin conditions and existing shoreline condition that support extra efforts to maintain shoreline ecological processes and functions and the length of such reaches;
- Federal, State, County, Tribal and municipal watershed ownership status;
- The goals of King County citizens for their shorelines as set forth in this chapter;
- Pursuant to RCW 90.58.100(4), for state-owned shorelines the public demand for wilderness beaches and other recreational activities and for ecological study areas; and

- Other state policies in the SMA and the Ecology's guidelines (RCW 90.58.020 and WAC 173-26, respectively).

Figure S-1 depicts the decision making process that is used to determine the appropriate shoreline environment designation for a given shoreline.

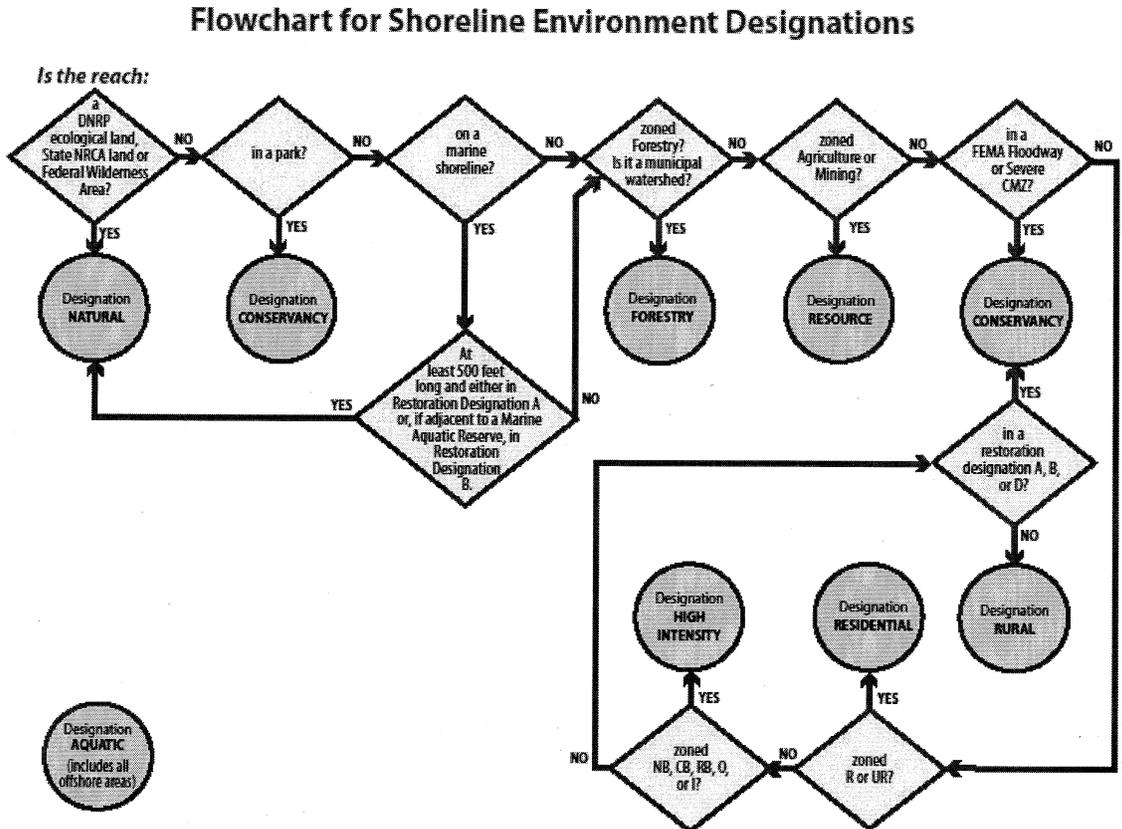


Figure S-1. Pathway of decisions in applying criteria to produce shoreline designations.

The shoreline environment designations take into account several elements. Areas currently meeting the criteria for high levels of protection are given greater levels of protection. The determination of whether an area deserves a greater level of protection is based either on its current ownership and condition, e.g. publicly owned natural areas or wilderness areas, or on its restoration rating. The restoration rating is discussed in more detail below. Zoning is also an important criterion. King County has for years implemented zoning as a means to protect more sensitive areas from intense development. Shoreline environment designations also take into account whether a reach is located within a floodway and severe channel migration hazard area and gives greater protection to these areas due to their importance in maintaining shoreline ecological processes and functions and because of public health and safety concerns.

The restoration rating (see King County Shoreline Protection and Restoration Plan (July 2009)) is included in the designation as a way to incorporate more strongly the current degree of alteration along the shoreline, the biological importance of the reach in a watershed context, and the restoration priorities associated with the combination of the two analyses. The restoration designations are largely concerned with whether it is most appropriate to implement measures to protect or conserve a site, restore it to a

previous condition, or undertake projects to enhance its current condition or to create new features with shoreline ecological processes and functions. These ratings also provide guidance on areas where it is important to protect existing shoreline ecological processes and functions.

Restoration ratings combine the reach characterization based on the results from an alterations analysis with the context of basin analyses (See Table S-2). The reach or drift cell characterization is an assessment of the extent to which ecosystem structure, processes, and, ultimately, functions for a reach or drift cell are affected by anthropogenic factors. Scores resulting from this assessment are indicative of the degree to which shoreline ecological processes have been altered and impaired. The reach characterizations are found in King County Shoreline Inventory and Characterization: Methodology and Results (May 2007). The basin analysis is based on the Basin Condition Map adopted by the King County Council in K.C.C. 21A.24.065.

Restoration Score	Basin Condition	Reach Condition	Actions
A	High	High	Conserve, Preserve
B	High	Moderate	Conserve, Preserve, Restore, Enhance
C	High	Low	Restore, Enhance
D	Moderate	High	Conserve, Enhance, Restore, Preserve
E	Moderate	Moderate	Conserve, Enhance, Restore
F	Moderate	Low	Enhance, Restore
G	Low	High	Enhance, Conserve
H	Low	Moderate	Enhance, Create
I	Low	Low	Enhance, Create

**Table S-2. Restoration scores and associated actions.**

Each designation has specific restoration goals associated with it, based on the conditions observed onsite and in the basin. Depending on condition, as indicated by the degree of alteration, reaches and drift cells were placed into one of nine categories of preferred actions. These range from preservation and conservation under the highest conditions (high basin and reach conditions, i.e., the least altered from natural) to enhancement and creation under the poorest condition (low basin and reach conditions, the most altered from natural).

The various actions are defined as follows:

- **Preserve** – To protect intact processes, often through acquiring lands or easements to exclude activities that may negatively affect the environment.
- **Conserve** – To maintain biodiversity by protecting or increasing the natural potential of landscapes to support multiple native species. Typically, this is accomplished through financial incentives for landowners intended to offset any economic loss resulting from managing the land for conservation.
- **Restore** – To transform degraded conditions to a close approximation of historical conditions. Restoration generally involves more intense and extensive modification and manipulation of site conditions than would occur with enhancement projects. Example actions include levee breaching, removal, or setback.
- **Enhance** – To improve a targeted ecological attribute and/or process. Example actions may include culvert replacement, riparian plantings and fencing, invasive species removal, and streambank stabilization.
- **Create** – To construct or place habitat features where they did not previously exist in order to foster development of a functioning ecosystem. Examples include tidal channel excavation and the placement of dredge material intended to create marsh or other habitat. Creation represents

the most experimental approach and, therefore, may have a lower degree of success, particularly when landscape-scale ecological processes are not sufficient to support the created habitat type.

The marine shoreline, which in unincorporated King County occurs only around Vashon/Maury Island, is treated a little differently than freshwater shorelines in the designation strategy. This is in recognition of both the differing character of marine shorelines, which are subject to tidal influences, wakes from large commercial vessels, and some variation in the ecological processes affecting them, as well as the creation of the Maury Island Environmental Aquatic Reserve along Maury Island and Quartermaster Harbor shorelines by the Washington state Department of Natural Resources. More protection by shoreline designation was afforded to marine shorelines with active feeder bluffs and little alteration to processes. As a result, in these areas, areas with a restoration rating of A or B were designated natural in recognition of the importance of conserving existing shoreline ecological functions and processes in this area.

## **B. High Intensity Shoreline Environment**

### **Purpose**

The purpose of the High Intensity Shoreline Environment is to provide for high intensity water-oriented commercial and industrial uses.

### **High Intensity Designation Criteria**

- S-501** A shoreline may be designated High Intensity if the shoreland is characterized by high intensity development or uses or is zoned Neighborhood Business (NB), Commercial Business (CB), Regional Business (RB), Office (O), or Industrial (I), and:
- 1. The shoreland does not contain limitations on urban uses, such as geological hazards or flood hazards; and**
  - 2. The shoreline does not provide important shoreline ecological processes and functions that would be significantly compromised by high intensity residential, commercial, or industrial use.**

### **High Intensity Management Policies:**

- S-502** In the High Intensity Shoreline Environment, King County shall give priority to non-residential land uses that are water-dependent or water-related.
- S-503** King County shall discourage non-water-oriented, non-residential land uses in the High Intensity Shoreline Environment. Shoreline mixed-use developments that include and support water dependent uses may be allowed. King County should allow non-water-oriented land uses in the High Intensity Shoreline Environment only in limited situations and only if they do not conflict with or limit opportunities for water-dependent uses or are located on sites where there is no direct access to the shoreline.
- S-504** Prior to allowing expansion of a high intensity non-water-oriented use in the shoreline environment, King County shall determine that there is no feasible alternative for locating the expansion outside of the shoreline jurisdiction.
- S-505** King County should require visual or physical public shoreline access to be provided whenever feasible in the High Intensity Shoreline Environment.
- S-506** King County shall protect the aesthetic character of the shoreline in the High Intensity Shoreline Environment through development regulations, including sign

controls, development siting criteria, screening requirements and architectural standards, landscaping requirements and maintenance of natural vegetation.

- S-507** King County shall require that the scale and intensity of new uses and development within the High Intensity Environment is compatible with, and protects or enhances, the existing character of the area.

## **C. Residential Shoreline Environment**

### **Purpose**

The purpose of the residential shoreline environment is to accommodate residential and commercial uses on a scale appropriate with urban residential zones.

### **Residential Shoreline Designation Criteria**

- S-508** A shoreline may be designated Residential Shoreline if the shoreland is characterized by urban levels of residential development or uses or is zoned Urban Residential (R) or Urban Reserve (UR) and:
- 1.** The shoreland does not contain limitations on urban uses, such as geological hazards or flood hazards; and
  - 2.** The shoreline not provide important shoreline ecological processes and functions that would be significantly compromised by urban levels of residential development.

### **Residential Shoreline Environment Management Policies:**

- S-509** King County shall require that the scale and intensity of new uses and development within the Residential Shoreline Environment is compatible with, and protects or enhances the existing character of the area.
- S-510** King County should encourage public or private outdoor recreation facilities that are compatible with the character of the area in the Residential Shoreline Environment. Water-dependent and water-enjoyment recreation facilities that provide opportunities for people to access and enjoy the shoreline are preferred uses in the Residential Shoreline Environment.
- S-511** King County should discourage non-water-oriented commercial uses in the Residential Shoreline Environment. A non-water-oriented commercial use may be allowed as part of a shoreline mixed-use development or if the non-water-oriented use provides a substantial benefit with respect to the goals and policies of this Program, such as providing public access or restoring degraded shorelines.

## **D. Rural Shoreline Environment**

### **Purpose**

The purpose of the Rural Shoreline Environment is to accommodate land uses normally associated with rural levels of development while providing appropriate public access and recreational uses to the maximum extent practicable.

### **Rural Shoreline Environment Designation Criteria**

- S-512** A shoreline may be designated Rural Shoreline if the shoreland is characterized by rural levels of development or if the shoreland is zoned Rural Area (RA) and:

1. The shoreland does not contain limitations on rural residential uses, such as geological hazards or flood hazards; and
2. The shoreline does not provide important shoreline ecological processes and functions that would be significantly compromised by rural levels of residential development.

#### **Rural Shoreline Environment Management Policies:**

- S-513** King County should limit uses in the Rural Shoreline Environment to those rural development activities and associated services that sustain the shoreline's physical and biological resources and that protect options for restoration to maximum extent practicable given the nature of rural development.
- S-514** King County should require that multi-family and multi-lot residential and recreational developments in the Rural Shoreline Environment provide public access and joint use for community recreational facilities.

## **E. Conservancy Shoreline Environment**

### **Purpose**

The purpose of the Conservancy Shoreline Environment is to conserve areas that are a high priority for restoration, include valuable historic properties or provide recreational opportunities.

### **Conservancy Shoreline Environment Designation Criteria**

- S-515** A shoreline may be designated Conservancy Shoreline if it is in an area where important shoreline ecological processes have not been substantially degraded by human activities, where important shoreline ecological processes would be degraded by development or present a public health or safety risk, or where the shoreline is in public ownership and is managed for public access or recreation. Areas that may be included in Conservancy Shoreline are:
1. Shoreline reaches primarily within an identified FEMA floodway or severe channel migration hazard zone;
  2. Lake shorelines or river shorelines with a restoration plan rating of A, B, or D;
  3. Marine shorelines with a restoration plan rating of A, B, or D; and
  4. Shorelines in public ownership and managed for public access or recreation.

