



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 20024

**Proposed No.** 2024-0408.3

**Sponsors** Perry

1 AN ORDINANCE related to critical area regulations;  
2 amending the King County Comprehensive Plan; and  
3 amending Ordinance 15053, Section 3, as amended, and  
4 K.C.C. 16.82.051, Ordinance 263, Article 2, Section 1, as  
5 amended, and K.C.C. 20.12.010, Ordinance 3692, Section  
6 2, as amended, and K.C.C. 20.12.200, Ordinance 10511,  
7 Section 7, as amended, and K.C.C. 20.36.100, Ordinance  
8 6949, Section 6, as amended, and K.C.C. 20.44.040,  
9 Ordinance 18626, Section 11, as amended, and K.C.C.  
10 21A.06.039, Ordinance 15051, Section 7, as amended, and  
11 K.C.C. 21A.06.072C, Ordinance 10870, Section 70, as  
12 amended, and K.C.C. 21A.06.122, Ordinance 10870,  
13 Section 80, as amended, and K.C.C. 21A.06.200,  
14 Ordinance 11481, Section 1, and K.C.C. 21A.06.253C,  
15 Ordinance 15051, Section 24, and K.C.C. 21A.06.254,  
16 Ordinance 10870, Section 123, as amended, and K.C.C.  
17 21A.06.415, Ordinance 15051, Section 41, and K.C.C.  
18 21A.06.451, Ordinance 15051, Section 64, and K.C.C.  
19 21A.06.578, Ordinance 15051, Section 107, and K.C.C.  
20 21A.06.1331, Ordinance 10870, Section 176, as amended,

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21 and K.C.C. 21A.06.680, Ordinance 10870, Section 190, as  
 22 amended, and K.C.C. 21A.06.750, Ordinance 10870,  
 23 Section 243, as amended, and K.C.C. 21A.06.1015,  
 24 Ordinance 10870, Section 288, as amended, and K.C.C.  
 25 21A.06.1240, Ordinance 10870, Section 314, as amended,  
 26 and K.C.C. 21A.06.1370, Ordinance 10870, Section 323,  
 27 and K.C.C. 21A.06.1391, Ordinance 10870, Section 321,  
 28 and K.C.C. 21A.06.1405, Ordinance 10870, Section 448, as  
 29 amended, and K.C.C. 21A.24.010, Ordinance 10870,  
 30 Section 449, as amended, and K.C.C. 21A.24.020,  
 31 Ordinance 15051, Section 137, as amended, and K.C.C.  
 32 21A.24.045, Ordinance 15051, Section 138, as amended,  
 33 and K.C.C. 21A.24.051, Ordinance 15051, Section 140, as  
 34 amended, and K.C.C. 21A.24.061, Ordinance 10870,  
 35 Section 454, as amended, and K.C.C. 21A.24.070,  
 36 Ordinance 10870, Section 456, as amended, and K.C.C.  
 37 21A.24.090, Ordinance 14187, Section 1, as amended, and  
 38 K.C.C. 21A.24.500, Ordinance 10870, Section 457, as  
 39 amended, and K.C.C. 21A.24.100, Ordinance 10870,  
 40 Section 458, as amended, and K.C.C. 21A.24.110,  
 41 Ordinance 15051, Section 149, as amended, and K.C.C.  
 42 21A.24.125, Ordinance 10870, Section 460, as amended,  
 43 and K.C.C. 21A.24.130, Ordinance 15051, Section 151, as

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44 amended, and K.C.C. 21A.24.133, Ordinance 10870,  
 45 Section 464, as amended, and K.C.C. 21A.24.170,  
 46 Ordinance 10870, Section 465, as amended, and K.C.C.  
 47 21A.24.180, Ordinance 10870, Section 467, as amended,  
 48 and K.C.C. 21A.24.200, Ordinance 11621, Section 75, as  
 49 amended, and K.C.C. 21A.24.275, Ordinance 10870,  
 50 Section 475, as amended, and K.C.C. 21A.24.280,  
 51 Ordinance 10870, Section 478, as amended, and K.C.C.  
 52 21A.24.310, Ordinance 10870, Section 476, as amended,  
 53 and K.C.C. 21A.24.290, Ordinance 15051, Section 158,  
 54 and K.C.C. 21A.24.205, Ordinance 11481, Section 2, as  
 55 amended, and K.C.C. 21A.24.311, Ordinance 15051,  
 56 Section 173, as amended, and K.C.C. 21A.24.312,  
 57 Ordinance 15051, Section 174, as amended, and K.C.C.  
 58 21A.24.313, Ordinance 15051, Section 179, as amended,  
 59 and K.C.C. 21A.24.316, Ordinance 15051, Section 183, as  
 60 amended, and K.C.C. 21A.24.318, Ordinance 15051,  
 61 Section 185, as amended, and K.C.C. 21A.24.325,  
 62 Ordinance 15051, Section 187, as amended, and K.C.C.  
 63 21A.24.335, Ordinance 10870, Section 481, as amended,  
 64 and K.C.C. 21A.24.340, Ordinance 15051, Section 192, as  
 65 amended, and K.C.C. 21A.24.355, Ordinance 15051,  
 66 Section 193, as amended, and K.C.C. 21A.24.358,

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67 Ordinance 15051, Section 195, as amended, and K.C.C.  
68 21A.24.365, Ordinance 10870, Section 485, as amended,  
69 and K.C.C. 21A.24.380, Ordinance 15051, Section 198, as  
70 amended, and K.C.C. 21A.24.382, Ordinance 11621,  
71 Section 52, as amended, and K.C.C. 21A.24.385,  
72 Ordinance 11621, Section 53, as amended, and K.C.C.  
73 21A.24.386, Ordinance 15051, Section 204, and K.C.C.  
74 21A.24.388, Ordinance 16958, Section 31, as amended,  
75 and K.C.C. 21A.25.100, Ordinance 16985, Section 32, as  
76 amended, and K.C.C. 21A.25.110, Ordinance 3688, Section  
77 415, as amended, and K.C.C. 21A.25.150, Ordinance  
78 16985, Section 39, as amended, and K.C.C. 21A.25.160,  
79 Ordinance 3688, Section 414, as amended, and K.C.C.  
80 21A.24.190, Ordinance 16985, Section 46, as amended,  
81 and K.C.C. 21A.25.210, Ordinance 11168, Section 3, as  
82 amended, and K.C.C. 21A.30.045, Ordinance 10870,  
83 Section 534, as amended, and K.C.C. 21A.30.060,  
84 Ordinance 15051, Section 228, and K.C.C. 21A.50.035,  
85 and Ordinance 17485, Section 50, adding new sections to  
86 K.C.C. chapter 21A.06, adding new sections to K.C.C.  
87 chapter 21A.24, recodifying K.C.C. 21A.06.578, K.C.C.  
88 21A.06.1331, K.C.C. 21A.24.500, K.C.C. 21A.24.310,  
89 K.C.C. 21A.24.205, K.C.C. 21A.24.210, K.C.C.

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21A.24.220, repealing Ordinance 15713, Section 2, as amended, and K.C.C. 2.36.080, Ordinance 15051, Section 67, and K.C.C. 21A.06.628, Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055, Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072, Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137, Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140, Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314, Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342, Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550, Ordinance 19820, Section 15, and Ordinance 19820, Section 16, and establishing effective dates.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The Washington state Growth Management Act ("the GMA") requires counties to take action to review, and if needed, revise their comprehensive plans and development regulations to ensure compliance with the requirements of the GMA by December 31, 2024. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881.

B. King County is required to designate critical areas and adopt development regulations to protect those designated critical areas as part of the comprehensive plan review and evaluation required by RCW 36.70A.130. Under the substantial progress

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113 exception in RCW 36.70A.130(7)(a), the county has until December 2025 to complete  
114 the associated updates to critical areas regulations.

115 C. In designating and protecting critical areas, King County is required to include  
116 the best available science ("BAS") in developing policies and development regulations to  
117 protect the functions and values of critical areas; give special consideration to  
118 conservation or protection measures necessary to preserve or enhance anadromous  
119 fisheries; ensure no net loss of ecological functions and values; and consider critical areas  
120 regulations as part of the comprehensive plan review and evaluation required by RCW  
121 36.70A.130.

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

129 E. The October 2025 Best Available Science Review and Updates to Critical  
130 Areas Protections report summarizes GMA requirements for the review and inclusion of  
131 BAS in updates to Comprehensive Plan policies and critical areas regulations, describes  
132 tribal consultation and community engagement, details the approach and scope for BAS  
133 review, addresses Comprehensive Plan considerations, and identifies regulatory updates  
134 and nonregulatory actions to strengthen protection and ensure no net loss of critical areas  
135 functions and values.

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136 F. As required by GMA, where policies and development regulations depart from  
137 BAS, the report provides information and rationale to support departures, assesses  
138 potential risks to critical areas functions and values, and describes regulatory and  
139 nonregulatory actions to mitigate risk. Comprehensive Plan policies, land use  
140 designations, zoning classifications, and development regulations work in concert with  
141 nonregulatory actions, including land conservation and habitat restoration to ensure no  
142 net loss of critical area functions and values.

143 G. Alluvial fan hazard areas and tsunami hazard areas are designated as new  
144 critical areas. Both of these hazards can pose threats to people and property and can  
145 occur unpredictably and rapidly. Alluvial fans occur naturally along stream channels at the  
146 base of a slope and their natural processes, such as debris flows or flooding, can be  
147 destructive. At the same time, alluvial fans are important places for habitat forming  
148 processes that support salmon, including transport and deposition of sediment and wood  
149 that contribute to habitat structure and complexity. Tsunami hazard areas are located in  
150 areas susceptible to flood, inundation, debris impact, or mass wasting resulting from  
151 tsunamis. Through this ordinance, King County is taking actions to protect development  
152 from these hazards through the designation of these critical areas and design and siting  
153 measures.

154 H. Channel migration is the natural process of stream and river channels moving  
155 across a floodplain that can happen over days, years, decades, or centuries as a river  
156 moves water, water, and sediment downstream over time. Channel migration zones are  
157 areas that can be reasonably predicted, based on best available science, to migrate over  
158 time as a result of natural and normally occurring hydrological and related processes.

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Channel migration zones are considered geological and flood hazards that pose risk to structures, roads, and infrastructure. Channel migration, including the formation of new side channels and erosion of channel banks that causes trees to fall and form log jams and generally add complexity to stream and river channels, is also an important habitat forming process.

I. The Washington state Shoreline Management Act requires local governments to identify and limit development within channel migration zones in shorelines of the state.

J. In the last decade, King County has completed studies and maps for reaches of the Greenwater river, the Middle White river, Raging river, South Fork Skykomish river, Tolt river, Cedar river, the Three Forks area of the Snoqualmie river, and Green river. These rivers are also shorelines of the state. Where channel migration zones are mapped, critical area standards under K.C.C. chapter 21A.24 apply. To increase protections and reduce risks to the public, King County continues to map channel migration zones over time. King County is currently finalizing a channel migration hazard area study and map for Lower Snoqualmie river and is currently completing a channel migration study and map for the mainstem of Issaquah creek.

K. Riparian areas, formerly known as aquatic area buffers, are designated as their own critical area in this ordinance. Riparian areas provide shade and temperature control for aquatic areas, improve water quality, provide critical habitat for wildlife, and generate sources of food and habitat forming large wood. Riparian area widths are widened for all aquatic area types, including one hundred eighty feet for type S and F aquatic areas in the urban area and two hundred feet in the rural area and natural resource lands, one hundred



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feet for type N in all unincorporated areas, and fifty feet for type O in all unincorporated areas. Type S and F riparian area widths are within the average range of site potential tree height, consistent with state guidance. BAS indicates that there is no evidence that type N should be protected at widths less than fish-bearing streams. Within King County, ninety-eight percent of mapped stream miles are type S or F, with only two percent as type N or O. Local circumstances and the unique land use context of the county, including growing population pressures, excess housing demand, and a small proportion of stream miles qualifying as type N, warrant widths for type N riparian areas that are increased above the existing widths but lower than type S and F riparian areas. The BAS report provides information and rationale for these widths and describes regulatory and nonregulatory actions to mitigate risk, noting that the one-hundred-foot width is sufficient to provide important riparian area functions, including ninety five percent of pollution removal for phosphorous, sediment, and most pesticides, and eighty five percent for surface nitrogen.

L. State agency BAS indicates that riparian areas should be measured from the outside edge of a channel migration zone, which accounts for protection of riparian functions in current and future locations as rivers migrate. Where mapped, riparian area protections are widened to include and extend from severe channel migration hazard area. The severe channel migration hazard area accounts for twenty-five to fifty years of channel migration. The riparian area protections in this ordinance are not extended to the moderate channel migration hazard area, which covers channel migration fifty to one hundred years in the future, and represents a departure from state agency guidance. The BAS report discusses the rationale and nonregulatory measures to mitigate risk and

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205 support measuring from the severe channel migration hazard area. One such  
206 nonregulatory measure is ongoing mapping commitments required in the Channel  
207 Migration Zone public rule, Public Rule LUD-17-1-4-PR, that is expected to lower  
208 overall risks. Map updates are expected to occur every twenty years, at a timeframe  
209 lower than that contemplated for the moderate channel migration hazard area. When  
210 mapping changes are completed that would update the location of the severe channel  
211 migration hazard area, the riparian area would also shift according to new boundaries in  
212 the map, which would ensure greater protections over time.

213 M. There is an estimated thirty two thousand acres of wetlands in King County.  
214 Wetlands serve a number of functions, such as unique and critical habitat for plants and  
215 wildlife, water quality treatment, and flood storage. Wetland buffers protect plants from  
216 disturbance and provide important ecological functions. King County establishes buffer  
217 widths to provide the most flexibility for residents using a combination of wetland  
218 category, intensity of adjacent land use impacts, special characteristics, and habitat score  
219 to determine widths, consistent with Washington state Department of Ecology wetland  
220 guidance.

221 N. King County is aligning its regulations to meet BAS, including reviewing the  
222 list of adjacent land use impact intensities, increasing wetland buffers for Category I  
223 wetlands with special characteristics and Category IV wetlands, requiring width increases  
224 or revegetation when buffers are not well vegetated, increasing mitigation ratios where  
225 necessary, and removing allowances for filling of small Category IV wetlands.