### **Conservancy Shoreline Environment Management Policies:**

- S-516** King County should limit uses in the Conservancy Shoreline Environment to those that sustain the shoreline area's physical and biological resources or to uses of a nonpermanent nature that do not substantially degrade the rural or natural character of the shoreline area or disturb historic and cultural resources. King County should discourage non-residential uses in the Conservancy Shoreline except as follows:
1. King County should allow aquaculture, forestry and agriculture in the Conservancy Shoreline Environment; and
  2. King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses if significant adverse impacts to the shoreline are mitigated.
- S-517** King County shall require that new uses or development in the Conservancy Shoreline Environment preserve the existing character of the shoreline consistent with the purpose of the environment, including:

1. Limiting the total effective impervious surface in the shoreline jurisdiction to no more than ten percent in order to maintain the existing hydrologic character of the site; and
2. Allowing more effective impervious surface coverage on lots legally created prior to the date of adoption of this update to King County's Shoreline Master Program. In these cases, effective impervious surface coverage shall be limited to the maximum extent practicable.

## **F. Resource Shoreline Environment**

### **Purpose**

The purpose of the Resource Shoreline Environment is to allow for mining and agricultural uses on lands that have been designated under the GMA as agricultural lands of long-term commercial significance or mineral resource lands where those lands do not provide significant shoreline ecological processes and functions.

### **Resource Shoreline Environment Designation Criteria**

**S-518** A shoreline may be designated Resource Shoreline if the shoreland is zoned Agriculture or Mineral and the shoreline is not designated Natural Shoreline under Policy S-525.

### **Resource Shoreline Environment Management Policies:**

**S-519** King County should limit uses in the Resource Shoreline Environment to agricultural and mining activities.

**S-520** King County shall adopt development standards for the Resource Shoreline Environment to preserve the existing character of the shoreline consistent with the purpose of the environment.

## **G. Forestry Shoreline Environment**

### **Purpose**

The purpose of the Forestry Shoreline Environment is to allow for forestry uses in the Forest Production District and to protect municipal watersheds.

### **Forestry Shoreline Designation Criteria**

**S-521** A shoreline may be designated Forestry Shoreline if the shoreland is within the Forest Production District and the shoreline is not designated as a Natural Shoreline or a Conservancy Shoreline.

### **Forestry Shoreline Management Policies:**

**S-522** King County shall require forest practices in the Forestry Shoreline Environment to comply with standards that provide protection for shoreline ecological processes and functions equal to or greater than the forest practice rules adopted by the Washington State Department of Natural Resources and in effect on January 1, 2007.

**S-523** King County shall allow activities related to the direct management and delivery of municipal domestic water supplies in the Forestry Shoreline Environment only when consistent with municipal domestic water supply best management practices.

- S-524** King County shall allow agricultural and aquaculture uses within the Forestry Shoreline Environment if the use is subject to appropriate limitations or conditions to ensure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

## **F. Natural Shoreline Environment**

### **Purpose**

The purpose of the Natural Shoreline Environment is to protect those shoreline areas that are relatively free of human influence and are of high ecological quality. This designation allows only very low intensity uses in order to maintain the existing high levels of ecological process and function.

### **Natural Shoreline Environment Designation Criteria**

- S-525** A shoreline may be designated Natural Shoreline if the shoreline is:
- 1. Of high ecological quality and is performing an important, irreplaceable ecological process or function that would be damaged by human activity;**
  - 2. Unable to support new development or uses without significant adverse impacts to shoreline ecological processes and functions or risk to human safety;**
  - 3. A federally designated wilderness area or in an area managed by the King County Department of Natural Resources and Parks as natural lands; or**
  - 4. A marine shoreline reach that extends at least five hundred feet along the ordinary high water mark and either has a restoration plan rating of A or has a restoration plan rating of B and is located adjacent to the Maury Island Marine Aquatic Reserve.**

### **Natural Shoreline Environment Management Policies:**

- S-526** King County shall not allow new shoreline armoring in the Natural Shoreline Environment.
- S-527** King County shall not allow the following new uses in the Natural Shoreline Environment:
- 1. Commercial uses;**
  - 2. Industrial uses;**
  - 3. Nonwater-oriented recreation uses that require shoreline modification in order to provide shoreline access;**
  - 4. Mining and associated facilities, such as docks, piers, and loading facilities; and**
  - 5. Transportation facilities, utility corridors, and parking areas that can be located outside of the Natural Shoreline Environment.**
- S-528** King County may allow single-family residential development in the Natural Shoreline Environment as a shoreline conditional use if the scale and intensity of the use is limited to protect shoreline ecological processes and functions and is consistent with the purpose of the environment. King County shall require new subdivisions and short-subdivisions in the Natural Shoreline Environment to locate new structures and impervious surfaces outside of the shoreline jurisdiction to the maximum extent practicable.
- S-529** King County shall allow scientific, historical, cultural, and educational research uses in the Natural Shoreline Environment if no significant ecological impact on the area will result.

- S-530**      **Except for removal of noxious weeds or invasive vegetation as provided for in S-643, King County shall not allow vegetation removal in the Natural Shoreline Environment that will reduce the capability of vegetation to perform normal ecological processes and functions.**
  
- S-531**      **King County shall allow agricultural and aquaculture uses of a very low intensity nature within the Natural Shoreline Environment if the use is subject to appropriate limitations or conditions to ensure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.**
  
- S-532**      **King County shall allow passive and low-impact recreational activities in the Natural Shoreline Environment. New passive and low impact recreation activities shall use designs that avoid or minimize impacts to shoreline processes and functions. Maintenance of trails and campsites shall minimize disturbance and restoration of impacted areas is encouraged.**
  
- S-533**      **King County should use tax incentives, easements, and buyouts to protect shorelines in the Natural Shoreline Environment with important fish and wildlife habitat at risk from moderate to high intensity development.**

## **H. Aquatic Environment**

### **Purpose**

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

### **Aquatic Shoreline Environment Designation Criteria**

- S-534**      **A shoreline shall be designated Aquatic if it is waterward of the ordinary high water mark of the shoreline.**

### **Aquatic Shoreline Environment Management Policies:**

- S-535**      **King County shall allow new in-water and over-water structures in the Aquatic Shoreline Environment only for water-dependent uses, public access, or ecological restoration.**
  
- S-536**      **King County shall limit the size of new over-water structures in the Aquatic Shoreline Environment to the minimum necessary to support the structure's intended use.**
  
- S-537**      **King County shall encourage multiple uses of over-water facilities in the Aquatic Shoreline Environment in order to reduce the impacts of shoreline development and increase the effective use of water resources.**
  
- S-538**      **King County shall require all developments and uses on navigable waters or their beds in the Aquatic Shoreline Environment to be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife and materials necessary to create or sustain their habitat, particularly those species dependent on migration.**
  
- S-539**      **King County shall not allow uses in the Aquatic Shoreline Environment that adversely impact the ecological processes and functions of critical saltwater and freshwater habitats, except when necessary to achieve the objectives of RCW**

90.58.020, and then only when the adverse impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of shoreline ecological processes and functions.

**S-540**

**King County shall consider the guidance in the Maury Island Aquatic Reserve Management Plan in making decisions about permitted uses in the shoreline jurisdiction.**

---

---

# VII. ENVIRONMENTAL PROTECTION POLICY GOALS

---

---

## A. General Environmental Protection Policy Goals

The Ecology's guidelines recognize that shoreline ecological processes and functions may be impaired not only by shoreline developments that are required to obtain shoreline substantial development permits, but also by past actions, unregulated activities, and developments that are exempt from the shoreline substantial development permit requirements. The loss or degradation of shoreline ecological processes and functions from any of these activities can significantly impact shoreline natural resources and may also adversely impact human health and safety.

The concept of ecological processes and functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological processes. These processes are interdependent in varying degrees and at different scales, and that result in the landscape, habitats and species as they exist at any time. Ecological functions are the work performed or roles played individually or collectively within ecosystems by these processes.

### 1. Cumulative Impacts and "No Net Loss" of Ecological Processes and Functions

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological processes and functions that contribute to the survival and successful reproduction of plants and animals. For example, an intensely developed harbor area may also have an important function as a fish migration corridor and feeding area critical to species survival. In addition, ecosystems are interconnected and many species may depend on the functioning of multiple systems for critical resources. As examples, anadromous fish depend upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with shorelines depend on the functioning of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological processes and functions should apply to the maximum extent practical to all shoreline areas, not just those that remain relatively unaltered.

The SMA requires that King County's Shoreline Master Program achieve no net loss of shoreline ecological processes and functions from new uses or development, and that it address the cumulative impacts on shoreline ecology that would result from future shoreline development. The SMA also requires local governments to plan for restoration of shoreline ecological processes and functions where they have been impaired, thus working towards actual improvement in shoreline ecological processes and functions. The following policies ensure that King County will address cumulative impacts of existing and proposed shoreline development and work towards improving shoreline ecological processes and functions.

- S-601** King County shall ensure that new uses, development and redevelopment within the shoreline jurisdiction do not cause a net loss of shoreline ecological processes and functions.
- S-602** King County should protect shorelines and conduct restoration in areas that have been previously degraded.
- S-603** King County shall require shoreline uses and modifications to be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions to the maximum extent practical.
- S-604** King County's Shoreline Master Program shall include regulations and mitigation standards to ensure that permitted and exempt developments in the aggregate will not cause a net loss of shoreline ecological processes and functions.

- S-605** King County's Shoreline Master Program goals and policies will promote restoration of impaired shoreline ecological processes and functions. Policies and programs and non-regulatory actions that contribute to restoration goals will be identified. King County should consider the direct and indirect effects of regulatory or non-regulatory programs of other local, state, and federal governments, as well as any restoration effects that may result from shoreline development regulations and mitigation standards.
- S-606** The King County Shoreline Master Program identifies restoration opportunities and planning elements that together should improve the overall condition of habitat and resources within the shoreline jurisdiction.
- 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.
- S-608** The King County Shoreline Master Program shall consider the cumulative impacts of reasonably foreseeable future development to ensure no net loss of shoreline ecological processes and functions.
- S-609** The Shoreline Master Program is intended to fairly allocate the burden of addressing cumulative impacts. King County should adopt policies and regulations that are designed to avoid the need for individualized cumulative impacts analysis for commonly occurring and planned development.
- S-610** King County shall prefer and provide special permitting considerations for docks and piers that are shared among multiple landowners.
- S-611** When updating the Shoreline Master Program, King County should analyze proposed policies and regulations to determine whether they will cause cumulative adverse impacts to the shoreline and consider how such impacts may be avoided. The evaluation of cumulative impacts should consider:
- 1. Current condition of the shorelines and associated natural processes;**
  - 2. Reasonably foreseeable future development and shoreline uses;**
  - 3. An appropriate evaluation of the effect on shoreline ecological processes and functions caused by unregulated activities, development exempt from permitting, and effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties; and**
  - 4. Beneficial effects of any established regulatory programs under other local, state, and federal laws.**
- S-612** King County should use the shoreline permitting or shoreline conditional use permitting processes for development proposals that may have impacts that cannot be anticipated or uncommon impacts that have not been considered or identified at time of adoption of the King County Shoreline Master Program to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

**S-613 King County shall consider and address cumulative impacts of shoreline development on shoreline ecological processes and functions and on shoreline uses given priority under RCW Chapter 90.58**

**2. Ongoing Evaluation, Review of Cumulative Impacts and Duty to Update**

King County will periodically review the Shoreline Master Program and make amendments that it determines are necessary to reflect changing local circumstances, new information and improved data, and to meet the requirements of RCW 90.58.080 and applicable guidelines. King County will also monitor actions taken to implement the Shoreline Master Program and the shoreline conditions to inform updates of Shoreline Master Program provisions and improve shoreline management over time.

**S-614 King County shall periodically review and amend its Shoreline Master Program using a process that inventories and ensures meaningful understanding of current and potential ecological processes and functions provided by affected shorelines.**

## **B. Shoreline Critical Areas**

**1. Standard for protection under the SMA**

The GMA requires King County to protect the functions and values of critical areas, which are defined as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Critical areas located within the shoreline jurisdiction are protected under the SMP rather than the GMA. The SMP provides a level of protection for critical areas to assure no net loss of shoreline ecological functions. In addition, the SMA requires King County to give optimum protection of shorelines of state-wide significance. The King County Comprehensive Plan and functional plans adopted as elements of the King County Comprehensive Plan also guide the protection of critical areas within the shoreline jurisdiction.

**2. Use of scientific and technical information**

The Shoreline Management Act requires local governments to use scientific and technical information when establishing protection measures for critical areas. To achieve this requirement, King County has, to the extent feasible:

1. Used a systematic interdisciplinary approach that ensures the integrated use of the natural and social sciences and the environmental design arts;
2. Consulted with and obtained the comments of any federal, state, regional, or local agency having any special expertise with respect to environmental impacts;
3. Considered all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with King County shorelines;
4. Used all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
5. Employed, when possible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

King County has reviewed and synthesized a wide range of scientific information resulting in regulatory standards based on the best available science for the protection of critical areas. In addition, King County considered state, Tribal and federal programs to provide a full spectrum of planning and regulatory measures to guide critical areas protection in shorelines.

**S-615 In considering development regulations to protect shoreline ecological processes and functions, King County shall consider the scientific and technical information contained in functional plans adopted to implement the Comprehensive Plan, adopted watershed plans, King County critical areas regulations and state, Tribal and federal programs.**

In order to ensure no net loss of shoreline ecological processes and functions resulting from development proposed in shoreline critical areas, the King County SMP requires that development proposals analyze the environmental impacts of the proposal and consider measures to avoid, if possible, and then mitigate for the adverse environmental impacts.

- S-616**      **King County shall apply the following sequence of steps listed in order of priority in evaluating the impacts of development and redevelopment on critical areas within the shoreline jurisdiction:**
- 1. Avoid the impacts altogether;**
  - 2. Minimize impacts;**
  - 3. Rectify impacts by repairing, rehabilitating or restoring the affected environment;**
  - 4. Reduce or eliminate the impacts over time;**
  - 5. Compensate for impacts by replacing, enhancing or providing substitute resources; and**
  - 6. Monitor the impact and taking appropriate corrective measures.**

### **3. Wetlands**

When determining allowed uses within wetlands and their buffers in shorelines of the state, consideration should be given to those uses that would result in no net loss of wetland area and wetland function. Consideration should be given to specific uses that are likely to positively impact the physical, chemical, and biological processes that create and sustain wetlands.

- S-617**      **King County wetland regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions:**
- 1. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;**
  - 2. Dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;**
  - 3. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;**
  - 4. Driving of pilings;**
  - 5. Placing of obstructions;**
  - 6. Construction, reconstruction, demolition, or expansion of any structure;**
  - 7. Significant vegetation removal, except for non-conversion forest practices regulated under RCW chapter 76.09;**
  - 8. Other uses or development that results in a significant ecological impact to the physical, chemical or biological characteristics of wetlands; and**
  - 9. Activities reducing the functions of buffers.**

Wetlands shall be categorized based on rarity, irreplaceability, or sensitivity to disturbance, as well as the functions the wetland provides. The SMA provides the option of using specified wetland rating systems or developing a regionally specific system, provided the system is scientifically based and provides a method to distinguish wetland quality and function. King County adopted the Washington State Wetland Rating System for Western Washington for use in categorizing wetlands under the GMA critical areas development standards.

- S-618**      **King County shall categorize wetlands within shorelines of the state as provided for in Chapter 4, Environment, of the King County Comprehensive Plan.**

The King County SMP provisions that would allow limited alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, and scientific and technical information.

- S-619**      **King County should allow alterations to wetlands only if there is no net loss of wetland functions and values.**

The King County SMP requires buffers be delineated and protected around wetlands. The size of the wetland buffer is based on the classification of the wetland and its characteristics and whether the wetland is located within or outside of the Urban Growth Area. Mitigation measures have been established to obtain a reduced buffer width in return for added measures to address light, noise, toxic runoff, change in water regime, pets and human disturbance, dust, and degraded buffer condition. Other modifications to buffer widths are allowed through buffer averaging. Circumstances, such as the presence of threatened or endangered species or proximity to steep slopes, may authorize increased buffer widths.

**S-620 King County shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, potential impacts with adjacent land use, and other relevant factors.**

The King County SMP requires that mitigation measures achieve equivalent or greater wetland functions including, but not limited to, habitat complexity, connectivity and other biological functions, and seasonal hydrological dynamics. Preferential consideration is given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

**S-621 In determining appropriate mitigation measures applicable to shoreline development, the mitigation sequencing requirements described in WAC 173-26-202(d)(e) require that lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.**

King County may authorize alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of shoreline ecological processes and functions.

**S-622 King County may allow compensatory mitigation only after a mitigation sequence is applied (see Policy S-616) and higher priority means of mitigation are determined to be infeasible.**

- 1. Compensatory mitigation replacement ratios or other mitigation provisions shall consider:**
  - a. The risk of failure of the compensatory mitigation action;**
  - b. The length of time the compensatory mitigation action will take to replace adequately the impacted wetland functions and values; and**
  - c. The gain or loss of the type, quality, and quantity of the ecological functions of the compensation.**
- 2. Performance standards shall be established to evaluate the success of compensatory mitigation.**
- 3. Long-term monitoring shall be required to determine if performance standards are met.**
- 4. Long-term protection and management shall be required for compensatory mitigation sites.**

#### **4. Critical Aquifer Recharge Areas**

King County has classified and mapped critical aquifer recharge areas according to the vulnerability of the aquifer. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability is indicated by land uses that contribute contamination that may degrade groundwater and by hydrogeologic conditions that facilitate degradation. Low vulnerability is indicated by land uses that do not contribute contaminants that will degrade groundwater and by hydrogeologic conditions that do not facilitate degradation. Critical aquifer recharge areas are required to be protected under the GMA as a critical area.

**S-623        The King County Shoreline Master Program shall protect critical aquifer recharge areas consistent with the King County Comprehensive Plan and critical areas regulations.**

**5.        Geologically Hazardous Areas**

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological processes and events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices, so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided. Under the King County SMP, geologically hazardous areas include:

1. Erosion hazard areas;
2. Landslide hazard areas;
3. Seismic hazard areas;
4. Coal mine hazard areas;
5. Volcanic hazard areas; and
6. Steep slope hazard areas.

The following policies to protect health and safety and also to reduce the loss of shoreline ecological processes and functions apply to geological hazardous areas located within the shoreline jurisdiction.

**S-624        Development regulations for geologically hazardous areas shall meet the minimum requirements in WAC 365-190-080(4).**

**S-625        King County shall prohibit development and new lot creation in geologically hazardous areas if it would result in increased risk of injury to people or property damage, consistent with K.C.C. chapter 21A.24.**

**S-626        King County shall prohibit new development that requires structural stabilization in geologically hazardous areas. Stabilization will be allowed in these areas only if the stabilization is necessary to protect existing allowed uses, there is no alternative location available, and no net loss of shoreline ecological processes and functions will result. Stabilization measures shall conform to WAC 173-26-231.**

**S-627        King County may allow stabilization structures or measures in geologically hazardous areas to protect existing primary residential structures, if there are no alternatives, including relocation or reconstruction of the residential structure, the stabilization is in conformance with WAC 173-26-231, and no net loss of shoreline ecological processes and functions will result.**

**6.        Fish and Wildlife Habitat Conservation Areas**

King County is required by the GMA to protect fish and wildlife habitat conservation areas as critical area. The Washington Department of Community, Trade, and Economic Commerce (Commerce) adopted guidelines to assist local governments in designating critical areas, including fish and wildlife habitat conservation areas. The Commerce guidelines are designed to define and protect areas necessary to maintain species in suitable habitats within their natural geographic distribution, at least in part so that isolated subpopulations are not created. Commerce identifies the following areas as being suitable for fish and wildlife habitat conservation areas:

1. Areas with which endangered, threatened, and sensitive species have a primary association; areas critical for habitat connectivity;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds; herring, smelt and sand lance spawning areas;

5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat;
6. Waters of the state;
7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or Tribal entity; or
8. State natural area preserves and natural resource conservation areas.

The King County Comprehensive Plan and its development regulations protect the functions and values of fish and wildlife habitat conservation areas through its provisions governing aquatic areas and wildlife habitat conservation areas.

Ecology's guidelines divide fish and wildlife habitat conservation areas into critical saltwater and critical freshwater habitats.

**a. Critical saltwater habitat**

Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; flats, spits, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats include both the shorelines and the adjacent submerged areas.

**S-628 King County shall provide a high level of protection to critical saltwater habitats due to the important ecological functions they provide.**

**S-629 Protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.**

Comprehensive planning for the protection and restoration of critical saltwater habitat should include state resource agencies, local and regional government entities including, but not limited to the Port of Seattle and Sound Transit, and affected Tribes. To reverse the impacts from development on critical saltwater habitats, the King County Shoreline Master Program should look for opportunities to restore critical saltwater shorelines and protect them from further degradation. All resources should be reviewed and considered.

**S-630 As part of its management planning for critical saltwater habitats, King County should include an evaluation of current data and trends regarding:**

1. Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
2. Terrestrial and aquatic vegetation;
3. The level of human activity in such areas, including the presence of roads and level of recreational types. Passive or active recreation may be appropriate for certain areas and habitats;
4. Restoration potential;
5. Tributaries and small streams flowing into marine waters;
6. Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;
7. Conditions and ecological function in the near-shore area;
8. Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses;
9. Potential Tribal uses of critical saltwater habitats to ensure that these uses are protected and restored when possible; and
10. An analysis of what data gaps exist and a strategy for gaining this information.

Because of the need for a higher level of protection for critical saltwater habitat, allowed uses should be carefully limited and only allowed to meet other policy goals of the SMA.

- S-631** Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:
1. The public's need for such an action or structure is clearly demonstrated, and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
  2. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
  3. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and
  4. The project is consistent with state and Tribal interests in resource protection and species recovery.

- S-632** Public or private noncommercial docks for public, individual residential or community use may be authorized provided that:
1. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and
  2. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

**b. Critical freshwater habitat**

Critical freshwater habitats are equally important to saltwater areas as fish and wildlife habitat conservation areas along shorelines of the state. Critical freshwater habitats include streams and rivers, with their associated channel migration zones, floodplains, wetlands, and lakes. Shorelines along these freshwater habitats often have been highly developed and are currently adversely impacted by improper stormwater, sewer, or industrial outfalls; unmanaged clearing and grading; and surface water runoff from buildings and parking lots. Some impacts include altered quality and quantity of runoff, as well as destruction or alteration of vegetation. Potential impacts from vegetation changes can include increased water temperatures and altered hydrographic conditions. All of these changes create inhospitable conditions in water bodies for priority species and, in addition, make them more susceptible to problems stemming from catastrophic flooding, droughts, landslides and channel changes.

Some freshwater habitats, particularly rivers and floodplains, often are considered as hazardous areas that can threaten life and property during catastrophic events, such as flooding. Development can exacerbate such conditions.

As with critical saltwater habitats, comprehensive planning for the protection and restoration of critical freshwater habitat should include state resource agencies, local and regional government entities including, but not limited to the Port of Seattle and Sound Transit, and affected Tribes. To reverse the impacts from development on critical freshwater habitats, the King County SMP should look for opportunities to restore critical freshwater shorelines and protect them from further degradation. All resources should be reviewed and considered.

- S-633** King County shall provide a high level of protection to critical freshwater habitats due to the important ecological functions they provide.
- S-634** King County should establish priorities for protection and restoration, where appropriate, along unincorporated river corridors and lake shorelines.
- S-635** King County should regulate uses and development as necessary within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction, to assure that no net loss of shoreline

**ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.**

**S-636 King County shall protect ecological functions associated with critical freshwater habitat as necessary to assure no net loss from shoreline activities and associated changes.**

**S-637 King County should facilitate authorization of appropriate restoration projects.**

## **C. Frequently Flooded Areas and Channel Migration Hazard Areas**

The King County 2006 Flood Hazard Management Plan was adopted as a functional plan of the King County Comprehensive Plan. The Flood Plan outlines the policies, programs, and projects that King County uses to reduce the risk from flooding and channel migration. The King County 2006 Flood Hazard Management Plan was reviewed for consistency with the SMA and determined to be consistent with it. King County maps Channel Migration Hazard Areas and applies critical areas regulations to assure that channel migration can be accommodated.

**S-638 The policies contained within the King County Flood Hazard Management Plan, or its successor, constitute the policies for the protection of frequently flooded areas and channel migration within shorelines. Provisions implementing these policies are included in the critical areas regulations.**

## **D. Shoreline Vegetation Conservation**

A major intent of vegetation conservation is to protect and restore the ecological processes and functions performed by stands of vegetation along shorelines. Vegetation conservation can also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect particular plant and animal species and their habitats, and to enhance shoreline uses.

In King County, aquatic environments, as well as their associated upland and wetland vegetated areas, provide significant habitat for a wide variety of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystems. For example, nearly continuous stretches of mature forest characterize the natural riparian conditions of the Pacific Northwest. Riparian areas along marine shorelines provide the same or similar functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- Providing shade necessary to maintain cool water temperatures required by salmonids, spawning forage fish, and other aquatic biota.
- Providing external organic inputs critical for some aquatic life.
- Providing food for various insects and other benthic macro invertebrates, which are in turn food sources for fish, birds, and other wildlife.
- Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees and other riparian vegetation provide the bulk of this function.
- Reducing fine sediment input into the aquatic environment through stormwater retention and vegetative filtering.
- Filtering and vegetative uptake of nutrients and pollutants from groundwater and surface runoff.
- Providing a source of large woody debris for introduction into the aquatic system. Large woody debris is a primary structural component in streams that functions as a hydraulic roughness element to moderate flows and store sediment. Large woody debris also serves a pool-forming function, providing critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity and stabilizes systems.
- Regulating microclimates in the lake and stream-riparian and intertidal corridors.

- Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and refuge areas.

The length, width, and species composition of a shoreline vegetation community all contribute substantively to aquatic ecological functions. Likewise, the biological communities of the aquatic environment are essential to ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When shoreline vegetation is removed, there is a greater risk that important ecological functions will not be provided.

Sustaining different ecological functions requires varying widths, compositions, and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic introduction of fallen trees, especially conifers, into the stream channel is an important attribute that is critical to natural stream channel maintenance.

Vegetation conservation includes activities to protect and restore vegetation that contributes to the ecological functions of shoreline areas along or near marine and freshwater shorelines.<sup>1</sup> Vegetation conservation provisions generally include the prohibiting or limiting plant clearing and earth grading, restoring vegetation, and controlling invasive weeds and nonnative species.