226 O. Guidance from the Washington state Department of Ecology identifies the  
227 circumstances in which a buffer for a high impact use may qualify for a reduction to

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228 moderate impact. The county identified in Ordinance 19811 that within the urban growth  
229 area, housing, mixed-use development, daycares, and social services are priority land  
230 uses to serve the needs of county residents. This ordinance identifies these high impact  
231 uses as eligible for a buffer reduction to support long-term housing supply and  
232 affordability and access to necessary services for all residents.

233  
234 P. Nearly six percent of mapped stream miles and seventeen percent of wetland  
235 acres are located in the Agricultural zone. King County has an estimated forty-eight  
236 thousand acres of farmland with forty-one thousand acres within designated Agricultural  
237 Production Districts ("APDs") in the Lower Snoqualmie, Green, and Sammamish River  
238 valleys, as well as on the Enumclaw Plateau. APDs were designated to protect prime  
239 agricultural soils. APDs also support critically important salmon habitat and natural  
240 floodplain processes.

241 Q. King County has a long-standing commitment to designate and protect  
242 agricultural land and support agriculture and local food production. Despite being the  
243 largest county by population in Washington state, with nearly thirty percent of the state's  
244 population, King County produces a significant share of agricultural products, ranking  
245 fourth among thirty-nine counties for numbers of farms and twentieth for value of  
246 agricultural products sold.

247 R. Agriculture and local food production face numerous challenges including  
248 rising land and operating costs, labor shortages, climate change impacts, regulatory  
249 uncertainty, loss of markets, loss of federal grants and assistance, and continued  
250 development pressure to convert to other uses. Many of those pressures are more

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pronounced in King County, which has the highest land, employment, and input costs in the state, which limit profitability and long-term financial sustainability, leading to a decline in farming and loss of agricultural lands. The acreage of farmland in King County declined by two-thirds from the 1940s, though has stabilized in recent decades through regulatory and nonregulatory measures. The number of dairy farms in King County declined from an estimated peak of over four thousand in the 1940s, to thirteen by 2025.

S. Agricultural lands are limited and irreplaceable due to their location, geological formations, chemical and organic composition, and water availability. Where other land uses or industries may be located anywhere in the county, the availability of land suitable for farming is limited in King County. King County Comprehensive Plan policies and the zoning code support the protection and preservation of agricultural lands and the viability of farming. The county and its partners implement several programs and nonregulatory measures to protect farmland, such as the farmland preservation program, transfer of development rights program, current use taxation, agricultural drainage assistance, grants and financial assistance, and technical support. Those programs and nonregulatory measures are critical to helping established farms; however, measured and thoughtful regulatory allowances can further ensure that agricultural land remains in production and is not converted to other, higher-intensity land uses.

T. Agriculture and water resources, such as aquatic areas, riparian areas, and wetlands, are both irreplaceable resources and the relationship between these two resources is complex. Increasing environmental protections to preserve water resources is necessary in order to protect against habitat and species loss, water quality degradation,

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274 and risk to life and property. King County considers environmental protections with the  
275 specific and specialized needs of local agriculture by reviewing where specific activities  
276 may occur, their size, scale, and location, as well as operational practices, to minimize  
277 impacts to critical area functions and values.

278 U. Under the Washington state Department of Ecology wetland framework,  
279 agricultural uses are designated as high or moderate impact land uses, depending on the  
280 specific operation activities. According to the United States Department of Agriculture  
281 farm census, the majority of farms in King County are relatively small and average  
282 twenty nine acres, and the majority of farm operations focus on specialty crops or  
283 diversified vegetables, berries, or flowers. Of the one thousand eight hundred farms in  
284 King County, only thirteen are dairy farms. The small-scale operations found in King  
285 County rely heavily on hand-planting and hand-harvesting, which reduces soil  
286 compaction and fuel use and often incorporates no-till or no-dig practices to minimize  
287 soil disturbance, as well as actions to build soil health. Agricultural activities in King  
288 County are limited by restrictions in the zoning code, flood regulations, agricultural  
289 production districts, farmland preservation program, current use taxation program, and  
290 easements and covenants that significantly limit filling, placement of structures,  
291 impervious surfaces, residential densities and nonagricultural activities, and the overall  
292 intensity of activities. As discussed in the BAS report and based on the county's unique  
293 local circumstances, including agricultural activity trends and the current regulatory and  
294 programmatic framework surrounding agricultural activities, this ordinance continues to  
295 designate agriculture as a moderate- or low-intensity land use for the purpose of applying  
296 wetland buffers.

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297           V. In protecting critical areas in this ordinance, King County is making a number  
298 of changes including clarifying regulatory allowances for existing commercial  
299 agriculture, recognizing intentional fallow periods of up to seven years and leasing or  
300 sales for the purposes of continuous existence, increasing environmental protections  
301 when new commercial agricultural activities are located near habitats, strengthening code  
302 for existing commercial agriculture, and limiting structures and impervious surfaces in  
303 critical areas. This ordinance clarifies standards applied to new or expanded footprint for  
304 commercial agricultural activities to protect established native vegetation in wetlands,  
305 wetland buffers, and riparian areas.

306           W. Increased protections are also occurring by requiring proof of commercial  
307 agricultural production to utilize allowances and exemptions in critical areas. This new  
308 requirement would have the effect of allowing commercial agricultural production, while  
309 limiting other kinds of activities in critical areas.

310           X. This ordinance increases minimum buffer requirements for new livestock  
311 activities, including those with a farm plan, to better protect wetlands and wetland buffers  
312 from water quality impacts. Livestock grazing may continue to occur on farms in critical  
313 areas subject to livestock management standards. Associated livestock activities, such as  
314 livestock heavy use areas and livestock manure management areas, if allowed in critical  
315 areas, are limited in their location. Grazing area buffers, which are the areas from which  
316 livestock is excluded, are increasing from between zero and fifty feet to twenty feet and  
317 fifty feet, below those identified in state BAS guidance. As discussed in these findings  
318 and in the BAS report, comprehensive planning considerations, including the  
319 preservation of agricultural lands, local circumstances and the unique land use context of

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the county, warrant departure from BAS. Other regulatory standards, such as operational and location requirements and best management practices, as well as nonregulatory measures are in place to reduce impacts to critical areas. The updates continue to incentivize development of a farm management plan to inform and tailor best management practices for water quality and habitat protection to the proposed agricultural uses and site conditions.

Y. In instances where new, conversion of existing, or expanded agricultural activities are proposed in critical areas or their buffers, farm management plans and any best management practices applicable to the proposed activity are required. Farm management plans provide a pathway to protect valuable resource lands through site-specific implementation of design practices, best management practices, education, and technical assistance.

Z. The county seeks to monitor the progress and outcomes of farm management plans in order to ensure the protection of fragile ecosystems, the preservation of prime agricultural lands, and the viability of farming in King County. The council finds that having data on how farm management plans support implementation of regulatory flexibility, land conservation, and development of water quality best management practices would help to inform monitoring, adaptive management, and future policy decisions. The council intends that the departments collect information on farm management plans, such as which properties have approved farm management plans, the date of issuance, where the farm plan was relied upon as a condition for application of a development regulation or incentives for land conservation or water quality protection, and types of best management practices applied to protect critical areas on site. This

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ordinance requires the county to update the farm management plan public rule in 2026 to clarify review and approval requirements, to establish an inventory of farm management plans reviewed as a condition for application of this ordinance and livestock management ordinance provisions or qualification for public benefit rating system.

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

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

CC. The complexity of regulatory updates embodied in this ordinance affects property owners and applicants who are preparing development proposals for submittal to King County for review. Changes proposed under this ordinance, which affect buffers, development standards, farm management plans, and other components of the environment, may necessitate additional preparation time for applicants to prepare materials as well as for County departments to prepare guidance, update application forms, or revise administrative processes. The council finds that a delayed effective date of sixty-one days is necessary to prepare for the implementation of this ordinance.

SECTION 2.

A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881.

B. The elements of the 2024 King County Comprehensive Plan in Attachment A



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to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The elements of the King County Shoreline Master Program in sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, 100, and 105.B. of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

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

C. Clearing and grading permit ~~((requirement))~~ exemptions in the table in subsection D. of this section shall be interpreted as follows:

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389           1. The use of "NP" in a cell means that a clearing or grading permit is not  
390 required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24  
391 are met;

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

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

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

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

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

405           5. Clearing and grading permits are required when a cell is empty and for  
406 activities not listed on the table.

407           D. Clearing and grading permit ~~((requirement))~~ exemptions.

	Out of Critic cal	Coal Mine Haza rd	Erosio n Hazar d	Floo d Haza rd	Chan nel Migr ation	Lands lide & Steep Slope	Seis mic, Volc anic, rd))	<del>((Vol canic Haza rd))</del>	<del>((Ste ep Slope Haza rd))</del>	Critic al Aquif er	Wetl and and Buff	Aqua tic Area and	Wildli fe Habita t
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	Area and Buff er	<u>Area</u>	<u>Area</u>	<u>Area</u>	<u>Haza</u> <u>rd</u> <u>Area</u>	Hazar d <u>Areas</u> and Buffer	and <u>Tsun</u> <u>ami</u> Haza rd <u>Area</u>		<del>rd</del> and <u>Buffe</u> r)) <u>Alluv</u> <u>ial</u> <u>Fan</u> <u>Haza</u> <u>rd</u> <u>Area</u>	Recha rge Area	er	(( <del>Buf</del> <del>fer</del> )) <u>Ripar</u> <u>ian</u> <u>Area</u>	Conse rvatio n Area, Wildli fe Habita t Netwo rk and Buffer
<b>ACTIVITY</b>													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	(( <del>N</del> <del>P</del> 1, 2))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	(( <del>N</del> <del>P</del> 3))		NP 3	(( <del>N</del> <del>P</del> 4))	(( <del>N</del> <del>P</del> 4))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	(( <del>N</del> <del>P</del> 5))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del>	NP	NP	NP	NP	NP

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removal	<u>6</u>	6	6	6	6	6	6	<del>P</del> <del>6))</del>	6	6	6	6	6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	<del>((N</del> <del>P</del> <del>25))</del>		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	<del>((N</del> <del>P))</del>	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	<del>((N</del> <del>P</del> <del>7))</del>	<u>NP</u> <u>8</u>	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	<del>((N</del> <del>P</del> <del>9))</del>	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	<del>((N</del> <del>P</del> <del>10))</del>	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	<del>((N</del> <del>P</del> <del>11))</del>	<del>((N</del> <del>P</del> <del>11))</del>	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	<del>((N</del> <del>P</del> <del>12))</del>	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	<del>((N</del> <del>P</del> <del>13))</del>	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge	NP	NP	NP	NP	NP	NP	NP	<del>((N</del>	NP	NP	NP	NP	NP

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or culvert	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15	<del>P</del> <del>13,</del> <del>14,</del> <del>15</del> <del>15))</del>	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15	13, 14, 15
<del>((Construction of farm field access drive))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>	<del>((N</del> <del>P</del> <del>16))</del>
<del>((Maintenance of farm field access drive))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>	<del>((N</del> <del>P</del> <del>17))</del>
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	<del>((N</del> <del>P</del> <del>19))</del>	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of- way	NP 1, 2, 3 NP 27		NP 1, 2, 3				NP 1, 2, 3	<del>((N</del> <del>P</del> <del>1,</del> <del>2,</del> <del>3</del> <del>3))</del>		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	<del>((N</del> <del>P</del> <del>11</del> <del>11))</del>	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	<del>((N</del> <del>P</del> <del>11</del> <del>11))</del>	NP 11	NP 11	NP 11	NP 11	NP 11

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treatment facility													
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	(( <del>NP</del> P 20))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	(( <del>NP</del> P))	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	(( <del>NP</del> P 13))	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat <del>((restoration))</del> creation or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	(( <del>NP</del> P 21))	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas((§)) report <u>or monitoring and data collection</u>	NP 1, 2, <u>22</u>	NP ((†, <u>22</u> )	NP ((†, <u>22</u> )	NP 22	NP 22	NP 22	NP ((†, <u>22</u> )	(( <del>NP</del> P 22))	NP 22	NP ((†, <u>22</u> )	NP 22	NP 22	NP 22
<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting,	NP	NP	NP	NP	NP	NP	NP	(( <del>NP</del> P))	NP	NP	NP	NP	NP

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seeding, harvesting, preparing soil, rotating crops, and related activity													
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17		NP (( <del>16</del> )) 17	(( <del>N</del> P 16))		NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17	NP (( <del>16</del> )) 17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	(( <del>N</del> P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	(( <del>N</del> P 26))	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	(( <del>N</del> P 15))	NP 15	NP 15	NP 15	NP 15	NP 15
<u>Construction of farm field access drive</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>		<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>	<u>NP</u> <u>16</u>
<u>Maintenance of farm field access drive</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>		<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>	<u>NP</u> <u>17</u>
<b>Other</b>													
Excavation of cemetery grave in	NP	NP	NP	NP	NP	NP	NP	(( <del>N</del> P))	NP	NP	NP	NP	NP

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

408 E. The following conditions apply:

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

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

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



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- 422 a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 423 b. in a critical drainage areas established by administrative rules;
- 424 c. subject to clearing limits included in property-specific development
- 425 standards and special district overlays under K.C.C. chapter 21A.38; or
- 426 d. subject to Urban Growth Area significant tree retention standards under
- 427 K.C.C. 16.82.156 and K.C.C. Title 21A.
- 428 4. ~~((Cutting firewood for personal use in accordance with a forest management~~
- 429 ~~plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this~~
- 430 ~~condition, personal use shall not include the sale or other commercial use of the~~
- 431 ~~firewood.)) Repealed.~~
- 432 5. Limited to material at any solid waste facility operated by King County.
- 433 6. Allowed to prevent imminent danger to persons or structures.
- 434 7. Cumulative clearing of less than seven thousand square feet annually or
- 435 conducted in accordance with an approved farm management plan((;)) or forest
- 436 management plan((; ~~or rural stewardship plan~~)).
- 437 8. Cumulative clearing on a single site since January 1, 2005, of less than seven
- 438 thousand square feet and either:
- 439 a. conducted in accordance with a farm management plan((;)) or a forest
- 440 management plan((; ~~or a rural stewardship plan~~)); or
- 441 b. limited to removal with hand labor.
- 442 9. When conducted as a Class I, II, III<sub>2</sub> or IV-S forest practice as defined in
- 443 chapter 76.09 RCW and Title 222 WAC.
- 444 10. If done in compliance with K.C.C. 16.82.065.