- S-639** King County shall adopt planning provisions to address vegetation conservation and restoration and regulatory provisions to address conservation of vegetation, as necessary, to assure no net loss of shoreline ecological processes and functions, to avoid adverse impacts to soil hydrology, and to reduce the hazard of slope failures or accelerated erosion.
- S-640** Vegetation conservation provisions apply to all shoreline uses and developments, whether or not the use or development requires a shoreline substantial development permit.
- S-641** Vegetation conservation standards shall not apply retroactively to existing uses and structures, such as existing agricultural practices.
- S-642** King County should identify which ecological processes and functions are important to the local aquatic and terrestrial ecology, and then conserve sufficient vegetation to maintain these functions. Vegetation conservation areas are not necessarily intended to be closed to use and development, but should provide for management of vegetation in a manner adequate to assure no net loss of shoreline ecological processes and functions.
- S-643** King County should adopt development regulations for vegetated areas along streams, which once supported or could in the future support mature trees, that include buffers of sufficient width to facilitate the growth of mature trees and periodic recruitment of woody vegetation into the water body to support vegetation-related shoreline functions.
- S-644** King County should adopt mechanisms to implement the vegetation conservation policies of this chapter. These mechanisms may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other provisions. Selective pruning of trees for safety and

---

<sup>1</sup> Vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority.

view protection may be allowed. Removal of noxious weeds and invasive vegetation should be allowed as long as appropriate best management practices are followed.

## **E. Water Quality, Stormwater and Non-Point Pollution**

The Shoreline Master Program must protect against adverse impacts to the public health, to the land with its vegetation and wildlife, and to the waters of the state and their aquatic life. The intent of water quality, stormwater and non-point pollution policies is to provide shoreline protection by preventing adverse impacts to shoreline ecological processes and functions, aquatic habitats, and water dependent uses such as aquaculture and fishing.

- S-645**      **Shoreline Master Program water quality, stormwater, and non-point pollution policies apply to all development and uses in the shoreline jurisdiction that affect water quality.**
  
- S-646**      **King County should work to prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions, degraded aesthetic qualities, loss of recreational opportunities or reduction in water-dependent uses, such as aquaculture and fishing.**
  
- S-647**      **King County should ensure mutual consistency between shoreline management provisions and other regulations that address water quality and stormwater quantity, including Public Health—Seattle & King County standards, the King County Surface Water Design Manual, and King County surface water management regulations. The regulations that are most protective of ecological functions shall apply.**
  
- S-648**      **The Shoreline Master Program shall include provisions to implement the water quality, stormwater and non-point pollution policies in this chapter.**

## **F. Preparing for Climate Change**

As discussed in Chapter 4 of the King County Comprehensive Plan, climate change has the potential for significant impacts on shorelines and shoreline habitats. Sea-level rise and storm surges may place at risk infrastructure, habitat restoration projects, and other development, including residential development. New development and maintenance or replacement of existing development should take into account the potential for harm that may result from sea-level rise.

- S-649**      **King County shall ensure that new projects for and major maintenance or replacement of utilities, roads, and other public infrastructure consider the impacts of sea-level rise in the location, design, and operation of the projects.**
  
- S-650**      **Habitat protection and restoration projects in the shoreline jurisdiction shall consider implications of sea-level rise and other climate change impacts to promote resiliency of habitats and species.**

---

---

# VIII. SHORELINE USE & SHORELINE MODIFICATION

---

---

## A. Shoreline Use versus Shoreline Modification

The SMA makes a distinction between a shoreline use and a shoreline modification. A shoreline use is an activity that is allowed within the shorelines jurisdiction. In most cases in order to engage in an activity, the shoreline must be modified. Shoreline modifications often involve construction of a physical element, such as a dike, breakwater, dredged basin, or fill, as well as other actions such as clearing, grading, application of chemicals, or significant vegetation removal. This means that shoreline modifications are often undertaken in support of or in preparation for an activity along shorelines.

## B. Shoreline Use

### 1. Generally

Land uses in King County are based on federal, state, and county policies and regulations. The baseline permitted uses are established in zoning regulations. Land uses that would be allowed in zoning may be further limited by the King County Shoreline Master Program and shoreline management regulations.

- S-701** King County shall give preference to uses in the shoreline that are consistent with the control of pollution and prevention of damage to the natural environment or are unique to or dependent upon the shoreline.
- S-702** Development within the shoreline jurisdiction shall protect the public's health, safety, and welfare, as well as the land, including its vegetation and wildlife, and protect property rights while implementing the policies of the Shoreline Management Act.
- S-703** Where there is a conflict between the uses permitted in the land use zone and the Shoreline Master Program for a site, the Shoreline Master Program shall control and preference shall be given first to water-dependent uses, then to water-related uses, and finally to water-enjoyment uses.
- S-704** Shoreline Master Program development regulations shall ensure no net loss of shoreline ecological processes and functions.
- S-705** King County shall adopt use policies and development regulations to achieve consistency among and between shorelands and adjacent lands as required by RCW 90.58.340.

### 2. Shoreline Conditional Uses

For the purposes of the King County SMP, a shoreline conditional use may be appropriate in order to:

1. Effectively address unanticipated uses that are not classified in the SMP;
2. Address cumulative impacts; or
3. Provide the opportunity to require specially tailored environmental analysis or design criteria for types of use or development that may otherwise be inconsistent with a specific designation within the SMP or with the SMA policies.

- S-706** The following types of uses and development should require a shoreline conditional use permit:
1. Uses and development that may significantly impair or alter the public's use of the waters of the state;

2. **Uses and development which, by their intrinsic nature, may have a significant impact on shoreline ecological processes and functions depending on location, design, and site conditions; and**
3. **Development in critical saltwater habitats.**

### **3. Agriculture**

The SMA defines agricultural activities as:

"agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;"

The SMA prohibits shoreline master programs from requiring modification to or limiting existing agricultural activities on agricultural lands in the shoreline jurisdiction. This limitation does not apply to new agricultural activities.

**S-707      The King County Shoreline Master Program shall not require modification of or limit existing agricultural activities in the shoreline jurisdiction. Existing agricultural activities in the shoreline jurisdiction shall be governed by existing provisions of the King County Comprehensive Plan and the King County Code.**

**S-708      New agricultural activities in the shoreline jurisdiction shall comply with the critical areas regulations incorporated into the shoreline master program as they apply to agricultural activities.**

As required by the GMA, King County has designated agricultural lands of long-term commercial significance. These lands have been included in Agricultural Production Districts under the King County Comprehensive Plan. Land uses meeting the definition of "agricultural activities" also occur outside the designated Agricultural Production Districts. The King County SMP encourages agricultural uses, but they must be compatible with the shoreline designation in which they are proposed. In addition, under the rare circumstances when land is removed from the Agricultural Production Districts, any development occurring on that land must be consistent with the shoreline designation where it is located.

**S-709      New agricultural activities within the shoreline jurisdiction and outside the Agricultural Production Districts shall be consistent with the shoreline designation where the land is located.**

**S-710      New agricultural activities within the shoreline jurisdiction and outside the Agricultural Production Districts shall be located and designed to ensure no net loss of shoreline ecological processes and functions and shall not result in an adverse impact on other shoreline resources and ecological values.**

**S-711      Development and uses on land removed from the Agricultural Production Districts shall be consistent with the shoreline designation where the land is located.**

#### 4. Forestry

In general, Ecology's guidelines require local shoreline master programs to rely on the Forest Practices Act and the rules implementing that Act and the *Forest and Fish Report* as adequate management of commercial forest uses within the shoreline jurisdiction. When a property owner chooses to convert commercial timber land to a use other than timber production, the regulations for commercial forestry no longer apply.

**S-712** If land is being converted to a non-forest use through Class IV-General forest practice, the provisions of the King County Shoreline Management Program that apply to development activities governs the proposed land use.

Because shorelines of statewide significance require a higher level of protection, special provisions apply to forestry within shorelines of statewide significance.

**S-713** Within shorelines of statewide significance, selective commercial timber cutting shall be used for timber harvest within two hundred feet abutting landward of the ordinary high water mark so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time. Through a shoreline conditional use permit, King County may approve:

1. Other timber harvesting methods in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and
2. Clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the King County Shoreline Master Program.

**S-714** For forest practice conversions and other Class IV-General forest practices, where there is a likelihood of conversion to nonforest uses, King County shall ensure that there is no net loss of shoreline ecological processes and functions and that there are no significant adverse impacts to other shoreline uses, resources, and values such as navigation, recreation, and public access.

#### 5. Surface Drilling for Oil and Gas

The SMA prohibits surface drilling in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from that line.

**S-715** Surface drilling for oil or gas shall be prohibited in Puget Sound seaward from the ordinary high water mark and on all lands within one thousand feet landward from the ordinary high water mark on Puget Sound.

#### 6. Aquaculture

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with goals for aesthetics, public access, control of pollution and prevention of damage to the environment, is a preferred use of the water area. Aquaculture is a growing industry of statewide significance. Aquaculture should be accommodated so long as it does not result in a net loss of shoreline ecological processes and functions. The visual and aesthetic impacts of aquaculture should not overwhelm adjacent land uses.

**S-716** Aquaculture is a water-dependent use and is a preferred use of the shoreline when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for native species, (WAC 173-26-241(3)(b)).

**S-717** Potential locations for aquaculture activities are relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents,

adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, when implementing development regulations related to aquaculture, King County should provide flexibility in its development regulations governing the siting of aquaculture facilities. Those regulations shall require avoidance of adverse impacts to existing uses, to the maximum extent practical, and no net loss in shoreline ecological functions and processes.

- S-718** Aquaculture activities shall be designed, located and operated in a manner that supports long-term beneficial use of the shoreline and protects and maintains shoreline ecological processes and functions. Aquaculture shall not be permitted where it would result in net loss of shoreline ecological functions; net loss of habitat for native species including eelgrass, kelp, and other macroalgae; adverse impacts to other habitat conservation areas; or interference with navigation or other water-dependent uses.
- S-719** Aquaculture facilities shall be designed, operated and located so as not to spread disease to native aquatic life, establish new nonnative species that cause significant ecological impacts, or substantially impact the aesthetic qualities and public access of the shoreline.
- S-720** Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts and lesser impacts to native plant and animal species. In general, projects that require no structures, submerged structures or intertidal structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification, recognizing that in some circumstances that the importation of sand or pea gravel on rocky or cobble substrates may result in more diverse habitat. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
- S-721** Aquaculture shall not be permitted if it involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species, or other adverse effects on native species or threatened or endangered species and their habitats.
- S-722** King County shall consider the potential beneficial impacts and the potential adverse impacts of new aquaculture development on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.
- S-723** Legally established aquaculture uses, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. King County may deny uses or developments that have a high probability of damaging or destroying a legally established existing aquaculture.
- S-724** King County should review and make permit decisions on restoration projects associated with aquaculture in a timely manner.
- S-725** Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time. Experimental aquaculture means an

aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington.

**S-726** King County should actively seek substantive comment regarding potential adverse impacts of any shoreline permit application for aquaculture from all appropriate Federal, State and local agencies; the Muckleshoot Tribe, the Puyallup Tribe of Indians, the Tulalip Tribes and other Tribes with treaty fishing rights; and the general public. Comments of nearby residents or property owners directly affected by an aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

**S-727** The rights of treaty Tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct and early coordination between the applicant or proponent and the tribe should be encouraged.

### **7. Boating Facilities**

Boating facilities provide the boating public recreational opportunities on waters of the state, but should be sited carefully to assure no net loss of shoreline ecological processes and functions and to maintain the aesthetic quality of the shoreline. For purposes of the King County Shoreline Master Program, "boating facilities" do not include docks serving four or fewer single-family residences.

**S-728** Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:

- 1. Meet health, safety and welfare requirements;**
- 2. Mitigate aesthetic impacts;**
- 3. Provide public access in new marinas, unless there is a safety or security concern;**
- 4. Prevent the impacts to shoreline resources from boaters living on their vessels;**
- 5. Restrict vessels should be restricted from extended mooring on waters of the state unless authorization is obtained from the Washington Department of Natural Resources and impacts to navigation and public access are mitigated;**
- 6. Assure no net loss of shoreline ecological processes and functions or other significant adverse impacts; and**
- 7. Protect the rights of navigation.**

### **8. Commercial Development**

Some commercial uses within the shoreline jurisdiction may be required to incorporate appropriate design and operational elements to qualify as water-related or water-enjoyment. Public access and ecological restoration are considered appropriate mitigation for the impact to shorelines unless it is determined public access is infeasible or inappropriate. Most commercial land in unincorporated King County is located outside the shoreline jurisdiction.

**S-729** King County shall require all commercial development on public land to provide public access, unless the use is incompatible with public access or there are public safety concerns.

**S-730** King County shall permit non-water-oriented commercial uses in the shoreline jurisdiction only if:

- 1. The non-water-oriented commercial use is limited to the minimum size necessary for the use;**
- 2. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; and**
- 3.a. The use is part of a mixed-use project that includes water-dependent uses; or**

3.b. Navigability is severely limited at the proposed site.

- S-731 King County may allow nonwater-oriented commercial development in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right-of-way.
- S-732 King County shall allow over-water nonwater-dependent commercial uses only in existing structures or if the use is auxiliary to and necessary to support a water-dependent use. The area of any over-water structure shall be limited to the maximum extent practical.
- S-733 King County shall prohibit commercial development that will have significant adverse impact to other shoreline uses, resources and values, such as navigation, recreation and public access. King County shall require mitigation for all commercial development in the shoreline jurisdiction to ensure that it does not cause a net loss of shoreline ecological processes and functions.

## 9. Industry

The King County Shoreline Master Program establishes a hierarchy for industrial development within the shoreline jurisdiction. Most industrial land in King County is located within cities rather than within unincorporated King County.

- S-734 In the shoreline jurisdiction, King County shall give preference to industrial uses in the following order: first, water-dependent industrial uses; second, water-related industrial uses; and third, non-water-oriented industrial uses.
- S-735 To mitigate for the impacts of industrial development within the shoreline jurisdiction, King County should require ecological restoration and public access, unless it determines that public access is infeasible or inappropriate.
- S-736 King County shall require industrial uses located on public land in the shoreline jurisdiction to provide public access, unless the use is incompatible with public access or there are public safety concerns.
- S-737 King County should encourage Industrial development and redevelopment to be located where environmental cleanup and restoration of the shoreline can be incorporated.
- S-738 King County shall permit new nonwater-oriented industrial development in the shoreline jurisdiction only if:
1. The use is part of a mixed-use project that includes water-dependent uses or navigability is severely limited; and
  2. The use provides a significant public benefit with respect to the Shoreline Management Act's objectives, such as providing public access and ecological restoration.
- S-739 King County may allow nonwater-oriented industrial uses in the shoreline jurisdiction if the site is physically separated from the shoreline by another property or public right-of-way.

## 10. In-Water Structures

"In-water structure" means a structure placed by humans within a stream, river, or lake waterward of the ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. In-water structures may include those for

hydroelectric generation, irrigation, water supply, flood control, transportation, utility service transmission, fish collection weir, or other purposes.

**S-740** In-water structures shall provide for the protection and preservation of shoreline ecological processes and functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydro-geological processes, and natural scenic vistas.

**S-741** The location and planning of in-water structures shall give due consideration to the full range of public interests and shoreline ecological processes and functions, with special emphasis on protecting and restoring habitat for threatened or endangered species.

## **11. Mining**

King County has identified and designated land that is appropriate for the removal of sand, gravel, soil, minerals and other extractable resources. In King County, gravel removal was a common method of flood control in the first half of the 20<sup>th</sup> century. However, mining within shorelines can have significant impacts, particularly to habitat for threatened and endangered aquatic and riparian species.

**S-742** Mining may be allowed within the shoreline jurisdiction if it is:

- 1. Consistent with the environment designation policies of the King County Shoreline Master Program and provisions of the Shoreline Management Act; and**
- 2. Located within mineral resource lands designated by the King County Comprehensive Plan.**

**S-743** New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation where the activity occurs and the provisions applicable to critical areas where relevant. Accordingly, meeting the standard of no net loss of ecological function shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the restoration, creation, or enhancement of habitat for threatened or endangered species.

**S-744** The King County Shoreline Master Program provisions and permit requirements for mining should be coordinated with the requirements of Chapter 78.44 RCW.

**S-745** The proposed subsequent use of mined property shall be consistent with the provisions of the shoreline environment designation in which the property is located.

**S-746** King County shall permit mining 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 threatened or endangered species nor cause a net loss of shoreline ecological processes and functions;**
- 3. The determinations required by items 1 and 2 of this policy shall be consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of the State Environmental Policy Act and the Ecology guidelines;**
- 4. In considering renewal, extension, or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been**

conducted, King County shall require compliance with this policy if no such review has previously been conducted. Where there has been prior review, King County shall review the previous determinations in order to ensure that current site conditions comply with the Program; and

5. These requirements do not apply to dredging of authorized navigation channels when conducted in accordance with WAC 173-26-231(3)(f).

**S-747** King County shall require a shoreline conditional use permit for mining activity within a severe channel migration hazard zone located within the shoreline jurisdiction.

## **12. Recreational Development**

Recreational development includes uses and activities designed to allow public enjoyment and use of the water and shoreline. King County recreational planning provides for parks, trails, open space, and opportunities for both active and passive recreational use in King County.

**S-748** Recreational development is allowed in the shoreline jurisdiction and must be consistent with the shoreline environment designation in which the property is located.

**S-749** King County shall plan to provide public recreational uses on county-owned shoreline, consistent with the goals of this chapter.

## **13. Residential Development**

The SMA recognizes single-family residential development as a priority use within shorelines of the state. The term "residential development" also includes attached and multifamily dwelling units as well as subdivision of shoreline land into new residential lots. In King County, single detached dwelling units are the most common shoreline development. Residential development is often fairly high density to maximize water frontage. Care must be taken to assure that shoreline residential development and the related impacts from shoreline armoring, stormwater runoff, on-site sewage disposal systems, introduction of pollutants, and vegetation modification and removal do not result in significant damage to the shoreline.

**S-750** Single-family residential development is a priority use in the shoreline jurisdiction in King County.

**S-751** King County shall require a conditional use permit for construction or expansion of a single-family residence that is located within an aquatic area buffer in the Forestry or Natural Shoreline Environment.

**S-752** Shoreline residential development, including accessory structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect these structures and uses.

**S-753** New over-water residences, including floating homes, are not a preferred use and shall be prohibited in the shoreline jurisdiction. Existing communities of floating or over-water homes should be reasonably accommodated to allow improvements associated with life-safety matters and to ensure protection of private property rights. King County shall limit the expansion of existing floating homes, including over-water and underwater footprint, and over-water communities to the minimum necessary to ensure consistency with constitutional and other legal limitations that protect private property.

**S-754** King County should require multi-family residential development and subdivisions within the shoreline jurisdiction creating more than four lots to provide community or public access.

**S-755** King County shall require subdivisions and short subdivisions to:

1. Be designed, configured and developed in a manner that ensures no net loss of shoreline ecological processes and functions at full build-out of all lots;
2. Prevent the need for new shoreline stabilization or flood risk reduction measures that would cause significant impacts to other properties or public improvements, a net loss of shoreline ecological processes and functions, or interfere with channel migration; and
3. Implement the provisions and policies for shoreline designations and the general policy goals of this chapter.

#### **14. Transportation and Parking**

Providing for transportation and parking is necessary to support water-dependent uses, to support the regional economy, and for access to privately owned property. However, transportation facilities should be located and designed to have the least impact on the ecological processes and functions of the shoreline. Transportation planning in shorelines should not be focused totally on automobiles, but should consider a wide range of options, including buses, light rail, commuter rail, bicycle, equestrian, and pedestrian facilities. Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.

**S-756** King County shall require transportation and parking plans and projects located in the shoreline jurisdiction to be consistent with the public access policies in this chapter and environmental protection provisions.

**S-757** Where appropriate, circulation system planning in the shoreline jurisdiction shall include systems for pedestrian, bicycle and public transportation and combining transportation uses to minimize the footprint of transportation facilities. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the King County Shoreline Master Program.

**S-758** Transportation and parking facilities located in the shoreline jurisdiction shall be planned, located and designed to have the least possible adverse impact on unique or fragile shoreline features, not result in a net loss of shoreline ecological processes and functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new transportation facilities or transportation facility expansions should not be constructed within the shoreline jurisdiction.

**S-759** Parking facilities in the shoreline jurisdiction are not a preferred use. King County shall allow parking facilities in the shoreline jurisdiction only when necessary to support an authorized use and when an alternatives analysis shows there are no feasible alternatives outside of the 200-ft shoreline jurisdiction. Parking facilities in the shoreline jurisdiction shall use Low Impact Designs, such as porous concrete and vegetated swales, and be planned, located and designed to minimize the environmental and visual impacts.

#### **15. Utilities**

Utilities include services and facilities that produce, convey, store, or process power, gas, water, sewage, stormwater, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one primary use are considered "accessory utilities" and are considered part of the primary use.

- S-760** Utility facilities shall be designed and located to assure no net loss of shoreline ecological processes and functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, while meeting the needs of future populations in areas planned to accommodate growth.
- S-761** King County shall allow modification of existing utility facilities and the location of new water-oriented portions of utility facilities in the shoreline jurisdiction provided that a mitigation sequence is applied (see policy S-616) and there is no net loss of shoreline ecological processes and functions. To the maximum extent practical, those parts of utility production and processing facilities that are not water-oriented, such as power plants and sewage treatment plants, shall be located outside of the shoreline jurisdiction.
- S-762** Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline jurisdiction where feasible. Transmission facilities located within the shoreline jurisdiction shall assure no net loss of shoreline ecological processes and functions.
- S-763** Utilities should be located in existing developed rights-of-way and corridors to the maximum extent practical.
- S-764** Unless no other feasible alternative location exists, King County should discourage:
1. Locating pipelines and cables in water, on tidelands or roughly parallel to the shoreline; and
  2. The development of facilities that may require periodic maintenance that disrupts shoreline ecological processes and functions.

King County shall ensure that any utility facilities that are allowed do not result in a net loss of shoreline ecological processes and functions or significant adverse impacts to other shoreline resources and values

## **C. Shoreline Modifications**

### **1. General Policies Governing Shoreline Modifications**

A shoreline modification is construction of a physical element, such as a dike, breakwater, dredged basin, or fill, as well as other actions such as clearing, grading, application of chemicals, or significant vegetation removal to support or prepare for a shoreline use. These activities should be directly related to a legal shoreline use and should not be conducted for other purposes.

- S-765** King County should allow structural shoreline modifications only when necessary to support or protect a legally established structure or a legally existing shoreline use that is in danger of loss or substantial damage, or when a modification is necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- S-766** In order to reduce the adverse effects of shoreline modifications, King County should limit shoreline modifications in number and extent to the maximum extent practicable.
- S-767** King County shall only allow shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.
- S-768** King County shall ensure that shoreline modifications individually and cumulatively do not result in a net loss of shoreline ecological processes and functions. In order to achieve this goal, King County shall give preference to those types of shoreline

modifications that have a lesser impact on the shoreline and by requiring mitigation of identified impacts resulting from shoreline modifications.

**S-769** Where applicable, King County shall develop regulations and impose conditions based on scientific and technical information and a comprehensive analysis of shoreline conditions for drift cells for marine waters or reaches for lakes and river and stream systems.

**S-770** King County should plan for the enhancement of impaired shoreline ecological processes and functions where feasible and appropriate, while accommodating permitted uses. To the maximum extent practical, King County should incorporate appropriate measures to protect shoreline ecological processes and functions from the impacts of shoreline modifications.

## **2. Shoreline Stabilization**

Shorelines are impacted by wind and wave action, currents, tides, and flood waters, resulting in erosion of banks and shifts in channels. These impacts are natural processes that support shoreline ecological processes and functions, but they also impact human use of shorelines.

These natural processes are likely to be affected by climate change. Lowland rivers may see higher flows in the autumn and winter and mid-elevation rivers may see higher winter flows. In both cases, these changes could lead to more frequent flooding. The marine shorelines around Vashon and Maury Islands and the Duwamish Estuary may also see effects due to sea-level rise. Increased sea elevations will make development and infrastructure in low-lying areas more susceptible to flooding due to high tides and storms. Waves will encroach further onto low-lying beaches and cause greater beach erosion, threatening or damaging low-lying structures. At the same time steep slopes may receive increased moisture due to predicted changes in precipitation patterns, potentially resulting in an increase in landslides that may cause property destruction and threaten human safety.

Humans have long desired to "control" these natural processes by constructing shoreline stabilization structures. The negative side of structural solutions includes the high cost of construction, long-term cost of maintenance and repair, the false sense of security for humans relying on these structures, and the high impact to the shoreline environment. These negative impacts are likely to increase as the effects of climate change become more apparent. These impacts include:

1. Beach starvation where sediment is prevented from supplying the beach, thus impeding a dynamic process.
2. Habitat degradation, particularly through removal of shoreline vegetation.
3. Sediment impoundment where the sources of sediment are lost and longshore transport is diminished, resulting in lowering of down-drift beaches, narrowing of the high tide beach, and the coarsening of beach sediment.
4. Exacerbation of erosion as wave energy is reflected back from hard surfaces onto the beach, increasing erosion.
5. Groundwater impacts that can lead to a rise of the water table on the landward side of an erosion control structure, which results in increased pore pressures in the beach material and accelerated erosion of sand-sized material from the beach.
6. Hydraulic impacts where wave energy is reflected back onto the beach, resulting in scour lowering the beach elevation, or coarsening the beach, resulting in failure of the structure.
7. Loss of shoreline vegetation and the loss of erosion control that the vegetation provided, as well as loss of the habitat function provided by vegetation.
8. Loss of large woody debris, which plays an important role in biological diversity and habitat as well as stabilizing the shoreline.
9. Restriction of channel movement and creation of side channels, impacting recruitment of large woody debris and gravel for spawning.

As alternatives to constructing a hard-surfaced structural facility, nonstructural methods that have lesser impacts on shoreline ecological processes and functions are available. These nonstructural methods may

also allow for adaptation to the effects of climate change. For example, if buildings are constructed further away from the existing water edge, beyond the range of sea-level rise, shoreline protection would be unnecessary. For most projects, a range of options is available. These include "soft" measures, such as revegetation to stabilize banks, which provide a variety of other ecological processes and functions, and "hard" measures, such as bulkheads, which often detract from or provide only limited ecological function. Shoreline stabilization options include, but are not limited to:

1. Vegetation enhancement;
2. Upland drainage control;
3. Biotechnical measures;
4. Beach enhancement;
5. Anchor trees;
6. Gravel placement;
7. Rock revetments;
8. Gabions;
9. Concrete groins;
10. Retaining walls and bluff walls;
11. Bulkheads; and
12. Seawalls.