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

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

- 453 a. slope stabilization or vegetation removal on slopes; or
- 454 b. ditches that are used by ~~((salmonids))~~ fish.

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

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

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

- 460 e.)) the maintenance does not expand the roadway, lawn, landscaping, ditch,  
461 culvert, or other improved area being maintained; and

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

465 14. If a culvert is used by ~~((salmonids))~~ fish or conveys water used by  
466 ~~((salmonids))~~ fish and there is no ~~((adopted))~~ approved farm management plan, the  
467 maintenance is limited to removal of sediment and debris from the culvert and ~~((its))~~

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468 associated inlet, invert, and outlet and the stabilization of the area within three feet of the  
 469 culvert where the maintenance disturbed or damaged the bank or bed and does not  
 470 involve the excavation of a new sediment trap adjacent to the inlet.

471 15. If used by salmonids, only ~~((in compliance))~~ when consistent with an  
 472 ~~((adopted))~~ approved farm management plan in accordance with K.C.C. Title 21A and  
 473 only if the maintenance activity is inspected by:

- 474 a. The King Conservation District;
- 475 b. King County department of natural resources and parks;
- 476 c. King County department of local services, permitting division; or
- 477 d. Washington state Department of Fish and Wildlife.

478 16. Only on a site where the primary use is agricultural activities, is within an  
 479 Agricultural Production District, enrolled in the Farmland Preservation Program, or  
 480 zoned A, and if:

481 a. consistent with an ~~((adopted))~~ approved farm management plan in  
 482 accordance with K.C.C. Title 21A, including any best management practices applicable  
 483 to the activity;

484 b. less than two-thousand square feet of impervious surface is created;

485 c. access is not more than fourteen feet wide;

486 d. there is no alternative location with less impact on critical areas and

487 associated buffers;

488 e. in compliance with the farmland dispersion requirements in the Surface

489 Water Design Manual;

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

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491            g. a floodplain development permit is obtained for any activity within the  
 492 floodplain; and

493            h. all other required state and federal permits have been obtained and activities  
 494 comply with these permits.

495            17. Only if consistent with an approved farm management plan in accordance  
 496 with K.C.C. Title 21A.

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

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

500            20. When:

501            a. conducted by a public agency;

502            b. the height of the facility is not increased;

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

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

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

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

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

511            21. Only if:

512            a. the activity is not part of a mitigation plan associated with another

513 development proposal or is not corrective action associated with a violation((;)), and

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514           ~~((b. the activity is sponsored or cosponsored by a government agency that has~~  
 515 ~~natural resource management as its primary function and the activity is))~~ limited to(~~(:~~  
 516           ~~(4)))~~ revegetation of the critical area and ~~((its))~~ associated buffer with native  
 517 vegetation or climate-adaptive plants, or the removal of noxious weeds or invasive  
 518 vegetation using only hand labor; or

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

521           (1) revegetation of the critical area and associated buffer with native  
 522 vegetation or climate-adaptive plants;

523           (2) the removal of noxious weeds or invasive vegetation;

524           (3) placement of weirs, log controls, spawning gravel, ((woody debris)) large  
 525 wood, and ((other specific salmonid)) similar fish habitat improvements; and

526           ~~((3)))~~ (4) hand labor except:

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

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

532           22. If done with hand equipment ~~((and))~~, minimal grading including site access,  
 533 does not involve any clearing, and equipment is removed when work is concluded.

534           23. Clearing for the purposes of wildfire preparedness that does not otherwise  
 535 require another permit and that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A, as  
 536 follows:

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- 537           a. understory clearing within fifteen feet of a residential structure containing  
538   habitable space or an attached deck;
- 539           b. understory clearing and tree removal and pruning within ten feet of an  
540   installed aboveground nonportable liquefied petroleum gas tank;
- 541           c. within thirty feet of a residential structure containing habitable space,  
542   understory clearing and tree pruning underneath a tree crown to provide up to ten feet of  
543   vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed  
544   one-third of the tree height;
- 545           d. within thirty feet of a residential structure containing habitable space, tree  
546   removal and pruning to provide up to fifteen feet of vertical clearance over driveways and  
547   roads used for emergency vehicle access;
- 548           e. within thirty feet of a residential structure containing habitable space, tree  
549   removal and pruning to provide up to eighteen feet between tree crowns;
- 550           f. tree removal and pruning to provide up to ten feet between tree crowns and  
551   decks, chimneys, overhead communication cables and electrical wires, or other  
552   structures; and
- 553           g. clearing may be allowed up to one hundred feet from a residential structure  
554   containing habitable space if advised by a wildfire risk assessment conducted by a  
555   professional holding a wildfire risk assessment certification or a forest stewardship plan  
556   approved by the department of natural resources and parks that includes best management  
557   practices to reduce wildfire risk. The removal and pruning of trees under this subsection  
558   to provide clearance between tree crowns is limited to:
- 559           (1) twelve feet between tree crowns for trees between thirty and sixty feet

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560 from a residential structure containing habitable space; and

561 (2) six feet between tree crowns for trees between sixty and one hundred feet

562 from a residential structure containing habitable space.

563 24. Limited to the removal of downed trees.

564 25. Except on properties that are:

565 a. subject to clearing limits included in property-specific development

566 standards and special district overlays under K.C.C. chapter 21A.38; or

567 b. subject to Urban Growth Area significant tree retention standards under

568 K.C.C. 16.82.156.

569 26. Only if allowed under K.C.C. 21A.24.045.D.~~((69))~~58. and if the

570 maintenance activity is inspected by the:

571 a. King Conservation District;

572 b. department of natural resources and parks;

573 c. department of local services, permitting division; or

574 d. Washington state Department of Fish and Wildlife.

575 27. Clearing for the purposes of wildfire preparedness that does not otherwise

576 require another permit, that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A., and

577 that maintains any require screening consistent with K.C.C. chapter 21A.16, as follows:

578 a. tree pruning to provide up to ten feet of vertical clearance from overhead

579 communication cables and electrical wire components of utility facilities, if:

580 (1) all debris is removed following the pruning activity;

581 (2) the activity is authorized by a right-of-way construction permit, if

582 applicable; and

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- 583           (3) pruning activities do not extend fifteen feet beyond the right-of-way;
- 584           b. understory clearing within fifteen feet of a utility facility structure; and
- 585           c. within thirty feet of a utility facility structure, understory clearing and tree
- 586 pruning underneath a tree crown to provide up to ten feet of vertical clearance from the
- 587 ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;
- 588           d. within thirty feet of a utility facility structure, tree removal and pruning to
- 589 provide up to fifteen feet of vertical clearance over driveways and roads used for
- 590 emergency vehicle access;
- 591           e. within thirty feet of a utility facility structure, tree removal to provide up to
- 592 eighteen feet between tree crowns;
- 593           f. tree removal and pruning to provide up to ten feet between tree crowns and
- 594 utility and facility structures; and
- 595           g. clearing may be allowed up to one hundred feet from the utility facility
- 596 structure if such clearing activity is advised by a wildfire risk assessment conducted by a
- 597 professional holding a wildfire risk assessment certification or a forest stewardship plan
- 598 approved by the department of natural resources and parks that includes best management
- 599 practices to reduce wildfire risks. The removal and pruning of trees to provide clearance
- 600 between tree crowns is limited to:
- 601           (1) twelve feet between tree crowns for trees located between thirty and sixty
- 602 feet from a utility facility structure; and
- 603           (2) six feet between tree crowns for trees located between sixty and one
- 604 hundred feet from a utility facility structure.

605           SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.

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606 20.12.010 are hereby amended to read as follows:

607         Under the King County Charter, the state Constitution, and the Growth  
608 Management Act, chapter 36.70A RCW, King County adopted the 1994 King County  
609 Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan  
610 for King County until amended, repealed, or superseded. The Comprehensive Plan has  
611 been reviewed and amended multiple times since its adoption in 1994. Amendments to  
612 the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County  
613 Comprehensive Plan, as adopted in Ordinance 19881, and as amended by this ordinance.  
614 The Comprehensive Plan shall be the principal planning document for the orderly  
615 physical development of the county and shall be used to guide subarea plans, functional  
616 plans, provision of public facilities and services, review of proposed incorporations and  
617 annexations, development regulations, and land development decisions.

618         SECTION 5. Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are  
619 hereby amended to read as follows:

620         A. The King County shoreline master program consists of the following  
621 elements, enacted on or before (~~((December 23, 2024))~~) the date of enactment of this  
622 ordinance:

- 623             1. The King County Comprehensive Plan chapter six;
- 624             2. K.C.C. chapter 21A.25;
- 625             3. The following sections of K.C.C. chapter 21A.24:
  - 626                 a. K.C.C. 21A.24.045;
  - 627                 b. K.C.C. 21A.24.051;
  - 628                 c. (~~K.C.C. 21A.24.055;~~

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

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

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

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

633           g. Section 63 of this ordinance;

634           h. K.C.C. 21A.24.200;

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

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

637           ~~((k.))~~ i. K.C.C. 21A.24.275;

638           ~~((l.))~~ j. K.C.C. 21A.24.280;

639           k. K.C.C. 21A.24.310, as recodified by this ordinance;

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

641           m. Section 72 of this ordinance;

642           n. Section 73 of this ordinance;

643           ~~((o.))~~ o. K.C.C. 21A.24.300;

644           p. K.C.C. 21A.24.210, as recodified by this ordinance;

645           q. K.C.C. 21A.24.220, as recodified by this ordinance;

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

647           ~~((p.))~~ r. K.C.C. 21A.24.316;

648           ~~((q.))~~ s. K.C.C. 21A.24.318;

649           ~~((r.))~~ t. K.C.C. 21A.24.325;

650           ~~((s.))~~ u. K.C.C. 21A.24.335;

651           ~~((t.))~~ v. K.C.C. 21A.24.340;

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652            ~~((t-))~~ w. K.C.C. 21A.24.355;  
 653            ~~((v-))~~ x. K.C.C. 21A.24.358;  
 654            ~~((w-))~~ y. K.C.C. 21A.24.365;  
 655            ~~((x-))~~ z. K.C.C. 21A.24.380;  
 656            ~~((y-))~~ aa. K.C.C. 21A.24.382;  
 657            ~~((z-))~~ bb. K.C.C. 21A.24.386; and  
 658            ~~((aa-))~~ cc. K.C.C. 21A.24.388; and

659            4. The following:

- 660            a. K.C.C. 20.18.050;
- 661            b. K.C.C. 20.18.056;
- 662            c. K.C.C. 20.18.057;
- 663            d. K.C.C. 20.18.058;
- 664            e. K.C.C. 20.22.160;
- 665            f. K.C.C. 21A.32.045;
- 666            g. K.C.C. 21A.44.090;
- 667            h. K.C.C. 21A.44.100; and
- 668            i. K.C.C. 21A.50.030(~~(; and~~

669            ~~5. The 2024 King County Flood Management Plan)).~~

670            B. The shoreline management goals and policies constitute the official policy of  
 671            King County regarding areas of the county subject to shoreline jurisdiction under chapter  
 672            90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local  
 673            administrative, enforcement, and permit review procedures shall conform to chapter  
 674            90.58 RCW but shall not be a part of the shoreline master program.

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675 C. Amendments to the shoreline master program do not apply to the shoreline  
676 jurisdiction until approved by the Washington state Department of Ecology ((as  
677 ~~provided~~)) in accordance with RCW 90.58.090. The department of local services,  
678 permitting division, shall, within ten days after the date of the Department of Ecology's  
679 approval, file a copy of the Department of Ecology's approval, in the form of an  
680 electronic copy, with the clerk of the council, who shall retain the original and provide  
681 electronic copies to all councilmembers, the chief of staff, and the lead staff of the local  
682 services and land use committee or its successor.

683 SECTION 6. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are  
684 hereby amended to read as follows:

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

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

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

694 1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage"  
695 means land in private ownership through which the owner agrees to allow public passage  
696 for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a  
697 connection between trails within the county's regional trails system and local or regional

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

710           2. Aquifer protection area - five points. "Aquifer protection area" means  
711 property that has a plant community in which native plants are dominant and that  
712 includes an area designated as a critical aquifer recharge area under K.C.C. chapter  
713 21A.24 or applicable city critical aquifer recharge area regulations. At least fifty percent  
714 of the enrolling open space area or a minimum of one acre of open space shall be  
715 designated as a critical aquifer recharge area. If the enrolling open space area does not  
716 have a plant community in which native plants are dominant, revegetation shall occur  
717 subject to a revegetation plan reviewed and approved by the department;

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

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

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

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

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

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744 culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat.

745 The intent of the removal shall be to reestablish natural function or processes to the

746 project area;

747 c. The owner is responsible for providing and implementing an ecological

748 enhancement plan for the proposed project. The approved enhancement plan shall

749 include at least a statement of purpose, detailed description of work to be done, site map

750 of the project area, and specific timeline for the enhancement activities to be completed.

751 The enhancement plan is subject to approval by the department; and

752 d. The owner shall annually provide to the department a monitoring report

753 detailing the enhancement efforts' success for five years following enrollment. The

754 owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190.

755 The monitoring report shall describe the progress and success of the enhancement project

756 and shall include photographs to document the success. Land receiving credit for this

757 category may not receive credit for the ~~((rural stewardship land or))~~ resource restoration

758 ~~((categories))~~ category;

759 5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-

760 pedestrian-bicycle trail linkage" means land in private ownership that the property owner

761 allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other

762 active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link

763 from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on

764 trails receiving a tax reduction for this category, except for maintenance or for medical,

765 public safety, or police emergencies. Public access is required only on that portion of the

766 property containing the trail. The landowner may impose reasonable restrictions on

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

780           6. Farm and agricultural conservation land - five points. "Farm and agricultural  
781 conservation land" means land previously classified as farm and agricultural land under  
782 RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or  
783 traditional farmland not classified under chapter 84.34 RCW that has not been  
784 irrevocably devoted to a use inconsistent with agricultural uses and has a high potential  
785 for returning to commercial agriculture. The property shall be used for farm and  
786 agricultural activities or have a high probability of returning to agriculture and the  
787 property owner shall commit to returning the property to farm or agricultural activities by  
788 implementing a farm management plan. An applicant shall have an approved farm  
789 management plan in accordance with K.C.C. 21A.24.051 (~~that is acceptable to the~~)

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department)) and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

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

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

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813 of historic places or landmarks. "Significant buffer" means land and plant communities  
814 that provide physical, visual, noise, or other barriers and separation from adverse effects  
815 to the historic resources due to adjacent land use;

816           9. Historic landmark or archeological site: designated site – five points.

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

830           10. Historic landmark or archeological site: eligible site - three points.

831 "Historic landmark or archaeological site: eligible site" means land that constitutes or  
832 contains a historic property that has the potential of being designated by a certified local  
833 government jurisdiction, including buildings, structures, districts, or sites of significance  
834 in the county's historic or prehistoric heritage, such as Native American settlements,  
835 pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric

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836 and historic archaeological sites, or traditional cultural properties. To be eligible, the  
837 historic preservation officer of King County or other certified local government program  
838 in the jurisdiction in which the property is located shall determine the property meets the  
839 jurisdiction's criteria for designation and listing on the county or other local register of  
840 historic places or landmarks for which there is local regulatory protection. Eligible  
841 property may include contributing property within designated historic districts. Property  
842 listed in the state or national Registers of Historic Places may qualify under this category;

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

853 12. Rural open space - five points. "Rural open space" means an area of ~~((ten))~~  
854 five or more contiguous acres of open space located outside of the Urban Growth Area as  
855 identified in the King County Comprehensive Plan that:

- 856 a. has a plant community in which native plants are dominant; or  
857 b. is former open farmland, woodlots, scrublands, or other lands that are in the  
858 process of being replanted with native vegetation and for which the property owner is

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implementing an approved farm management, ecological enhancement, forest stewardship, ~~((rural stewardship,))~~ or resource restoration plan acceptable to the department;

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

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

a. "Scenic resource" means an area of natural or recognized cultural features visually significant to the aesthetic character of the county. The site shall be significant to the identity of the local area, be visible to a significant number of the general public from public rights-of-way, be of sufficient size to substantially preserve the scenic resource value, and enroll at least ten acres of open space.

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

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

897           ((15-)) 14. Significant plant or ecological site - five points. "Significant plant or  
898 ecological site" means an area that meets the criteria for Element Occurrence established  
899 under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An  
900 Element Occurrence is a particular, on-the-ground observation of a rare species or  
901 ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington  
902 Natural Heritage Program or be identified as a property that meets the criteria for an  
903 Element Occurrence. The identification shall be confirmed by a qualified expert  
904 acceptable to the department in order to qualify. The department shall notify the

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905 Washington Natural Heritage Program of any verified Element Occurrence on an  
906 enrolling property. Commercial nurseries, arboretums, or other maintained garden sites  
907 with native or nonnative plantings are ineligible for this category;

908       ~~((46.))~~ 15. Significant wildlife or ~~((salmonid))~~ fish habitat - five points.

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

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

914           (2) an area where the species listed in subsection C.~~((46.))~~15.a.(1) of this  
915 section are potentially found with sufficient frequency for critical ecological processes,  
916 such as reproduction, nesting, rearing, wintering, feeding, or resting, to occur;

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

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

923       b. To be eligible, the department, by its own determination or by expert  
924 determination acceptable to the department, shall verify that qualified species are present  
925 on the property or that the land fulfills the functions described in subsection C.~~((46.))~~15.a.  
926 of this section. To receive credit for ~~((salmonid))~~ fish habitat, the owner shall provide a  
927 buffer at least fifteen percent greater in width than required by any applicable regulation.

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928 Property consisting mainly of disturbed or fragmented open space determined by the  
929 department as having minimal wildlife habitat significance is ineligible;

930 ~~((17.))~~ 16. Special animal site - three points. "Special animal site" means a site  
931 that includes a wildlife habitat network identified by the King County Comprehensive  
932 Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A  
933 RCW, or a biodiversity area and corridor identified by the Washington state Department  
934 of Fish and Wildlife's priority habitats and species project as of the date of the application  
935 as identified by King County or local or state jurisdiction or by expert verification  
936 acceptable to the department or local jurisdiction. Property consisting mainly of  
937 disturbed or fragmented open space determined by the department to have minimal  
938 wildlife habitat significance is ineligible for this category;

939 ~~((18.))~~ 17. Surface water quality buffer – five, eight, or ten total points. "Surface  
940 water quality buffer" means an undisturbed area that has a plant community in which  
941 native plants are dominant abutting a lake, pond, stream, shoreline, wetland, or marine  
942 waters on or abutting the property, that provides buffers beyond that required by any  
943 applicable regulation. To receive five points, the buffer shall be at least fifty percent  
944 wider than the buffer required by any applicable regulation. To receive eight points, the  
945 buffer shall be at least two times the required width. To receive ten points, the buffer  
946 shall be at least three times the required width. The qualifying buffer shall be longer than  
947 twenty-five feet and shall be preserved from clearing or maintenance, unless this area is  
948 part of a department-approved ecological enhancement, farm management, forest  
949 stewardship, ~~((rural stewardship,))~~ or resource restoration plan. Grazing use by livestock  
950 on such land is prohibited;

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951           ~~((19.))~~ 18. Urban open space - five points.

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

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

958           (2) the land protects streams or water supply;

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

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

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

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

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

970           ~~((20.))~~ 19. Watershed protection area - five points. "Watershed protection area"  
971 means property contributing to the forest cover that provides run-off reduction and  
972 groundwater protection. The property shall consist of contiguous native forest or be in  
973 the process of reforestation. The enrolling forested area shall consist of additional forest



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

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

1. Conservation easement or historic preservation easement - eighteen points.

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

2. Contiguous parcels under separate ownership - two points.

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

(1) the enrolling parcels and open space acreage abut each other without a

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997 significant human-made barrier separating them; or

998 (2) the enrolling parcels do not abut each other, but abut a publicly owned  
999 open space, without a significant human-made barrier separating the publicly owned open  
1000 space and the open space portion of the parcels seeking open space classification.

1001 b. Award of this category requires a single application by multiple owners and  
1002 parcels with identical qualifying public benefit rating system resources. Only a single  
1003 application fee is required.

1004 c. Contiguous parcels of land with the same qualifying public benefit rating  
1005 system resources are eligible for treatment as a single parcel if open space classification  
1006 is sought under the same application except as otherwise prohibited by the farm and  
1007 agricultural conservation land category. Each parcel need not meet the minimum acreage  
1008 requirements for a resource category so long as the total area of all enrolling land  
1009 combined meets any required minimum acreage requirements. The owners of each  
1010 parcel included in the application shall agree to identical terms and conditions for  
1011 enrollment in the program.

1012 d. Individual parcels or portions of parcels may be withdrawn or removed from  
1013 open space classification, consistent with all applicable rules and regulations. The  
1014 continued eligibility of all parcels and associated acreage remaining in open space  
1015 classification accepted under the same application is dependent upon the continued  
1016 qualification for a resource category or categories.

1017 e. Points are awarded for each participating owner above one owner and accrue  
1018 to all owners of a single application. The withdrawal or removal of all enrolled acreage  
1019 associated with an owner results in the loss of two points for each remaining owner;

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1020           3. Easement and access – thirty-five points. "Easement and access" means that  
1021 the property has at least one qualifying open space resource, unlimited public access or  
1022 limited public access due to resource sensitivity, and a conservation easement or historic  
1023 preservation easement in perpetuity in a form and with conditions acceptable to the  
1024 department. A property shall only be eligible in this category if it receives credit for an  
1025 open space category and for the conservation easement or historic easement in perpetuity  
1026 category. The owner shall agree to allow public access to the portion of the property  
1027 designated for public access in the easement. An easement required by zoning,  
1028 subdivision conditions, or other land use regulation is not eligible, unless there is  
1029 additional easement area beyond that required. Credit for this category may not overlap  
1030 with the equestrian-pedestrian-bicycle trail linkage;

1031           4. Public access - points depend on type and frequency of access allowed.  
1032 "Public access " means the general public is allowed access on an ongoing basis for uses  
1033 such as recreation, education, or training. Access shall be allowed on the portion of the  
1034 property that is designated for public access. The landowner may impose reasonable  
1035 restrictions on access, such as limiting use to daylight hours, agreed to by the department.  
1036 No physical barriers may limit reasonable public access or negatively affect an open  
1037 space resource. A property owner shall demonstrate that the property is open to public  
1038 access and is used by the public. Award of public access points for historic properties is  
1039 subject to approval by the historic preservation officer of King County or a certified  
1040 officer of another local government jurisdiction in which the property is located. The  
1041 property owner may be required to furnish and maintain signage according to county  
1042 specifications.

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1043           a. Unlimited public access - five points. Year-round access by the general  
1044 public is allowed without special arrangements with the property owner.

1045           b. Limited public access ((~~because of~~) due to resource sensitivity - five points.  
1046 Access may be reasonably limited by the property owner due to the sensitive nature of  
1047 the resource, with access provided only to appropriate user groups. The access allowed  
1048 should generally be for an educational, scientific, or research purpose and may require  
1049 special arrangements with the owner.

1050           c. Seasonally limited public access - three points. Access by the public is  
1051 allowed only for part of the year due to due to seasonal conditions, as mutually agreed to  
1052 by the landowner and the department.

1053           d. Environmental education access - three points. The landowner enters into  
1054 an agreement with a school, with an organization with 26 U.S.C. Sec. 501(c)(3) tax  
1055 status, or, with the agreement of the department, with another community organization  
1056 that allows membership by the general public to provide environmental education to its  
1057 members or the public at large. The department shall verify that the enrolled portion of  
1058 the property has value for environmental education purposes.

1059           e. None or members-only - zero points. No public access is allowed or the  
1060 access is allowed only by members of the organization using or owning the land; and

1061           5. Resource restoration – five points. "Resource restoration" means restoration  
1062 of an enrolling area of property benefiting an area in an open space resource category.  
1063 Emphasis is placed on the restoration of native vegetation associated with anadromous  
1064 fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and  
1065 wetland habitats. The owner shall provide and implement a restoration plan approved by

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

SECTION 7. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

A.1. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations ~~((subject to the following:))~~.

~~((1:))~~ 2. The ~~((following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)))~~ exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level.

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1089 The exemptions in subsection A.3. of this section shall not apply when the proposal:

1090 a. is undertaken wholly or partly on lands covered by water;

1091 b. requires a license governing discharges to water that is not exempt under  
 1092 RCW 43.21C.0383;

1093 c. requires a license governing emissions to air that is not exempt under RCW  
 1094 43.21C.0381 or WAC 197-11-800(7) or (8); or

1095 d. requires a land use decision that is not exempt under WAC 197-11-800(6).

1096 3. The county adopts the following thresholds for minor new construction under  
 1097 WAC 197-11-800(1):

1098 a. The construction or location of ~~((any residential structures of))~~ up to twenty  
 1099 dwelling units within the ~~((boundaries of an u))~~ Urban ((g))Growth ((a))Area((;)) or ~~((of~~  
 1100 ~~any residential structures of))~~ up to eight dwelling units outside ~~((of))~~ the ~~((boundaries of~~  
 1101 ~~an u))~~ Urban ((g))Growth ((a))Area;

1102 b. The construction of a barn, loafing shed, farm equipment storage building,  
 1103 produce storage or packing structure, or similar agricultural structure, covering up to  
 1104 thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square  
 1105 feet in all other zones, and to be used only by the property owner or agent in the conduct  
 1106 of farming the property. This exemption shall not apply to feed lots;

1107 c. The construction of an office, school, commercial, recreational, service, or  
 1108 storage building with up to twelve thousand square feet of gross floor area, and with  
 1109 associated parking facilities designed for up to forty automobiles;

1110 d. The construction of a parking lot designed for up to forty automobiles; and

1111 e. ~~((Any f))~~ Fill or excavation ((of)) as follows:

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1112                    (1) up to five hundred cubic yards throughout the total lifetime of the fill or  
 1113                    excavation ~~((and))~~ for activities not otherwise specified in this section;

1114                    (2) any fill or excavation necessary for the projects in subsections A.3.a.  
 1115                    through A.3.d. of this section;

1116                    (3) any fill or excavation classified as a class I, II, or III forest practice under  
 1117                    RCW 76.09.050 or regulation thereunder~~((: The categorical exemption threshold shall~~  
 1118                    ~~be)); and~~

1119                    (4) up to one hundred cubic yards for any fill or excavation that is in ((an  
 1120                    ~~aquatic area, wetland,))~~ a steep slope, ((or)) landslide, or alluvial fan hazard area. ((If the  
 1121                    ~~proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope~~  
 1122                    ~~or landslide hazard area to correct a violation, the threshold shall be five hundred cubic~~  
 1123                    ~~yards.))~~

1124                    ~~2.))~~ 4. The determination of whether a proposal is categorically exempt shall be  
 1125                    made by the county department that serves as lead agency for that proposal.

1126                    B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as  
 1127                    follows:

1128                    1. If the department issues a mitigated DNS, conditions requiring compliance  
 1129                    with the mitigation measures which were specified in the application and environmental  
 1130                    checklist shall be deemed conditions of any decision or recommendation of approval of  
 1131                    the action.

1132                    2. If at any time the proposed mitigation measures are withdrawn or  
 1133                    substantially changed, the responsible official shall review the threshold determination  
 1134                    and, if necessary, may withdraw the mitigated DNS and issue a DS.

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1135           NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06  
 1136 a new section to read as follows:

1137           Active nest: a nest or breeding site that is actively being used, built, or repaired  
 1138 by birds.

1139           SECTION 9. Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039  
 1140 are hereby amended to read as follows:

1141           Agricultural products: products that include, but are not limited to:

1142           A. Horticultural, viticultural, floricultural, and apiary products;

1143           B. Livestock and livestock products;

1144           C. Animal products, including, but not limited to, upland finfish, dairy products,  
 1145 meat, poultry, and eggs;

1146           D. Feed or forage for livestock;

1147           E. ~~((Christmas-t))Trees((, hybrid cottonwood and similar hardwood trees))~~ grown  
 1148 as crops and harvested within twenty years of planting; and

1149           F. Turf, sod, seed, and related products.

1150           NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter  
 1151 21A.06 a new section to read as follows:

1152           Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a  
 1153 stream flows or has flowed out of an upland onto a flat plain or valley floor due to a  
 1154 sudden change in sediment transport capacity, such as a significant change in slope or  
 1155 confinement.

1156           NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter  
 1157 21A.06 a new section to read as follows:

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1158 Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural  
1159 hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan  
1160 hazard areas are a type of geological hazard area.