- S-771** King County shall require shoreline stabilization to be consistent with WAC 173-26-221(5) for vegetation retention and WAC 173-26-221(2) for protection of critical areas.
- S-772** King County shall adopt standards to first avoid then mitigate the impact to shoreline ecological processes and functions when alteration of the shoreline is allowed for the construction of single detached dwelling units and accessory structures. These standards shall address the design and type of protective measures and devices that are allowed.

When structural shoreline stabilization is proposed to protect existing development, the following measures apply:

- S-773** King County may allow construction of new or replaced structural shoreline stabilization and flood control works to protect an existing structure if King County determines there is a documented need, including a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents or waves.

When new development occurs within the shoreline jurisdiction, the following measures apply:

- S-774** King County shall require new shoreline development to be located and designed to avoid the need for future shoreline stabilization to the maximum extent practicable.
- S-775** King County shall require that lots in new subdivisions and short subdivisions to be created so that shoreline stabilization will not be necessary in order for reasonable development to occur, using geotechnical analysis of the site and shoreline characteristics.
- S-776** King County shall require new development on steep slopes or bluffs to be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.
- S-777** King County shall not allow new development that requires shoreline stabilization that will cause significant adverse impacts to adjacent or down-current properties and shoreline areas.

**S-778** King County should notify all prospective developers of new development along Vashon and Maury Islands that their development may be impacted by sea-level rise and should encourage all such new development to be set back a sufficient distance to avoid the need for shoreline protection during the expected life of the development.

New “hard” structural stabilization measures should be used as a last resort after exploring and evaluating other soft measures.

**S-779** King County shall require the use of soft methods of shoreline stabilization to the maximum extent practicable. King County shall allow new hard structural stabilization measures only as follows:

1. To protect existing nonwater-dependent development and structures, including single-family residences, if:
  - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
  - b. Nonstructural measures, such as locating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
  - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist. The damage must be caused by natural processes, such as tidal action, currents and waves; and
  - d. Mitigation is provided such that the erosion control structure will not result in a net loss of shoreline ecological processes and functions.
2. To protect water-dependent development if:
  - a. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
  - b. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient;
  - c. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist; and
  - d. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.
3. To protect shoreline restoration projects or hazardous substance remediation projects pursuant to RCW chapter 70.105D if:
  - a. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient; and
  - b. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.

The King County shoreline jurisdiction includes a large number of shoreline stabilization structures, many of which were constructed years ago with little or no consideration of the impact on shoreline ecological processes and functions.

**S-780** An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

**S-781** King County shall require replaced shoreline protection structures to be designed, located, sized, and constructed to assure no net loss of shoreline ecological processes and functions.

- S-782** Replacement walls or bulkheads to protect a residence shall not encroach waterward as measured at an elevation of two-feet above the current ordinary high-water mark, unless:
1. The residence was occupied prior to January 1, 1972;
  2. There are overriding safety or environmental concerns; and
  3. The replacement structure shall abut the existing shoreline stabilization structure and be located on the landward side of the existing structure.
- S-783** If a net loss of ecological processes and functions associated with critical saltwater habitats will result from leaving an existing shoreline protection structure that is proposed for replacement, King County shall require the structure to be removed as part of the replacement measure.
- S-784** King County shall encourage the use soft shoreline stabilization measures that use placement or growth of natural materials that closely resemble natural scales and configurations and that provide restoration of shoreline ecological processes and functions waterward of the ordinary high-water mark.
- S-785** King County should encourage replaced structural shoreline stabilization located on Vashon and Maury Islands to be relocated outside of the 100-year floodplain whenever possible. The edge of the 100-year floodplain is consistent with a two-foot sea-level rise.

King County should make decisions on shoreline stabilization measures based on technical studies and reports that objectively analyze the current conditions and the impact of the proposed stabilization measure. A geotechnical report addressing geologic and habitat conditions developed by a qualified geologist or geotechnical engineer and habitat specialist should be a requirement of a development proposal application that includes shoreline stabilization as part of the development.

- S-786** When shoreline stabilization is proposed, King County shall require a geotechnical report to address the need to prevent potential damage to a primary structure. The report shall estimate time frames and rates of erosion and the urgency associated with the specific situation. King County should not allow hard armoring solutions, unless a geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on shoreline ecological processes and functions. If the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

The construction of shoreline stabilization measures results in impacts to the ecological processes and functions of the shoreline. The following measures should be considered to mitigate the impacts of shoreline stabilization projects.

- S-788** If structural shoreline stabilization measures are demonstrated to be necessary, King County shall:
1. Limit the size of stabilization measures to the minimum necessary;
  2. Require the use of measures designed to assure no net loss of shoreline ecological processes and functions;
  3. Require the use of soft approaches, unless they are demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.

- S-789** King County shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to shoreline ecological processes and functions. Where feasible, King County shall require ecological restoration and public access improvements to be incorporated into the project.
- S-790** King County shall discourage new development and redevelopment on feeder bluffs. Where a legal building lot exists and the landowner has no option to locate new development or redevelopment away from feeder bluffs and other areas that affect beach sediment-producing areas, King County shall require that they avoid, to the maximum extent practicable, and then minimize the adverse impacts to sediment conveyance systems from erosion control measures.
- S-791** King County should prioritize feeder bluffs as areas for protection using acquisition, easement, transfer of development rights and other programs that eliminate or reduce development threats.

Erosion is the breakdown of soil, mud, rock, and other particles by the agents of wind, water, or ice or by living organisms. These materials are moved downward or down-slope in response to gravity. Upland conditions may contribute to this on-going natural physical process and may impact the ability of people to use the shoreline. Mass wasting is the geomorphic process by which soil, mud, rock, and other particles move downslope under the force of gravity. Types of mass wasting include creep, slides, flows, topples, and falls, each with its own characteristic features. Mass wasting may occur at a very slow rate, particularly in areas that are very dry or those areas that receive sufficient rainfall such that vegetation has stabilized the surface. It may also occur at very high speed, such as in rock slides or landslides, with disastrous consequences. The desire to protect shoreline development from these impacts leads to proposals for shoreline stabilization.

- S-792** The impacts of erosion and mass wasting should be mitigated through protection of geological hazardous areas.

### **3. Piers and Docks**

Piers and docks are some of the most commonly requested modifications to the shorelines. Because they extend over the water, piers and docks can have a significant impact on the shoreline ecological processes and functions. Careful consideration should be given to the construction of new piers and docks, and how they are constructed in order to minimize their impacts.

- S-793** King County shall allow new piers and docks only for water-dependent uses or public access. If it is designed and intended as a facility for access to watercraft, a dock associated with a single-family residence is considered a water-dependent use. As an alternative to individual private moorage for residential development: mooring buoys are preferred over floats or docks and shared moorage facilities are preferred over single use moorage, where feasible or where water use conflicts exist or are predictable.
- S-794** King County shall require pier and dock construction to be limited to the minimum size necessary to meet the needs of the proposed water-dependent use.
- S-795** King County may allow water-related and water-enjoyment uses as part of a shoreline mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

- S-796** King County shall allow new pier or dock construction, excluding docks accessory to single-family residences, only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.
- S-797** If new piers or docks are allowed, King County shall require new residential development of two or more dwelling units, subdivisions and short subdivisions to provide joint use or community dock facilities, when feasible, rather than individual docks for each dwelling unit or lot. King County shall allow only one pier or dock associated with residential development on a parcel.
- S-798** King County shall require piers and docks, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the impacts to shoreline ecological processes and functions. King County shall require piers and docks to be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists.

#### **4. Fill**

Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Fill is not permitted within the 100-year floodplain without providing compensatory flood storage to prevent a rise in the base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." Fill can impact shoreline ecological processes and functions, including channel migration.

- S-799** King County shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration and side channels.
- S-800** King County shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:
1. Water-dependent use;
  2. Public access;
  3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
  4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
  5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
  6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects and flood risk reduction projects.
- S-801** King County shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use, except for projects for ecological restoration or for the maintenance, repair or replacement of flood protection facilities.

#### **5. Breakwaters, Jetties, Groins and Weirs**

Breakwaters, jetties, groins, and weirs are all structural elements that are constructed to absorb or deflect wave action or to control excess sediment. A breakwater is an off-shore structure, either floating or not, which may or may not be connected to the shore and is designed to absorb and reflect back into the water body the energy of the waves. A jetty is an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by transported sediment. A groin is a barrier-type structure extending from the backshore into the water across the beach, which is constructed to interrupt sediment movement along the

shore. A weir is a small dam in a stream or river to control the flow of water. Although each of these structural elements may sometimes be appropriate, they should be allowed only under limited circumstances.

- S-802** King County shall allow breakwaters, jetties, and weirs located waterward of the ordinary high-water mark only where necessary to support water-dependent uses, public access, shoreline stabilization, or other specific public purpose.
- S-803** Groins are prohibited except as a component of a publicly-sponsored project to protect or restore shoreline ecological processes and functions.
- S-804** King County shall require a shoreline conditional use permit for the construction of breakwaters, jetties, groins, weirs, and similar structures, except for those structures installed to protect or restore shoreline ecological processes and functions, such as woody debris installed in streams.
- S-805** Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas and shall provide for mitigation according to the sequence in policy S-616 and defined in WAC 173-26-201 (2)(e).

## **6. Beach and Dunes Management**

Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and Cape Disappointment and, as shorelines of statewide significance, are mandated to be managed from a statewide perspective by the SMA. There are no beaches and associated dunes in King County.

## **7. Dredging and Dredge Material Disposal**

Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term maintenance and support activities are also considered dredging. Dredging can cause significant ecological damage, which cannot always be avoided. Mitigation measures should be required to assure no net loss of shoreline ecological processes and functions.

King County has a channel monitoring program for King County rivers, which can be used to inform decisions on dredging activities. While only certain reaches of these rivers have been surveyed, King County recognizes the need to continue and enhance the channel monitoring program. In addition, King County should avoid development of shorelines that would require new or maintenance dredging.

- S-806** King County shall require that new development should be sited and designed to avoid, to the maximum extent practical, and then to minimize the need for new or maintenance dredging.
- S-807** King County shall allow dredging for the purpose of establishing, expanding, or relocating or reconfiguring navigation channels and basins when necessary to assure safe and efficient accommodation of existing navigational uses. Significant adverse ecological impacts shall be minimized and mitigation shall be provided to ensure that there is no net loss of shoreline ecological processes and functions. Maintenance dredging of established navigation channels and basins should be restricted to maintaining previously dredged or existing authorized location, depth, and width.
- S-808** King County shall not allow dredging waterward of the ordinary high-water mark for the primary purpose of obtaining fill material, except when the material is necessary for the restoration of shoreline ecological processes and functions. When allowed, the site where the fill is to be placed shall be located waterward of the ordinary high-water mark. The project must be either associated with a habitat restoration project

under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or, if approved through a shoreline conditional use permit, any other significant habitat enhancement project.

**S-809** King County shall not allow disposal of dredge material on shorelands and in side channels within a river's channel migration zone. King County shall not allow disposal of dredge material in wetlands located within the shoreline jurisdiction. In the limited instances where it is allowed, such disposal shall require a shoreline conditional use permit.

**S-810** King County shall require dredging to be conducted consistent with Policy RCM-3 of the 2006 King County Flood Hazard Management Plan.

#### **8. Shoreline Habitat and Natural Systems Enhancement Projects**

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other planning processes, such as salmon conservation plans and the 2006 King Count Flood Hazard Management Plan.

**S-811** King County should allow for habitat and natural systems enhancement projects that include, but are not limited to:

- 1. Modification of vegetation;**
- 2. Removal of nonnative or invasive plants;**
- 3. Shoreline stabilization using soft or non-structural techniques; and**
- 4. Dredging, and filling, provided that the primary purpose of such actions is clearly restoration of the natural character and shoreline ecological processes and functions of the shoreline.**

**S-812** Habitat and natural systems enhancement projects should assure that the projects address legitimate restoration needs and priorities.

---

---

# **IX. PRIMARY & ADMINISTRATIVE POLICIES**

---

---

## **A. Reservation of Right to Appeal Department of Ecology Decisions**

By law, King County's Shoreline Master Program must be approved by Ecology, which has the power to reject or modify part or all of King County's SMP elements.

### **1. Reservation of right to submit alternate proposal to Ecology**

If Ecology recommends a change to some or all of the elements in King County's SMP, King County reserves the right to submit an alternate proposal for approval.

**S-901**        **If the Department of Ecology recommends changes to any elements of the King County Shoreline Master Program, King County reserves the right to submit an alternate proposal to the Department for its review and approval.**

### **2. Appeal of Ecology's decision to reject or modify King County Shoreline Master Program.**

If Ecology rejects or modifies part or all of the elements of in King County's SMP, King County reserves the right to appeal this decision, in whole or part, to the Growth Management Hearings Board and the courts.

**S-902**        **If the Department of Ecology rejects part or all of King County's Shoreline Master Program, or if the Department of Ecology recommends changes that are unacceptable to King County, King County reserves the right to appeal the Department's decision to the Shoreline Management Hearings Board.**

## **B. Effective Date of King County's Shoreline Master Program and Shoreline Regulations**

### **1. Effective date of the King County Shoreline Master Program and associated regulations upon direct approval by the Department of Ecology**

The King County SMP becomes effective on the date the SMP is approved by the Washington State Department of Ecology. The SMP regulations become effective on the date of the Department of Ecology letter to King County approving the SMP. Pursuant to SMA, this is the effective date of the SMP, regardless of any appeals filed by any individual or entity.