1161 SECTION 12. Ordinance 15051, Section 7, as amended, and K.C.C.  
1162 21A.06.072C are hereby amended to read as follows:

1163 A. Aquatic areas include:

1164 1. ~~((Nonwetland w))~~Water features ~~((including: all))~~, such as shorelines of the  
1165 state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water~~((, such~~  
1166 ~~as lakes, ponds and reservoirs))~~;

1167 2. Impoundments, ~~((such as))~~ which include bodies of water collected in  
1168 reservoirs, dams, or ((ponds)) through natural disturbance events, if any portion of the  
1169 contributing water is from a ~~((nonwetland))~~ water feature listed in subsection A.1. of this  
1170 section; ~~((and))~~

1171 3. Above~~((-))~~ground open water conveyance systems, such as ditches, if any  
1172 portion of the contributing water is used by fish; and

1173 4. Aboveground or underground water conveyance system, if any portion of  
1174 the contributing water is from ((either)) a wetland or a ((nonwetland)) water feature listed  
1175 in subsection A.1., ((or)) A.2., or A.3. of this section((, or both)).

1176 B. "Aquatic areas" does not include water features where the source of  
1177 contributing water is entirely artificial, including, but not limited to, ground~~((-))~~water  
1178 wells, and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or  
1179 drainage ditches that lie within the boundaries of, and are maintained by, a port district or  
1180 an irrigation district or company.

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1181           NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter  
1182 21A.06 a new section to read as follows:

1183           Aquatic area functions: the physical, biological, chemical, and geologic  
1184 interactions among different components of the environment that occur within aquatic  
1185 areas. Aquatic area functions include, but are not limited to, functions that improve water  
1186 quality, functions that provide for the availability of surface water and groundwater by  
1187 acting as recharge and discharge areas, functions to allow the conveyance of water,  
1188 sediment, organisms, and other organic matter, functions that facilitate food chain  
1189 production and nutrient cycling, and functions that provide habitat for plants and animals,  
1190 including nesting, rearing, feeding, and resting habitat.

1191           SECTION 14. Ordinance 10870, Section 70, as amended, and K.C.C.  
1192 21A.06.122 are hereby amended to read as follows:

1193           Buffer: a designated area contiguous to a ~~((steep slope or landslide hazard area~~  
1194 ~~intended to protect slope stability, attenuation of surface water flows and landslide~~  
1195 ~~hazards or a designated area contiguous to and))~~ critical area that is intended to protect  
1196 and be ~~((an))~~ integral ~~((part of an aquatic area or wetland))~~ to the functions and values of  
1197 the critical area and reduce impacts from adjacent land uses.

1198           NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter  
1199 21A.06 a new section to read as follows:

1200           Climate-adaptive plants: native plant species or variants that are from western  
1201 North American climates expected to be analogous to the Puget Sound region that are  
1202 predicted to survive under changing climate conditions.

1203           SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C.

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1204 21A.06.200 are hereby amended to read as follows:

1205 Coal mine hazard area: an area directly underlain, adjacent to, or ~~((directly))~~  
1206 affected by operative or abandoned subsurface coal mine workings such as adits, tunnels,  
1207 drifts, or air shafts.

1208 SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby  
1209 amended to read as follows:

1210 Critical aquifer recharge area: an area with a critical recharging effect on aquifers  
1211 used for potable water or areas where an aquifer is susceptible to reduced recharge, and  
1212 designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ~~((that~~  
1213 ~~has))~~. Critical aquifer recharge areas include areas with a high susceptibility to ground~~((~~  
1214 ~~))~~water contamination or an area of medium susceptibility to ground~~((--))~~water  
1215 contamination that is located within a sole source aquifer or within an area approved in  
1216 accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or  
1217 district drinking water system, or an area over a sole source aquifer and located on ~~((an~~  
1218 ~~island surrounded by saltwater))~~ Vashon-Maury Island. Susceptibility to ground~~((~~  
1219 ~~))~~water contamination occurs where there is a combination of permeable soils, permeable  
1220 subsurface geology and ground~~((--))~~water close to the ground surface.

1221 SECTION 18. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby  
1222 amended to read as follows:

1223 Critical area: any area that is subject to natural hazards or a land feature that  
1224 supports unique, fragile, or valuable natural resources including fish, wildlife, or other  
1225 organisms or their habitats or such resources that carry, hold, or purify water in their  
1226 natural state. "Critical area" includes the following areas:

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- 1227 A. ~~((Aquatic areas;~~
- 1228 ~~B. Coal mine hazard areas;~~
- 1229 ~~C.)) Critical aquifer recharge areas;~~
- 1230 ~~((D. Erosion hazard areas;~~
- 1231 ~~E. Flood hazard areas;~~
- 1232 ~~F. Landslide hazard areas;~~
- 1233 ~~G. Seismic hazard areas;~~
- 1234 ~~H. Steep slope hazard areas;~~
- 1235 ~~I. Volcanic hazard areas;~~
- 1236 ~~J.)) B. Frequently flooded areas, regulated as flood hazard areas, including:~~
- 1237 ~~1. Floodplains;~~
- 1238 ~~2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;~~
- 1239 ~~3. Zero-rise flood fringe;~~
- 1240 ~~4. Zero-rise floodways;~~
- 1241 ~~5. FEMA floodways; and~~
- 1242 ~~6. Channel migration zones;~~
- 1243 ~~C. Fish and wildlife habitat conservation areas, including:~~
- 1244 ~~1. Aquatic areas;~~
- 1245 ~~2. Riparian areas;~~
- 1246 ~~3. Wildlife habitat conservation areas; and~~
- 1247 ~~4. Wildlife habitat networks;~~
- 1248 ~~D. Geologically hazardous areas, including:~~
- 1249 ~~1. Alluvial fan hazard areas;~~

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1250            2. Channel migration zones;

1251            3. Coal mine hazard areas;

1252            4. Erosion hazard areas;

1253            5. Landslide hazard areas;

1254            6. Seismic hazard areas;

1255            7. Steep slope hazard areas;

1256            8. Tsunami hazard areas; and

1257            9. Volcanic hazard areas; and

1258            E. Wetlands((;

1259            ~~K. Wildlife habitat conservation areas; and~~

1260            ~~L. Wildlife habitat networks)).~~

1261            NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter

1262            21A.06 a new section to read as follows:

1263            Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within  
1264            shorelines of the state, and floodplains designated as shorelines of the state in the  
1265            shoreline master program.

1266            NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter

1267            21A.06 a new section to read as follows:

1268            Debris flow: a moving mass of rock fragments, soil, and mud, where more than  
1269            half of the particles are larger than sand size.

1270            NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter

1271            21A.06 a new section to read as follows:

1272            Ecological professional: a person having a degree in ecology, wildlife biology,

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1273 wetland biology, fisheries, botany, soil science, environmental science, natural resource  
 1274 management, or a closely related field, with a minimum of five years of professional  
 1275 experience related to the subject ecological field. Professional certification in a relevant  
 1276 ecological field can be substituted for two years of professional experience.

1277 SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C.

1278 21A.06.415 are hereby amended to read as follows:

1279 Erosion hazard area: ~~((an))~~ a geologically hazardous area underlain by soils that  
 1280 ~~((is))~~ are subject to severe erosion when disturbed. ~~((These))~~ Such soils include, but are  
 1281 not limited to~~((;))~~;

1282 A. ~~((t))~~ Those classified as having a severe to very severe erosion hazard  
 1283 according to the United States Department of Agriculture ~~((Soil))~~ Natural Resources  
 1284 Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King  
 1285 County Soils Survey or any subsequent revisions or addition by or to these sources ~~((such~~  
 1286 ~~as))~~;

1287 B. ~~((a))~~ Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

1288 C. ~~((a))~~ Any of the following when they occur on slopes inclined at fifteen percent  
 1289 or more:

1290 ~~((A. The))~~ 1. Alderwood gravely sandy loam ("AgD");

1291 ~~((B. The))~~ 2. Alderwood and Kitsap soils ("AkF");

1292 ~~((C. The))~~ 3. Beausite gravely sandy loam ("BeD" and "BeF");

1293 ~~((D. The))~~ 4. Kitsap silt loam ("KpD");

1294 ~~((E. The))~~ 5. Ovall gravely loam ("OvD" and "OvF");

1295 ~~((F. The))~~ 6. Ragnar fine sandy loam ("RaD"); and

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1296 ((G. The)) 7. Ragnar-Indianola Association ("RdE").

1297 SECTION 23. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby  
1298 amended to read as follows:

1299 Farm field access drive: a((n)) paved or impervious ((surface constructed to  
1300 ~~provide a fixed~~)) route or path used for moving livestock, produce, equipment, or  
1301 supplies to and from farm fields, and farm structures for agricultural activities.

1302 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter  
1303 21A.06 a new section to read as follows:

1304 Fish and wildlife habitat conservation areas:

1305 A. Areas that serve a critical role in sustaining needed habitats and species for the  
1306 functional integrity of the ecosystem, and which, if altered, may reduce the likelihood  
1307 that the species will persist over the long term. These areas may include, but are not  
1308 limited to, rare or vulnerable ecological systems, communities, and habitat or habitat  
1309 elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas,  
1310 wildlife habitat network, and areas with high population density or species richness.

1311 B. Fish and wildlife habitat conservation areas do not include artificial water  
1312 carrying features or constructs such as irrigation delivery systems, irrigation  
1313 infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and  
1314 are maintained by, a port district or an irrigation district or company.

1315 SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby  
1316 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

1317 SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby  
1318 amended to read as follows:

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1319           ~~((Habitat, f))~~Fish habitat: habitat that is used by native fish species, including  
 1320 anadromous or resident salmonids, at any life stage at any time of the year ~~((including~~  
 1321 ~~potential habitat likely to be used by anadromous or resident salmonids))~~. "Fish habitat"  
 1322 includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal  
 1323 channels, and potential habitat that is upstream ~~((of,))~~ or landward of~~((;))~~ human-made  
 1324 barriers that could be accessible to~~((, and))~~ or ~~((could be))~~ used by~~((;))~~ fish upon removal  
 1325 of the barriers. ~~((This includes off-channel habitat, flood refuges, tidal flats, tidal~~  
 1326 ~~channels, streams and wetlands.))~~

1327           NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter  
 1328 21A.06 a new section to read as follows:

1329           Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or  
 1330 other geological events. Areas classified as geologically hazardous areas include:

- 1331           A. Alluvial fan hazard areas;
- 1332           B. Channel migration zones;
- 1333           C. Coal mine hazard areas;
- 1334           D. Erosion hazard areas;
- 1335           E. Landslide hazard areas;
- 1336           F. Seismic hazard areas;
- 1337           G. Steep slope hazard areas;
- 1338           H. Tsunami hazard areas; and
- 1339           I. Volcanic hazard areas.

1340           NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter  
 1341 21A.06 a new section to read as follows:



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1342 Geological professional: a geotechnical engineer or geologist, licensed in  
1343 Washington state and experienced in analyzing geologic, hydrologic, and groundwater  
1344 flow systems, as well as, preparing reports for the relevant geological subdisciplines.

1345 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter  
1346 21A.06 a new section to read as follows:

1347 Grazing area buffer: a designated area contiguous to a wetland or aquatic area  
1348 from which livestock are excluded.

1349 SECTION 30. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby  
1350 recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

1351 SECTION 31. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are  
1352 hereby amended to read as follows:

1353 ~~((Tree, hazard))~~ Hazard tree: any tree with a structural defect, combination of  
1354 defects or disease resulting in structural defect that, under the normal range of  
1355 environmental conditions at the site, will result in the loss of a major structural  
1356 component of that tree in a manner that will:

1357 A. Damage a ~~((residential structure))~~ building, ~~((or))~~ accessory structure, or  
1358 parking for a residential use, place of employment, ~~((or))~~ public assembly ~~((or approved~~  
1359 ~~parking for a residential structure or accessory structure or place of employment or public~~  
1360 ~~assembly))~~);

1361 B. Damage a ~~((n-approved))~~ road or utility facility; or

1362 C. Prevent emergency access ~~((in the case of medical hardship))~~.

1363 SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C.  
1364 21A.06.680 are hereby amended to read as follows:

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- 1365           Landslide hazard area: an area subject to severe risk of landslide, such as:
- 1366           A. An area with a combination of:
- 1367                 1. Slopes steeper than fifteen percent of inclination;
- 1368                 2. Impermeable soils, such as silt and clay, frequently interbedded with granular
- 1369       soils, such as sand and gravel; and
- 1370                 3. Springs or ground water seepage;
- 1371           B. An area that has shown movement during the Holocene epoch, which is from
- 1372       ten thousand years ago to the present, or that is underlain by mass wastage debris from
- 1373       that epoch;
- 1374           C. Any area potentially unstable as a result of rapid stream incision, stream bank
- 1375       erosion or undercutting by wave action;
- 1376           D. An area that shows evidence of or is at risk from snow avalanches; or
- 1377           E. An area located on an alluvial fan(~~((, presently or potentially subject to))~~) that is
- 1378       susceptible to episodic inundation (~~((by debris flows or deposition of stream transported~~
- 1379       ~~sediments))~~ sedimentation, and erosional impacts.

1380           SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C.

1381       21A.06.750 are hereby amended to read as follows:

1382           Mitigation: an action taken to compensate for (~~((adverse))~~) unavoidable impacts to

1383       the environment resulting from a development activity or alteration after avoidance and

1384       mitigation sequencing is applied.

1385           NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter

1386       21A.06 a new section to read as follows:

1387           Notice of map amendment:

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1388           A. A letter issued by the department of natural resources and parks indicating that  
1389 the classification of a critical area has been changed on one of the following critical areas  
1390 maps adopted by ordinance or public rule:

- 1391           1. Critical aquifer recharge areas;  
1392           2. Wildlife habitat networks;  
1393           3. Channel migration zones; or  
1394           4. Flood hazard areas.

1395           B. The notice of map amendment may indicate that an area has been reclassified,  
1396 declassified, or newly classified as a critical area.

1397           NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter  
1398 21A.06 a new section to read as follows:

1399           Revegetation: the reestablishment of vegetation within an area that is well suited to  
1400 thrive in the area.

1401           NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter  
1402 21A.06 a new section to read as follows:

1403           Riparian area: a designated area contiguous to an aquatic area that provides fish and  
1404 wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects  
1405 water quality. Riparian areas protect the functions and values of aquatic areas and reduce  
1406 impacts from adjacent land uses through various physical, chemical, or biological processes.

1407           SECTION 37. Ordinance 10870, Section 243, as amended, and K.C.C.  
1408 21A.06.1015 are hereby amended to read as follows:

1409           Salmonid: a fish native to the Puget Sound region that is a member of the fish  
1410 family Salmonidae, including(~~(, but not limited to)~~):

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1411 A. Chinook, coho, chum, sockeye, and pink salmon;

1412 B. Rainbow, steelhead, and cutthroat ~~((salmon, which are also known as))~~ trout;

1413 C. ~~((Brown trout;~~

1414 ~~D. Brook, b))~~ Bull trout, which is ~~((also known as))~~ a type of char, and Dolly

1415 Varden char;

1416 ~~((E.))~~ D. Kokanee; ~~((and~~

1417 ~~F.))~~ E. Pygmy whitefish; and

1418 F. Mountain whitefish.

1419 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter

1420 21A.06 a new section to read as follows:

1421 Special flood hazard area or area of special flood hazard: the land subject to

1422 inundation by the base flood. Special flood hazard areas ("SFHA") are designated on

1423 flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and

1424 VE.

1425 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter

1426 21A.06 a new section to read as follows:

1427 Species of local importance: a species designated in the Comprehensive Plan to be

1428 of local concern due to their population status, sensitivity to habitat alteration, or that is a

1429 game species.

1430 SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C.

1431 21A.06.1240 are hereby amended to read as follows:

1432 Stream: an aquatic area where surface water produces a channel, not including a

1433 wholly artificial channel~~((;))~~ unless ~~((it))~~ the artificial channel is:

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1434 A. Used by ~~((salmonids))~~ fish; or

1435 B. Used to convey a stream or wetland that occurred naturally before

1436 construction of the artificial channel.

1437 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter

1438 21A.06 a new section to read as follows:

1439 Tsunami hazard area: a geologically hazardous area susceptible to flooding,  
1440 inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but  
1441 not limited to, tsunami hazard areas shown on the Washington Geological Survey Digital  
1442 Data Series 22, version 2.1, October 2024, and V1-V30, VE, or V zones shown on the Flood  
1443 Insurance Rate Maps.

1444 SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C.

1445 21A.06.1370 are hereby amended to read as follows:

1446 Volcanic hazard area: ~~((an))~~ a geologically hazardous area subject to pyroclastic  
1447 flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars,  
1448 or related flooding resulting from volcanic activity on Mount Rainier, delineated based  
1449 on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

1450 SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are

1451 hereby amended to read as follows:

1452 Wetland:

1453 A. An area that is inundated or saturated by ground or surface water at a  
1454 frequency and duration sufficient to support, and under normal circumstances does  
1455 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

1456 B. Wetlands generally include swamps, marshes, bogs, and similar areas.

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1457 Wetlands may include those artificial wetlands intentionally created from nonwetland  
1458 areas created to mitigate conversion of wetlands.

1459 C. Wetlands do not include those artificially created wetlands intentionally  
1460 created from nonwetlands sites, including, but not limited to:

- 1461 1. Surface water conveyances for drainage or irrigation;
- 1462 2. Grass-lined swales;
- 1463 3. Canals;
- 1464 4. Detention facilities such as flow control facilities or wetponds;
- 1465 5. Wastewater treatment facilities;
- 1466 6. Farm ponds;
- 1467 7. Landscape amenities; or
- 1468 ((9-)) 8. Those wetlands created after July 1, 1990, that were unintentionally  
1469 created as a result of the construction of a road, street, or highway.

1470 SECTION 44. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are  
1471 hereby amended to read as follows:

1472 Wetland functions: ~~((natural processes performed by wetlands including~~  
1473 ~~functions which are important in facilitating food chain production, providing habitat for~~  
1474 ~~nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the~~  
1475 ~~availability and quality of water, acting as recharge and discharge areas for groundwater~~  
1476 ~~aquifers and moderating surface and storm water flows, as well as performing other~~  
1477 ~~functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988)) the~~  
1478 physical, biological, chemical, and geologic interactions among different components of  
1479 the environment that occur within a wetland. Wetland functions include, but are not

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1480 limited to, functions that improve water quality, functions that change the water regime in  
1481 a watershed such as flood storage, and functions that provide habitat for plants and  
1482 animals.

1483 NEW SECTION. SECTION 45. There is hereby added to K.C.C. chapter  
1484 21A.06 a new section to read as follows:

1485 Wetland values: estimates of the worth, merit, quality, or importance of wetland  
1486 processes, characteristics, or attributes that are considered to benefit society. Values vary  
1487 by watershed or by community. Examples of wetland values include education, research,  
1488 aesthetics, and recreation.

1489 NEW SECTION. SECTION 46. There is hereby added to K.C.C. chapter  
1490 21A.06 a new section to read as follows:

1491 Wildlife lighting: exterior lighting designed and installed to reduce impacts to  
1492 wildlife.

1493 SECTION 47. Ordinance 10870, Section 448, as amended, and K.C.C.  
1494 21A.24.010 are hereby amended to read as follows:

1495 The purpose of this chapter is to implement the goals and policies of the Growth  
1496 Management Act, chapter 36\_70A RCW, Washington state Environmental Policy Act,  
1497 chapter 43.21C RCW, and the King County Comprehensive Plan, which call for  
1498 protection of the natural environment and the public health and safety by:

1499 A. Establishing development and alteration standards to protect functions and  
1500 values of critical areas;

1501 B. Protecting members of the general public and public resources and facilities  
1502 from injury, loss of life, property damage, or financial loss due to flooding, erosion,

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1503 avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil  
1504 subsidence, or steep slope failures;

1505 C. Protecting unique, fragile, and valuable elements of the environment,  
1506 including, but not limited to, fish and wildlife and their habitats, and maintaining and  
1507 promoting countywide native biodiversity;

1508 D. Requiring avoidance and mitigation sequencing, including mitigation of  
1509 ~~((unavoidable))~~ impacts to critical areas~~((, by regulating alterations in or near critical~~  
1510 ~~areas))~~ and associated buffers;

1511 E. Preventing cumulative adverse environmental impacts on water availability,  
1512 water quality, ground~~((-))~~water, wetlands, and aquatic areas;

1513 F. Measuring the quantity and quality of wetland and aquatic area resources and  
1514 ~~((preventing overall))~~ ensuring no net loss of wetland, ((and)) aquatic area, and riparian  
1515 area functions and values;

1516 G. Protecting the public trust as to navigable waters, aquatic resources, and fish  
1517 and wildlife and their habitat;

1518 H. Meeting the requirements of the National Flood Insurance Program and  
1519 maintaining King County as an eligible community for federal flood insurance benefits;

1520 I. Alerting members of the public including, but not limited to, appraisers,  
1521 owners, potential buyers, or lessees to the development limitations of critical areas;  
1522 ~~((and))~~

1523 J. Providing county officials with sufficient information ~~((to protect))~~ at the time  
1524 of permit application submittal to determine whether proposed land uses, activities, or  
1525 development could negatively impact critical areas; and

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1526 K. Providing clear and objective standards, application requirements, and review  
 1527 processes for the administration of critical areas protection.

1528 SECTION 48. Ordinance 10870, Section 449, as amended, and K.C.C.  
 1529 21A.24.020 are hereby amended to read as follows:

1530 A. This chapter applies to all land uses and alterations in King County, and all  
 1531 persons within the county shall comply with this chapter.

1532 B. King County shall not approve any permit or otherwise issue any authorization  
 1533 to alter the condition of any land, water, or vegetation or to construct or alter any  
 1534 structure or improvement without first ensuring compliance with this chapter.

1535 C. The presence of a critical area on a site shall require compliance with this  
 1536 chapter regardless of whether a critical area or buffer is depicted on a notice on title or  
 1537 critical area map.

1538 D. Approval of a development proposal in accordance with this chapter does not  
 1539 discharge the obligation of the applicant to comply with this chapter.

1540 ~~((D:))~~ E. When ~~((any other chapter))~~ another provision of the King County Code  
 1541 conflicts with this chapter or when the provisions of this chapter are in conflict, the  
 1542 provision that provides ~~((more))~~ greater environmental protection to ~~((environmentally))~~  
 1543 critical areas shall apply unless specifically provided otherwise in this chapter or unless  
 1544 the provision conflicts with federal or state laws or regulations.

1545 ~~((E:))~~ F. This chapter applies to all forest practices over which the county has  
 1546 jurisdiction under chapter 76.09 RCW and Title 222 WAC.

1547 SECTION 49. Ordinance 15051, Section 137, as amended, and K.C.C.  
 1548 21A.24.045 are hereby amended to read as follows:

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1549 A. ~~((Within the following seven critical areas and their buffers a))~~ All alterations  
 1550 ~~((are allowed if the alteration complies))~~ that comply with the development standards,  
 1551 ~~((impact))~~ avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable  
 1552 requirements ~~((established))~~ in this chapter are allowed within the following critical areas  
 1553 and their buffers:

- 1554 1. Critical aquifer recharge areas;
- 1555 2. Coal mine hazard areas;
- 1556 3. Erosion hazard areas;
- 1557 4. Flood hazard areas ~~((except in))~~ outside of the severe channel migration  
 1558 hazard areas;
- 1559 5. Landslide hazard areas under forty percent slope;
- 1560 6. Moderate channel migration hazard area;
- 1561 7. Seismic hazard areas; ~~((and~~  
 1562 7.)) 8. Tsunami hazard areas; and
- 1563 9. Volcanic hazard areas.

1564 B. Within the following ~~((seven))~~ critical areas and their buffers, unless allowed  
 1565 as an alteration exception under K.C.C. 21A.24.070, only the alterations ~~((on))~~ in the  
 1566 table in subsection C. of this section are allowed if the alteration complies with  
 1567 conditions in subsection D. of this section, ~~((and))~~ the development standards, ~~((impact))~~  
 1568 avoidance and mitigation ~~((requirements))~~ sequencing, and other applicable requirements  
 1569 established in this chapter:

- 1570 1. ~~((Severe channel migration hazard area))~~ Alluvial fan hazard areas;
  - 1571 2. ~~((Landslide hazard area over forty percent slope))~~ Aquatic areas;
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1572 3. (~~((Steep slope hazard area))~~) Landslide hazard areas over forty percent slope;

1573 4. (~~((Wetland))~~) Riparian areas;

1574 5. (~~((Aquatic area))~~) Severe channel migration hazard areas;

1575 6. (~~((Wildlife habitat conservation area; and))~~) Steep slope hazard areas;

1576 7. (~~((Wildlife habitat network))~~) Wetlands;

1577 8. Wildlife habitat conservation areas; and

1578 9. Wildlife habitat networks.

1579 C. Alteration allowances (~~((F))~~) in the following table shall be interpreted as  
1580 follows:

1581 1. If a cell is blank, the alteration is prohibited in the given critical area;

1582 2. An "A" in a cell indicates that an alteration is allowed if the listed conditions  
1583 and any applicable requirements in this chapter are met;

1584 3. A number in a cell indicates that the numbered condition in subsection D. of  
1585 this section applies;

1586 4. Where a series of numbers separated by commas are in a cell, each of the  
1587 applicable numbered conditions for that alteration applies;

1588 5. Where more than one letter-number combination appears in a cell, the  
1589 conditions of at least one letter-number combination shall be met;

1590 6. In cases where an (~~((activity))~~) alteration is included in more than one  
1591 (~~((activity))~~) category, (~~((the numbered conditions applicable to))~~) the most specific  
1592 description of the (~~((activity))~~) alteration shall govern (~~((s. Where more than one numbered~~  
1593 ~~condition appears for a listed activity, each of the relevant conditions specified for that~~  
1594 ~~activity within the given critical area applies.))~~); and

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1595 7. For alterations involving more than one critical area, compliance with the  
 1596 conditions applicable to each critical area is required.

<del>((A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section.))</del>	<u>Steep Slope and Landslid e Hazard Areas Over 40% Slope, and Buffers</u>	<u>Alluvi al Fan Hazard Areas</u>	<del>((<u>Steep Slope Hazard and Buffer</u>)) <u>Severe Channel Migratio n Hazard Area</u></del>	Wetlan d and Buffer	Aquatic Areas <del>((and Buffer))</del> , <u>Riparian Areas</u> <del>((and Severe Channel Migration ))</del>	Wildlife Habitat Conserv ation Areas and Wildlife Habitat Networ ks
<b>Structures</b>						
Construction of new single detached dwelling unit				A 1	<del>((A-2))</del>	
Construction of a new tree- supported structure				A <del>((64))</del> 2	A <del>((64))</del> 2	A <del>((64))</del> 2
<del>((Construction of nonresidential structure))</del>				<del>((A-3))</del>	<del>((A-3))</del>	<del>((A-3, 4))</del>
Maintenance or repair of existing structure	A 5	<u>A 6</u>	<u>A 6</u>	A	A	A 4
Expansion <del>((or replacement))</del> of existing structure	<del>((A-5, 7))</del>	<u>A 6</u>	A <del>((5, 7))</del> 6	A 7 <del>((7, 8))</del>	A <del>((6, 7((,-8))</del>	A 4, 7
<u>Replacement of existing structure</u>	<u>A 5</u>			<u>A 8</u>	<u>A 8</u>	<u>A 4, 8</u>

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Interior remodeling	A	<u>A</u>	A	A	A	A
Construction of new dock or pier				A 9	A ((9,)) 10((,11))	
Maintenance, repair or replacement of dock or pier				A ((12)) 9	A 10((, 11))	A 4
<b>Grading</b>						
Grading	<u>A 13</u> <u>A 14</u>	<u>A 14</u>	A ((13)) 14	<u>A 14</u>	A 14	A 4, 14
Construction of new slope stabilization	A 15 <u>A 16</u>	<u>A 15</u> <u>A 16</u>	A 15 <u>A 16</u>	A 15 <u>A 16</u>	A 15 <u>A 16</u>	A 4, 15 <u>A 4, 16</u>
Maintenance of existing slope stabilization	A <u>15</u> <u>A 16</u>	<u>A 15</u> <u>A 16</u>	A ((13)) <u>16</u> <u>A 17</u>	A <u>16</u> <u>A 17</u>	A 16((,)) <u>A 17</u>	A 4
Mineral extraction	A		((A))			
<b>Clearing</b>						
Clearing	A 18	<u>A 18</u>	A 18 <u>A 20</u>	A 18((,)) <u>A 20</u>	A ((14,)) 18((,)) <u>A 20</u>	A 4, ((14,)) 18 <u>A 4, 20</u>
Cutting firewood	<u>A 21</u>	<u>A 21</u>	((A 21))	((A 21))	((A 21))	A 4, 21
Vegetation <u>removal with a vegetation management plan</u>	A 19	<u>A 19</u>	A 19	A 19	A 19	A 4, 19
((Removal of vegetation for fire safety)) <u>Clearing for the purposes of wildfire preparedness</u>	A 22	<u>A 22</u>	((A 22))	A 22	A 22	A 4, 22