**S-903**        **King County's Shoreline Master Program will become effective on the date of the letter from the Department of Ecology to King County approving the Shoreline Master Program.**

### **2. Effective date of Program if the Department of Ecology recommends changes or modifications to the SMP.**

If Ecology rejects or modifies elements of King County's SMP, the SMP will become effective as indicated in the following policies.

**S-904**        **If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County accepts those changes, the Shoreline Master Program becomes effective on the date the Department of Ecology receives written notice from King County of its agreement to accept the proposed changes.**

**S-905** If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County submits an alternate proposal in response and the Department of Ecology accepts the alternate proposal, the Shoreline Master Program will become effective on the date of the letter from the Department of Ecology to King County accepting the alternate proposal.

**S-906** If King County files an appeal with the Growth Management Hearings Board regarding a decision by the Department of Ecology to reject or modify part or all of the King County Shoreline Master Program, it will not become effective until the appeal is resolved and the Shoreline Master Program is approved by the Department of Ecology.

**3. Publication of notice of effective date of King County's SMP.**

King County will publish a general notice to inform the public of the effective date of the SMP.

**S-907** Upon receipt of the letter from the Department of Ecology approving the King County Shoreline Master Program, King County will promptly publish notice that the Department of Ecology has taken final action and approved the Shoreline Master Program. The notice will indicate the effective date.

**C. Treaty Rights Not Affected by Shoreline Master Program**

King County has sought the input of and consulted with Tribes located in and adjacent to King County when developing the SMP. However, the Shoreline Master Plan and associated shoreline regulations shall not be construed to affect any treaty rights established between the United States and the individual Tribes.

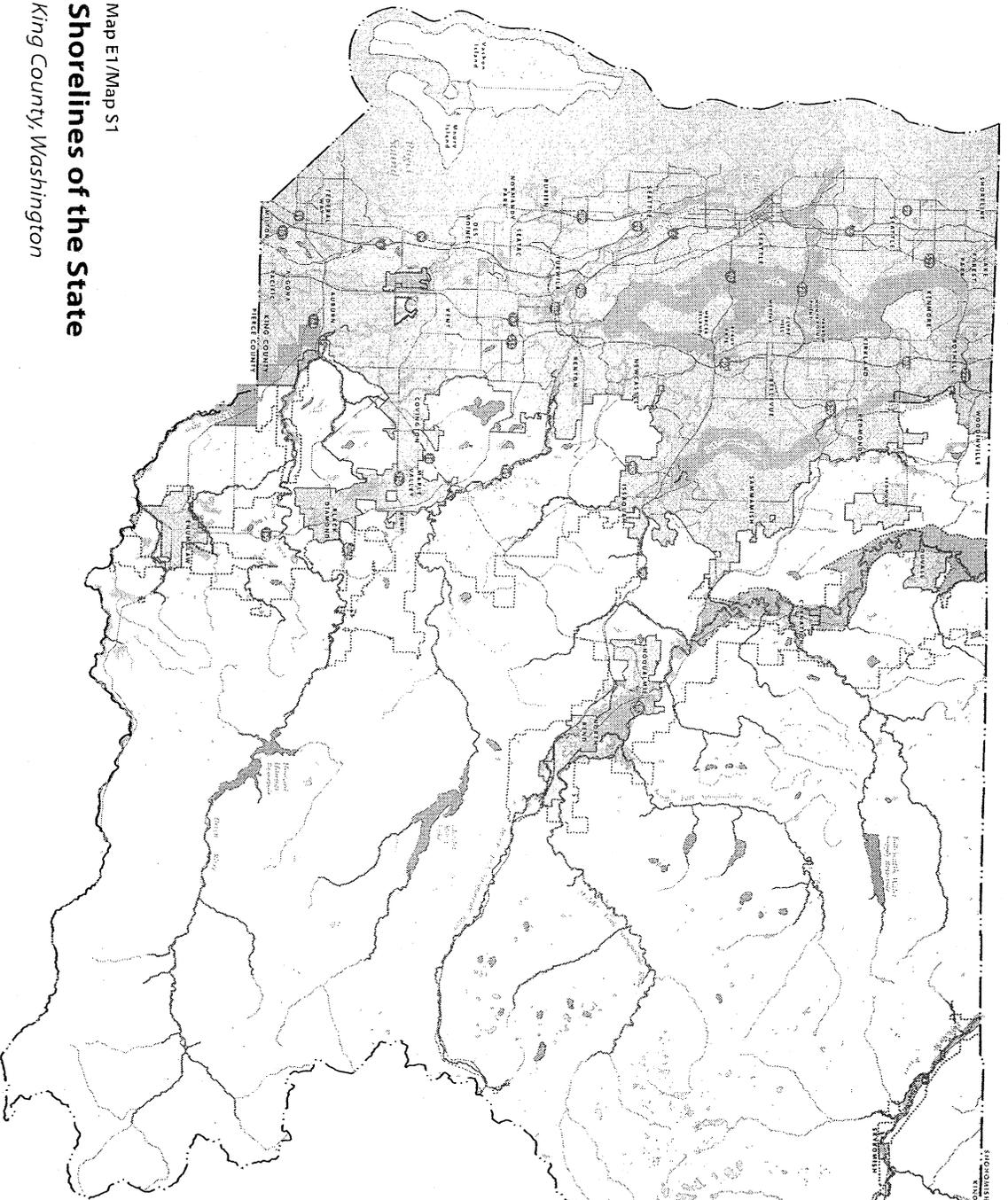
**S-908** Nothing in the King County Shoreline Master Program nor in any action taken under the Shoreline Master Program shall be construed to affect any treaty right to which the United States is a party.

**D. Power to Abate Nuisance Retained by King County and the State Of Washington**

Adoption of the SMP is a requirement of the SMA. King County's compliance with this state law should not be construed in any way to limit or modify all other powers possessed by King County.

**S-909** Nothing in the King County Shoreline Master Program shall be construed to limit the power of King County or the State of Washington to abate nuisances within the shoreline jurisdiction.

**S-910** King County specifically reserves all rights, power, and authority granted to it by law. Nothing in the King County Shoreline Master Program shall be construed in any way to limit any power or authority possessed by King County.



**Proposed New Shoreline Jurisdiction: King County**  
 Open Water  
 200 ft Jurisdiction

**Current Shoreline Jurisdiction: King County**  
 Open Water  
 200 ft Jurisdiction

**Current Shoreline Jurisdiction, Incorporated Area**  
 Incorporated Areas  
 Associated Floodplains and Wetlands

**Potential Annexation Areas:**  
 Initial Land  
 Other Water Bodies

**Urban Growth Boundary**  
 King County Boundary  
 Other Map Streams

**Agricultural Production District Boundary**  
 Forest Production District

Prepared by: Department of Natural Resources and Parks  
 25 West Broad Commencement Blvd. Ste 100  
 Bellevue, WA 98004-3200  
 206.835.7100, www.dnr.wa.gov

**King County**  
 Department of Natural Resources and Parks  
 Water and Land Resources Division



**M I L E S**

	Lake	Stream	Marina
Current Jurisdiction	162	1,196	51
Potential Extension of Jurisdiction	72	500	0
<b>Total</b>	<b>234</b>	<b>1,696</b>	<b>51</b>

**What is included in the shoreline jurisdiction?**  
 Shoreline jurisdiction includes all areas that are greater than 20 acres and streams with 20 cubic feet per second (cfs) mean annual flow or greater. The shoreline jurisdiction includes these water bodies and floodplains for two hundred feet from the ordinary high water mark, floodways, and contiguous floodplain areas backward two hundred feet from such floodways, and all include the zones of riparian wetlands and floodplains currently included in the shoreline jurisdiction.

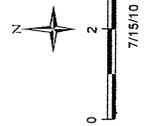
**What is the difference between current and proposed shoreline jurisdiction?**  
 The proposed shoreline jurisdiction was developed based on State direction to:  
 • Include all qualifying shorelines on federal lands (these were not previously included)  
 • Use a 1998 USGS study to identify the location of 20 cfs or greater per second flow points on streams (these are higher up in the watershed than most current points)  
 • Further laws were reevaluated in relation to the 20-acre threshold given the availability of new data about lake size.

The information included on this map was derived from aerial photography and other data sources. The Department of Natural Resources and Parks does not warrant the accuracy or completeness of the information shown on this map. The Department of Natural Resources and Parks is not responsible for any errors or omissions on this map. The Department of Natural Resources and Parks is not responsible for any damages, including consequential damages, arising from the use of this map. The Department of Natural Resources and Parks is not responsible for any damages, including consequential damages, arising from the use of this map.

## Shoreline Designations Northwest King County, Washington

King County Comprehensive Plan, 2010  
Chapter Five, Shoreline Management

- Designations**
- Aquatic Shoreline
  - Natural Shoreline
  - Forestry Shoreline
  - Resource Shoreline
  - Conservancy Shoreline
  - Rural Shoreline
  - Residential Shoreline
  - High Intensity Shoreline
- Other Designations**
- Urban Growth Area Line
  - Forest Production District Boundary
  - Other Major Streams
  - Major Road
  - County Boundary
  - Incorporated Areas
  - Other Water Bodies



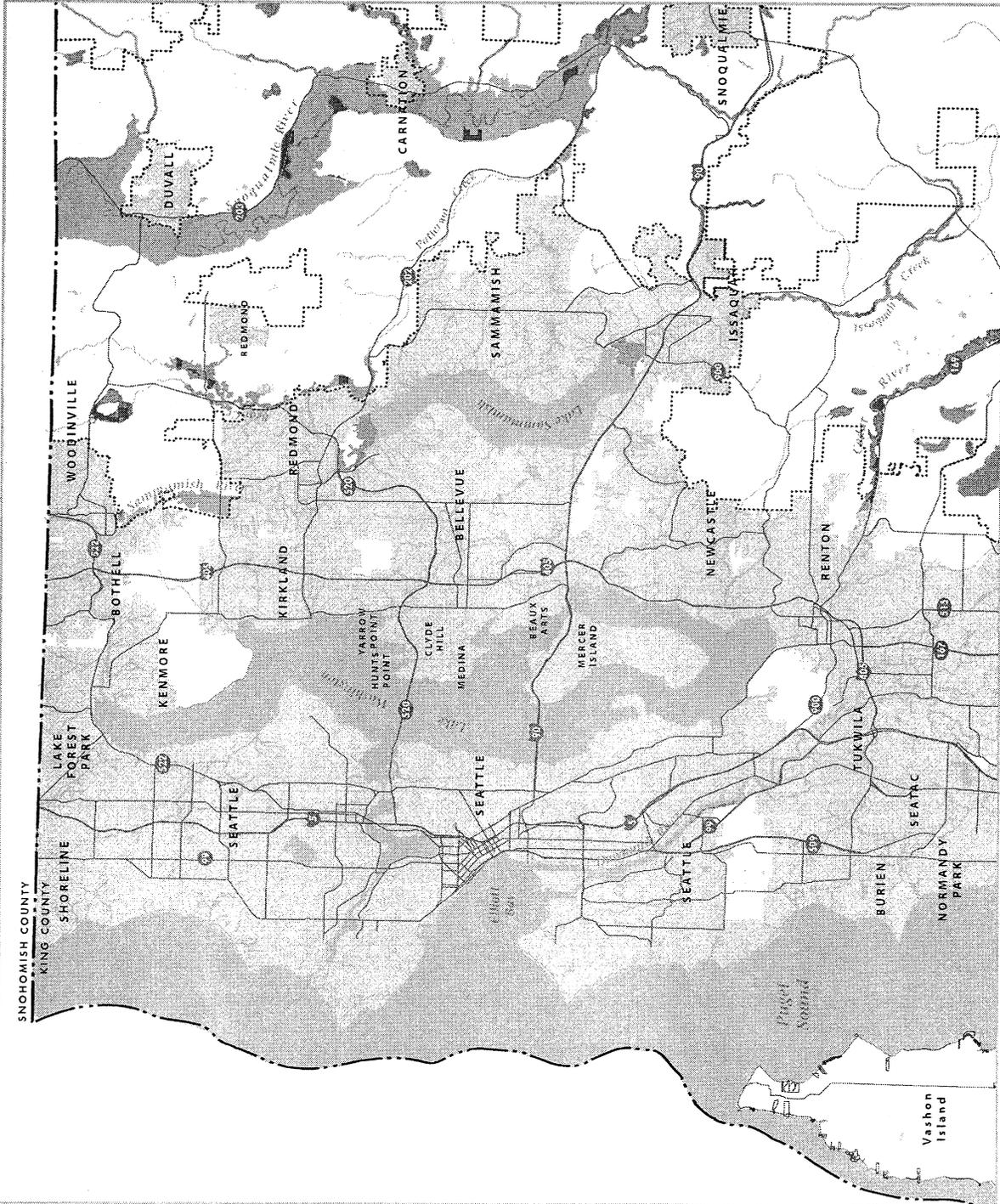
Produced by:  
DNR/PWL/RD/GIS  
Visual Communications Web Unit  
File Name:  
1007\_SMPDesignWai\_LPFE.  
main:\MCR\_SMP\_Designations KR

**Data Sources:**  
Standard King County datasets: "library\PLANNING\URBAN\_GROWTH\_Line" (UGA - 3/12/09), "library\NATRES\FORPDSDT\_Line" (Forest Production District - 12/29/08) and "library\city\_kc" (cities - 6/30/10). Designations from King County dataset "designations.shp created 5/19/10.