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Removal of noxious weeds or invasive vegetation	A ((23)) <u>57</u>	<u>A 57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A ((23)) <u>57</u>	A 4, ((23)) <u>57</u>
<b>Forest Practices</b>						
Forest management activity	A	<u>A</u>	A	A	A	A 25
<b>Roads</b>						
<u>Construction of new road within unimproved right-of- way</u>						
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)) <u>land division</u>				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	<u>A 26</u>	A <u>26</u>	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	<u>A 16</u>	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A <u>14, 28</u> <u>A 28</u>	<u>A 14,</u> <u>28</u> <u>A 28</u>	A <u>14, 28</u> A 28	A <u>14</u> 28 A 28	A <u>14, 28</u>	A <u>14,</u> 28 A 28
((Construction of farm field access drive))	((A 29))		((A 29))	((A 29))	((A 29))	((A 29))
Maintenance of driveway,	A	<u>A 17</u>	A <u>17</u>	A 17	A 17	A 17,

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private access road, ( <del>farm</del> <del>field access drive</del> ) or parking lot						27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	<u>A 14,</u> <u>39</u>	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>						
Maintenance or repair of bridge or culvert	A 16( <del>(7)</del> ) <u>A 17</u>	<u>A 16</u> <u>A 17</u>	A 16( <del>(7)</del> ) <u>A 17</u>	A 16( <del>(7)</del> ) <u>A 17</u>	A 16( <del>(7)</del> ) <u>A 17</u>	A 16, <u>27</u> <u>A 17,</u> 27
Construction of a new bridge	A 16, 39	<u>A 16,</u> <u>39</u>	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	<u>A 16</u>	A 16, <u>30</u>	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16( <del>(7)</del> ) <u>A 17</u>	<u>A 16,</u> <u>31</u> <u>A 17,</u> <u>31</u>	A 16, <u>31</u> <u>A 17, 31</u>	A 16, <u>31</u> <u>A 17,</u> 31	A <u>16, 31</u> <u>A 17, 31</u>	A <del>((4))</del> <u>27</u>
<b>Utilities and other infrastructure</b>						
Construction of new utility corridor or utility facility	A 32( <del>(7)</del> ) <u>A 33</u>	<u>A 32,</u> <u>34</u> <u>A 33,</u> <u>34</u>	A 32, <del>((33))</del> <u>34</u>	A 32, 34	A 32, 34	A <u>4,</u> <del>((27,))</del> 32, 35
Construction or maintenance of a hydroelectric	A 67	<u>A 66,</u> <u>67</u>	A <del>((67))</del> <u>66</u>	A 66	A 66	A 4, 66

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<del>((generating))</del> <u>generation</u> facility						
Construction of a new residential utility service distribution line	A 32(( <del>7</del> )) <u>A 33</u>	<u>A 29,</u> <u>33</u> <u>A 32</u>	A 29 <u>A 32</u> (( <del>7</del> <del>33</del> ))	A 29 <u>A 32</u> (( <del>7</del> <del>60</del> ))	A 29 <u>A 32</u> (( <del>7</del> <del>60</del> ))	A 27, <u>29</u> <u>A 27,</u> 32(( <del>7</del> <del>60</del> ))
Maintenance, repair or replacement of utility corridor or utility facility	A 32(( <del>7</del> )) <u>A 33</u>	<u>A 32</u> <u>A 33</u>	A 32, (( <del>33</del> )) <u>A</u> <u>34</u> <u>A 36</u>	A 32(( <del>7</del> )) <u>A</u> 34(( <del>7</del> )) <u>A 36</u>	A 32(( <del>7</del> )) <u>A 34</u> (( <del>7</del> )) <u>A 36</u>	A 4, 32 <u>A 4,</u> 37
Construction of a new on-site sewage disposal system or well	(( <del>A 24</del> ))		(( <del>A 24</del> ))	A 63	A 63	
Maintenance or repair of existing well	A 37	<u>A 37</u>	A 37	A 37	A 37	A 4, 37
Maintenance, <del>((or))</del> repair, or <u>replacement of existing</u> on-site sewage disposal system	A 24	<u>A 24,</u> <u>37</u>	A 24, 37	A 24, <u>37</u>	A 24, 37	A 4, <u>24,</u> <u>37</u>
Construction of new surface water conveyance system	A 32(( <del>7</del> )) <u>A 33</u>	<u>A 32,</u> <u>38</u> <u>A 33,</u> <u>38</u>	A 32, (( <del>33</del> )) <u>38</u>	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	



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Maintenance, repair, or replacement of existing surface water conveyance system	A <u>32</u> <u>A 33</u>	<u>A 16</u> <u>A 32</u> <u>A 33,</u> <u>38, 40,</u> <u>41</u>	A <u>16 A</u> <u>32</u> <del>((33))</del> A <u>38, 40,</u> <u>41</u>	A 16( <del>(3)</del> ) <u>A</u> 32( <del>(7)</del> ) <u>A 38</u>	A 16( <del>(,)</del> ) <u>A 32</u> <u>A 38, 40,</u> 41	A 4, <u>32</u> <u>A 4, 37</u>
Construction of new surface water flow control or surface water quality treatment facility		<u>A 32</u>	<u>A 32</u>	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	<u>A 16</u>	A 16	A 16	A 16	A 4, <u>16</u>
Construction of new flood protection facility		<u>A 16,</u> <u>42</u>	<u>A 42</u>	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43 <u>A 43</u>	<u>A 33,</u> <u>43</u> <u>A 43</u>	A <del>((33,))</del> 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	<u>A 61</u>	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	<u>A 16</u>	A 16, <u>44, 45</u>	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A <del>((16))</del>	<u>A</u>	A	A	A	A 4
<b>Recreation</b>						
Construction of new trail	A 46	<u>A 46</u>	A <del>((46))</del> <u>47</u>	A 47	A 47	A 4, 47
Maintenance of outdoor public	A 48	<u>A 48</u>	A 48	A 48	A 48	A 4, 48

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park facility, trail, or publicly improved recreation area						
<b>Habitat, education, and science projects</b>						
Habitat restoration or enhancement project	A 49	<u>A 49</u>	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		<u>A 50</u>	<u>A 50</u>	A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for <u>monitoring and data collection within critical areas</u>	A 51	<u>A 51</u>	A 51	A 51(( <del>52</del> ))	A 51(( <del>52</del> ))	A 4
Environmental education project	A 62	<u>A 62</u>	A 62	A 62	A 62	A 62
<b><u>((Agriculture)) Agricultural Activities</u></b>						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	<u>A 53</u>	A 53 <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>
Grazing livestock	A 53	<u>A 53</u>	A 53 <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>
Construction or maintenance of a commercial fish farm			<u>A 53</u> <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>	A 53(( <del>54</del> )) <u>A 54</u>

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Construction or maintenance of livestock manure storage facility			<u>A 55</u>	A (( <del>53</del> , <del>54</del> ),) <del>55</del>	A (( <del>53</del> , <del>54</del> ),) <del>55</del> (( <del>5</del> , <del>56</del> ))	A (( <del>53</del> , <del>54</del> ),) <u>55</u>
Construction of a livestock heavy use area			<u>A 55</u>	A (( <del>53</del> , <del>54</del> ),) <del>55</del>	A (( <del>53</del> , <del>54</del> ),) <del>55</del> (( <del>5</del> , <del>56</del> ))	A (( <del>53</del> , <del>54</del> ),) <u>55</u>
Construction or maintenance of a farm pad			<u>A 55</u>	A (( <del>56</del> )) <u>55</u>	A (( <del>56</del> )) <u>55</u>	
Construction of agricultural drainage			<u>A 56</u>	A (( <del>57</del> )) <u>56</u>	A (( <del>57</del> )) <u>56</u>	A 4(( <del>57</del> )) <u>56</u>
Maintenance or replacement of <u>existing</u> agricultural drainage	A (( <del>23</del> , <del>58</del> )) <u>57</u>	<u>A 57</u>	A (( <del>23</del> , <del>58</del> )) <u>57</u>	A (( <del>23</del> , <del>53</del> , <del>54</del> , <del>58</del> )) <u>57</u>	A (( <del>23</del> , <del>53</del> , <del>54</del> , <del>58</del> )) <u>57</u>	A 4, (( <del>23</del> , <del>53</del> , <del>54</del> , <del>58</del> )) <u>57</u>
Maintenance of agricultural waterway		<u>A 58</u>	<u>A 58</u>	A (( <del>69</del> )) <u>58</u>	A (( <del>69</del> )) <u>58</u>	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	(( <del>A 53</del> ))	<u>A 53</u> <u>A 54</u>	A 53 <u>A 54</u>	A 53(( <del>5</del> )) <u>A 54</u>	A 53(( <del>5</del> )) <u>A 54</u>	A 53(( <del>5</del> )) <u>A 54</u>
<u>Construction or expansion of farm field access drive</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>	<u>A 59</u>
<u>Construction of nonresidential farm structure</u>		<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 60</u>	<u>A 4, 60</u>
<b>Other</b>						

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Shoreline water dependent or shoreline water oriented use					A 65	
Excavation of cemetery graves in established and approved cemetery	A	<u>A</u>	A	A	A	A
Maintenance of cemetery graves	A	<u>A</u>	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((59)) <u>64</u>	<u>A 64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>	A ((59)) <u>64</u>
Maintenance of golf course	A 17	<u>A 17</u>	A 17	A 17	A 17	A 4, 17

1597 D. The following alteration conditions apply:

1598 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
1599 limitations of subsection D.3. of this section.

1600 2. ~~((Only allowed in a buffer of a lake that is twenty acres or larger on a lot that~~  
1601 ~~was created before January 1, 2005, if:~~

1602 ~~a. at least seventy five percent of the lots abutting the shoreline of the lake or~~  
1603 ~~seventy five percent of the lake frontage, whichever constitutes the most developable~~  
1604 ~~lake frontage, has existing density of four dwelling units per acre or more;~~

1605 ~~b. the development proposal, including mitigation required by this chapter, will~~  
1606 ~~have the least adverse impact on the critical area;~~

1607 ~~c. existing native vegetation within the critical area buffer will remain~~  
1608 ~~undisturbed except as necessary to accommodate the development proposal and required~~  
1609 ~~building setbacks;~~

1610 ~~d. access is located to have the least adverse impact on the critical area and~~

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1611 ~~critical area buffer;~~

1612 ~~e. the site alteration is the minimum necessary to accommodate the~~

1613 ~~development proposal and in no case in excess of five thousand square feet;~~

1614 ~~f. the alteration is no closer than:~~

1615 ~~(1) on a site with a shoreline environment designation of high intensity or~~

1616 ~~residential, the greater of twenty five feet or the average of the setbacks on adjacent lots~~

1617 ~~on either side of the subject property, as measured from the ordinary high water mark of~~

1618 ~~the lake shoreline;~~

1619 ~~(2) on a site with a shoreline environment designation of rural, conservancy,~~

1620 ~~resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent~~

1621 ~~lots on either side of the subject property, as measured from the ordinary high water~~

1622 ~~mark; and~~

1623 ~~(3) on a site with a shoreline environment designation of natural, the greater~~

1624 ~~of one hundred feet or the average of the setbacks on adjacent lots on either side of the~~

1625 ~~subject property, as measured from the ordinary high water mark; and~~

1626 ~~g. to the maximum extent practical, alterations are mitigated on the~~

1627 ~~development proposal site by enhancing or restoring remaining critical area buffers.))~~

1628 Only structures wholly or partially supported by a tree and used as accessory living

1629 quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the

1630 following:

1631 a. not allowed in wildlife habitat conservation areas, wetlands, or aquatic

1632 areas;

1633 b. the structure's floor area shall not exceed two hundred square feet, excluding

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1634 a narrow access stairway or landing leading to the structure;

1635 c. the structure shall be located as far from wetlands or aquatic areas as  
 1636 practical, but in no case closer than seventy-five feet from a wetland or an aquatic area;

1637 d. only one tree-supported structure within a critical area buffer or riparian area  
 1638 is allowed on a lot;

1639 e. all construction materials for the structure, including the platform, pilings,  
 1640 exterior and interior walls, and roof, shall be constructed of nontoxic material, such as  
 1641 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
 1642 fiberglass, or cured concrete that the department determines will not have an impact on  
 1643 water quality;

1644 f. to the maximum extent practical, the exterior of the structure shall be  
 1645 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
 1646 and visibility from the critical area. The camouflage shall be maintained to retain  
 1647 concealment effectiveness;

1648 g. the structure shall not adversely impact the long-term health and viability of  
 1649 the tree. The evaluation shall include, but not be limited to, the following:

1650 (1) the quantity of supporting anchors and connection points to attach the tree  
 1651 house to the tree shall be the minimum necessary to adequately support the structure;

1652 (2) the attachments shall be constructed using the best available tree anchor  
 1653 bolt technology; and

1654 (3) an International Society of Arboriculture Certified Arborist shall evaluate  
 1655 the tree proposed for placement of the tree house and shall submit a report discussing  
 1656 how the tree's long-term health and viability will not be negatively impacted by the tree

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1657 house or associated infrastructure;

1658 h. exterior lighting shall meet the following criteria:

1659 (1) limited to the minimum quantity of lights necessary to meet the building  
 1660 code requirements to allow for safe exiting of the structure and stairway; and

1661 (2) exterior lights shall be fully shielded and shall direct light downward, in  
 1662 an attempt to minimize impacts to the nighttime environment;

1663 i. unless otherwise approved by the department, all external construction shall  
 1664 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
 1665 species during typical breeding, nesting, and rearing seasons;

1666 j. trail access to the structure shall be designed in accordance with trail  
 1667 standards under subsection D.47. of this section;

1668 k. to the maximum extent practical, existing native vegetation shall be left  
 1669 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1670 l. vegetated areas within the critical area buffer or riparian area that are  
 1671 temporarily impacted by construction of the structure shall be revegetated with native  
 1672 vegetation or climate-adaptive plants according to an approved mitigation plan.