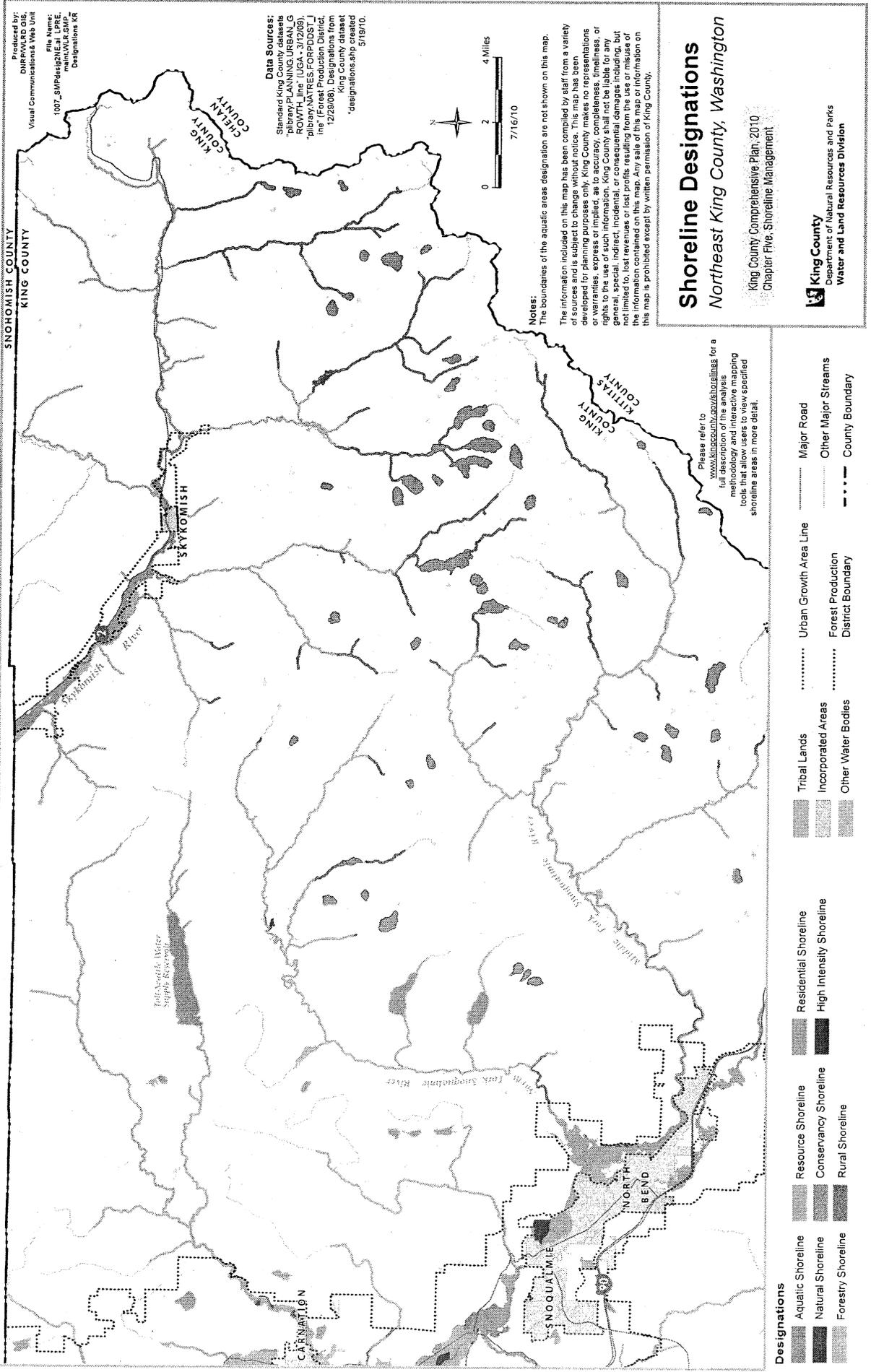
**Notes:**  
Please refer to [www.kingcounty.gov/shorelines](http://www.kingcounty.gov/shorelines) for a full description of the analysis methodology and interactive mapping tools that allow users to view specified shoreline areas in more detail.

The information included on this map has been compiled by staff from a variety of sources and is subject to change without notice. This map has been developed for planning purposes only. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

**King County**  
Department of Natural Resources and Parks  
Water and Land Resources Division



# 16985



Produced by:  
DNR/PALRD GIS,  
Visual Communications & Web Unit  
File Name:  
1007\_SWPAsst2NE.kingcounty WA  
1007\_SWPAsst2NE.kingcounty WA  
Designations\_KR

**Data Sources:**  
Standard King County datasets  
"Library/PLANNING/URBAN\_G  
ROWTH\_line" (UGA - 3/12/09)  
"Library/NATRES.FORPDIST\_1  
line" (Forest Production District,  
12/29/08). Designations from  
King County dataset  
"designations.shp" created  
9/19/10.



**Notes:**  
The boundaries of the aquatic areas designation are not shown on this map.  
The information included on this map has been compiled by staff from a variety of sources and is subject to change without notice. This map has been developed for planning purposes only. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any damages, direct, indirect, incidental, or consequential damages including, but not limited to, lost profits, arising out of the use of the information. The use of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

## Shoreline Designations Northeast King County, Washington

King County Comprehensive Plan, 2010  
Chapter Five, Shoreline Management

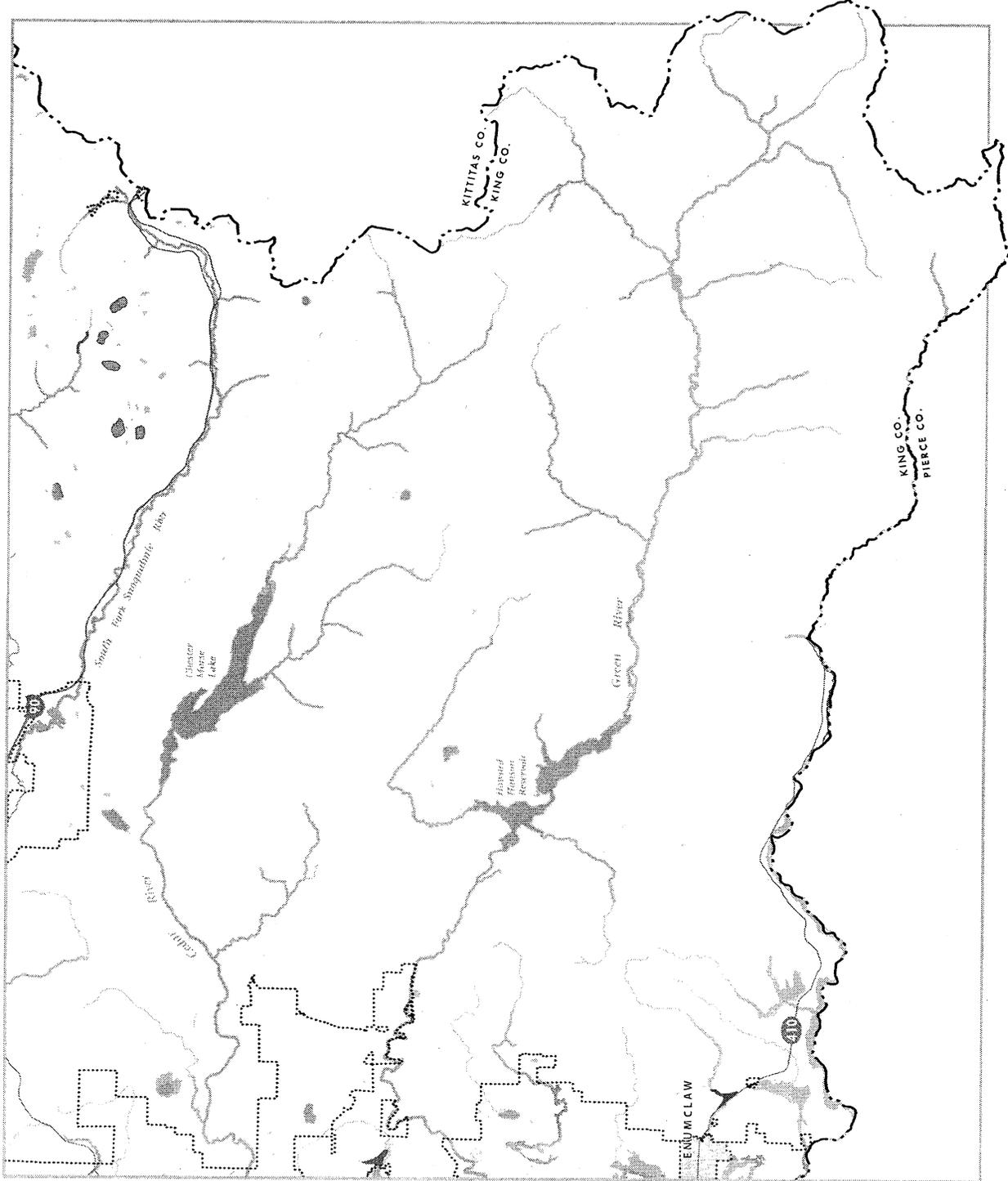


Please refer to [www.kingcounty.gov/shorelines](http://www.kingcounty.gov/shorelines) for a full description of the analysis methodology and interactive mapping tools that allow users to view specified shoreline areas in more detail.

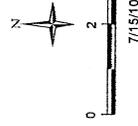
- Designations**
- Aquatic Shoreline
  - Natural Shoreline
  - Resource Shoreline
  - Conservancy Shoreline
  - Forestry Shoreline
  - Residential Shoreline
  - High Intensity Shoreline
  - Tribal Lands
  - Incorporated Areas
  - Other Water Bodies
  - Urban Growth Area Line
  - Major Road
  - Other Major Streams
  - Forest Production District Boundary
  - County Boundary

## Shoreline Designations Southeast King County, Washington

King County Comprehensive Plan, 2010  
Chapter Five, Shoreline Management



- Designations**
- Aquatic Shoreline
  - Natural Shoreline
  - Foresty Shoreline
  - Resource Shoreline
  - Conservancy Shoreline
  - Rural Shoreline
  - Residential Shoreline
  - High Intensity Shoreline
  - Urban Growth Area Line
  - Forest Production District Boundary
  - Other Major Streams
  - Major Road
  - County Boundary
  - Incorporated Areas
  - Other Water Bodies



Produced by:  
King County  
Visual Communications Web Unit  
File Name:  
1007\_53110\_SMP\_L006  
main\WLR\_SMP\_Designations\_KR

**Data Sources:**  
Standard King County datasets: "pblibrary\PLANNING\URBAN\_GROWTH\_Line" (7/2/09), "pblibrary\NATRES\FORPRODST\_Line" (Forest Production District - 10/29/08), "pblibrary\city\_kc" (Cities - 09/08). Designations from King County dataset: "designations.shp" created 5/19/10.

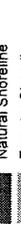
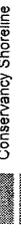
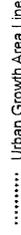
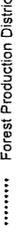
**Notes:**  
Please refer to [www.kingcounty.gov/shorelines](http://www.kingcounty.gov/shorelines) for a full description of the analysis methodology and interactive mapping tools that allow users to view specified shoreline areas in more detail.

The information included on this map has been compiled by staff from a variety of sources and is subject to change without notice. This map has been developed for planning purposes only. King County makes no representations or warranties, expressed or implied, regarding the accuracy, completeness, or rights to the use of such information. King County shall be liable for damages, general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

# 16985

## Shoreline Designations Southwest King County, Washington

King County Comprehensive Plan, 2010  
Chapter Five, Shoreline Management

- Designations**
-  Aquatic Shoreline
  -  Natural Shoreline
  -  Forestry Shoreline
  -  Resource Shoreline
  -  Conservancy Shoreline
  -  Rural Shoreline
  -  Residential Shoreline
  -  High Intensity Shoreline
  -  Urban Growth Area Line
  -  Forest Production District Boundary
  -  Other Major Streams
  -  Major Road
  -  County Boundary
  -  Incorporated Areas
  -  Other Water Bodies
  -  Tribal Lands



**Data Sources:**  
County datasets: "Planning/PLANNING\_URBAN\_GROWTH\_Line",  
"UGA - 3/17/09", "Other WATERS\_FOREPDIST\_Line", "Forest Production District  
-12/29/08" and "tribal/tribal.kc" (files - 6/20/10). Designations from King  
County dataset: "designations.shp" created 5/18/10.

**Notes:**  
Please refer to [www.kingcounty.gov/shorelines](http://www.kingcounty.gov/shorelines) for a full description of the  
analysis methodology and interactive mapping tools that allow users to view  
specified shoreline areas in more detail.

The information included on this map has been compiled by staff from a variety  
of sources and is subject to change without notice. This map has been  
developed for public information purposes only. It does not constitute a warranty  
or warranties, express or implied, as to accuracy, completeness, timeliness, or  
rights to the use of such information. King County shall not be liable for any  
general, special, indirect, incidental, or consequential damages including, but  
not limited to, lost revenues or lost profits resulting from the use or misuse of  
the information contained on this map. Any sale of this map or information on  
this map is prohibited except by written permission of King County.

 **King County**  
Department of Natural Resources and Parks  
Water and Land Resources Division