1673 ~~3. ((Limited to nonresidential farm structures in grazed or tilled wet meadows,~~  
 1674 ~~or buffers of wetlands or aquatic areas where:~~

1675 ~~a. the site is predominantly used for the practice of agriculture;~~

1676 ~~b. the structure is in compliance with an approved farm management plan in~~  
 1677 ~~accordance with K.C.C. 21A.24.051;~~

1678 ~~c. the structure is either:~~

1679 ~~(1) on or adjacent to existing nonresidential impervious surface areas,~~

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1680 ~~additional impervious surface area is not created waterward of any existing impervious~~  
 1681 ~~surface areas and the area was not used for crop production;~~

1682 ~~(2) higher in elevation and no closer to the critical area than its existing~~  
 1683 ~~position; or~~

1684 ~~(3) at a location away from existing impervious surface areas that is~~  
 1685 ~~determined to be the optimum site in the farm management plan;~~

1686 ~~d. all best management practices associated with the structure specified in the~~  
 1687 ~~farm management plan are installed and maintained;~~

1688 ~~e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not~~  
 1689 ~~require the development of a farm management plan if required best management~~  
 1690 ~~practices are followed and the installation does not require clearing of critical areas or~~  
 1691 ~~their buffers; and~~

1692 ~~f. in a severe channel migration hazard area portion of an aquatic buffer only~~  
 1693 ~~if:~~

1694 ~~(1) there is no feasible alternative location on site;~~

1695 ~~(2) the structure is located where it is least subject to risk from channel~~  
 1696 ~~migration;~~

1697 ~~(3) the structure is not used to house animals or store hazardous substances;~~  
 1698 ~~and~~

1699 ~~(4) the total footprint of all accessory structures within the severe channel~~  
 1700 ~~migration hazard area will not exceed the greater of one thousand square feet or two~~  
 1701 ~~percent of the severe channel migration hazard area on the site)) Repealed.~~

1702 4. No clearing, grading, external construction, or other disturbance in a wildlife



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1703 habitat conservation area is allowed during breeding seasons established under K.C.C.  
 1704 21A.24.382.

1705 5. Allowed for existing legally established structures when:

1706 a. the ~~((landslide))~~ hazard poses little ~~((of))~~ to no risk of injury; and

1707 b. the risk of landsliding or slope instability is low~~((;and~~

1708 ~~e. there is not an expansion of the structure))~~.

1709 6. Within an alluvial fan hazard area or severe channel migration hazard area  
 1710 allowed for:

1711 a. existing legally established primary structures if:

1712 (1) there is not an increase ~~((of))~~ in the footprint of any existing structure; and

1713 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1714 and

1715 b. existing legally established accessory structures if:

1716 (1) additions to the footprint will not make the total footprint of all existing  
 1717 structures more than one~~((-))~~thousand square feet; and

1718 (2) there is no~~((t-an))~~ expansion of the footprint towards any source of

1719 alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that  
 1720 the location is less subject to risk and has less impact on the critical area.

1721 7. Allowed only ~~((in grazed wet meadows or the buffer or building setback~~  
 1722 ~~outside a severe channel migration hazard area))~~ if:

1723 a. the structure was not established as the result of an alteration exception,  
 1724 variance, buffer averaging, or reasonable use exception;

1725 b. the location of the expansion has the least impact on the critical area;

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1726           c. the expansion is on an existing legally established impervious surface, lawn  
1727 or landscaping area, farm field, or grazed area;

1728           d. for a nonresidential structure, the expansion ~~((or replacement))~~ does not  
1729 increase the footprint of a nonresidential structure;

1730           ~~((b.(1)))~~ e. for a legally established dwelling unit or accessory structure, the  
1731 expansion ~~((or replacement, including any expansion of a legally established accessory~~  
1732 ~~structure allowed under this subsection B.7.b.,))~~ does not increase the footprint of the  
1733 dwelling unit and all other structures by more than one thousand square feet,  
1734 cumulatively since January 1, 2005. The footprint limitation does not ~~((including))~~  
1735 include any expansion of a drainfield made necessary by the expansion of the dwelling  
1736 unit. To the maximum extent practical, the ~~((replacement or))~~ expansion of a drainfield  
1737 in the buffer should be located within areas of existing lawn or landscaping, unless  
1738 another location will have a lesser impact on the critical area and ~~((its))~~ associated  
1739 buffer((;

1740           ~~(2) for a structure accessory to a dwelling unit, the expansion or replacement~~  
1741 ~~is located on or adjacent to existing impervious surface areas and does not result in a~~  
1742 ~~cumulative increase in the footprint of the accessory structure and the dwelling unit by~~  
1743 ~~more than one thousand square feet;~~

1744           ~~(3) the location of the expansion has the least adverse impact on the critical~~  
1745 ~~area; and~~

1746           ~~(4) a comparable area of degraded buffer area shall be enhanced through~~  
1747 ~~removal of nonnative plants and replacement with native vegetation in accordance with~~  
1748 ~~an approved landscaping plan;~~

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1749           ~~c. the structure was not established as the result of an alteration exception,~~  
1750 ~~variance, buffer averaging or reasonable use exception;~~

1751           ~~d. to the maximum extent practical, the expansion or replacement is not~~  
1752 ~~located closer to the critical area or within the relic of a channel that can be connected to~~  
1753 ~~an aquatic area; and~~

1754           ~~e. The expansion of a residential structure in the buffer of a Type S aquatic~~  
1755 ~~area that extends towards the ordinary high water mark requires a shoreline variance if:~~

1756                 ~~(1) the expansion is within thirty five feet of the ordinary high water mark; or~~  
1757                 ~~(2) the expansion is between thirty five and fifty feet of the ordinary high~~  
1758 ~~water mark and the area of the expansion extending towards the ordinary high water mark~~  
1759 ~~is greater than three hundred square feet)).~~

1760           8. Allowed ~~((upon another portion of an existing impervious surface outside a~~  
1761 ~~severe channel migration hazard area))~~ only if:

1762                 a. ~~((except as otherwise allowed under subsection D.7. of this section, the~~  
1763 ~~structure is not located closer to the critical area))~~ the location of the replacement is  
1764 within the footprint of the existing structure or has the least impact on the critical area;

1765                 b. ~~((except as otherwise allowed under subsection D.7. of this section, the~~  
1766 ~~existing))~~ the total footprint of all structures and impervious surfaces within the critical  
1767 area or associated buffer is not expanded; ((and))

1768                 c. the replacement is on an existing legally established impervious surface,  
1769 lawn or landscaping area, farm field, or grazed area; and

1770                 d. the ((degraded buffer area is enhanced through removal of nonnative plants  
1771 and replacement)) footprint of an existing structure at an alternative location is

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1772 revegetated with native vegetation or climate-adaptive plants in accordance with an  
 1773 approved ~~((landscaping))~~ mitigation plan.

1774 9. ~~((Limited to piers or seasonal floating docks))~~ Allowed in a category II, III, or  
 1775 IV wetland or ~~((its))~~ associated buffer ~~((or along a lake shoreline or its buffer where))~~ to  
 1776 access an aquatic area if:

1777 a. the vegetation where the alteration is proposed does not consist of dominant  
 1778 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
 1779 of this vegetation is not the result of any violation of law;

1780 b. the wetland or ~~((lake shoreline))~~ aquatic area is not a salmonid spawning  
 1781 area; and

1782 c. hazardous substances or toxic materials are not used~~((; and~~

1783 ~~d. if located in a freshwater lake, the pier or dock conforms to the standards for~~  
 1784 ~~docks under K.C.C. 21A.25.180)).~~

1785 10. Allowed ~~((on type N or O aquatic areas))~~ if:

1786 a. hazardous substances or toxic materials are not used;

1787 b. the aquatic area is not a salmonid spawning area; and

1788 c. on type S or F aquatic areas, complies if in compliance with K.C.C.  
 1789 21A.25.180.

1790 11. ~~((Allowed on type S or F aquatic areas outside of the severe channel~~  
 1791 ~~migration hazard area if in compliance with K.C.C. 21A.25.180))~~ Repealed.

1792 12. ~~((When located on a lake, must be in compliance with K.C.C. 21A.25.180))~~  
 1793 Repealed.

1794 13. Limited to steep slope hazard areas and associated buffers only, for the

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1795 purposes of regrading and stabilizing of a slope formed as a result of a legal grading  
1796 activity.

1797 14. ~~((The following are allowed in the severe channel migration hazard area if~~  
1798 ~~conducted more than one hundred sixty five feet from the ordinary high water mark in~~  
1799 ~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary~~  
1800 ~~high water mark in the urban area:~~

1801 a. ~~grading of up to fifty cubic yards on lot less than five acres; and~~

1802 b. ~~clearing of up to one thousand square feet or up to a cumulative thirty five~~  
1803 ~~percent of the severe channel migration hazard area.))~~ Allowed only for emergency work  
1804 in alluvial fan hazard area and overlapping critical areas if:

1805 a. in response to an emergency event where channel avulsion or migration is  
1806 imminent or has occurred as a result of a pulse of in-channel sediment or debris  
1807 deposition;

1808 b. to prevent an imminent threat to:

1809 (1) public roadways, utilities, and other infrastructure;

1810 (2) sole access driveways and roads;

1811 (3) dwelling units, accessory dwelling units, or accessory living quarters, and  
1812 residential accessory structures;

1813 (4) farm structures necessary to store equipment, produce, or livestock;

1814 c. conducted under an approved emergency authorization request per K.C.C.  
1815 16.082.065;

1816 d. the emergency work is completed within thirty days of receiving a written  
1817 emergency authorization;

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1818            e. the emergency work is the minimum necessary bank stabilization, sediment  
 1819 removal, or repair of existing infrastructure to mitigate the imminent threat;

1820            f. proposed in-stream work is minimized or results in the least impact in the  
 1821 short term to the ecological functions and values of the critical areas present, including  
 1822 special consideration for fish or fish eggs in the project area;

1823            g. downstream sediment runoff and turbidity is minimized and does not exceed  
 1824 the impact of the emergency event;

1825            h. the applicant provides sufficient notice of work to the department for a  
 1826 department representative to be present at the site during work activities, if the  
 1827 department determines that observation is necessary;

1828            i. as part of the permitting process following the emergency authorization, the  
 1829 applicant proposes compensatory mitigation and additional alterations as necessary to:

1830                    (1) mitigate any adverse ecological impacts of the emergency actions;  
 1831                    (2) minimize the risk of alluvial fan hazards that could result in the necessity  
 1832 of future emergency actions to the maximum extent practical; and

1833                    (3) minimize to the maximum extent practical the frequency and magnitude  
 1834 of future adverse ecological impacts that may result from future hazard mitigation  
 1835 activities; and

1836            j. nonemergency work required under the subsequent permit occurs during  
 1837 approved periods for in-stream work and conforms to all other standards in this chapter.

1838            15. Only where erosion or landsliding threatens a primary structure, utility  
 1839 facility, roadway, driveway, or public trail((s)), ~~((aquatic area or wetland if,))~~ and to the  
 1840 maximum extent practical, stabilization work does not disturb the slope and its vegetative

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1841 cover and any associated critical areas.

1842 16. Allowed (~~((when))~~) for projects performed by(~~(;))~~ or at the direction of (~~(or~~  
1843 ~~authorized by))~~ a government agency in accordance with regional road construction and  
1844 maintenance guidelines.

1845 17. Allowed (~~((when))~~) for projects not performed under the direction of a  
1846 government agency only if:

1847 a. the maintenance or expansion does not involve the use of herbicides,  
1848 hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian  
1849 areas, wetlands, or (~~(their))~~ associated buffers; and

1850 b. when maintenance, expansion, or replacement of bridges or culverts  
1851 involves water used by salmonids:

1852 (1) the work (~~((is in compliance))~~) complies with ditch standards in public rule;  
1853 and

1854 (2) the maintenance of culverts is limited to removal of sediment and debris  
1855 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
1856 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
1857 excavation of a new sediment trap adjacent to the inlet.

1858 18. Allowed for the removal of hazard trees and vegetation as necessary for  
1859 surveying or testing purposes.

1860 19. The limited trimming, pruning, or removal of vegetation under a vegetation  
1861 management plan approved by the department:

1862 a. in steep slope and landslide hazard areas, for the making and maintenance of  
1863 view corridors; and

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1864           b. in all critical areas, for habitat enhancement, invasive species control, or  
1865 forest management activities.

1866           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or  
1867 fruits, for restoration and enhancement projects is allowed.

1868           21. ~~((Cutting of firewood is subject to the following:~~

1869           ~~a. within))~~ Allowed only for personal use in a buffer or wildlife habitat

1870 ~~((conservation area, cutting firewood is not allowed;))~~ network if:

1871           ~~((b:))~~ a. done in accordance with an approved forest management plan;

1872           b. no tree containing an active nest is cut; and

1873           c. within a wildlife habitat network, cutting shall be in accordance with a

1874 management plan approved under K.C.C. 21A.24.386~~((; and~~

1875           ~~e. within a critical area buffer, cutting shall be for personal use and in~~

1876 ~~accordance with an approved forest management plan or rural stewardship plan)).~~

1877           22. ~~((Allowed only in buffers if in accordance with best management practices~~

1878 ~~approved by the King County fire marshal))~~ Not allowed in wetlands, aquatic areas,

1879 wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated

1880 buffers within the wildland urban interface if limited to the activities listed in K.C.C.

1881 16.82.051.E.23.

1882           23. ~~((Allowed as follows:~~

1883           ~~a. if conducted in accordance with an approved forest management plan, farm~~

1884 ~~management plan, or rural stewardship plan; or~~

1885           ~~b. without an approved forest management plan, farm management plan, or~~

1886 ~~rural stewardship plan, only if:~~



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1887                   ~~(1) removal is undertaken with hand labor, including hand held mechanical~~  
 1888 ~~tools, unless the King County noxious weed control board otherwise prescribes the use of~~  
 1889 ~~riding mowers, light mechanical cultivating equipment, or herbicides or biological~~  
 1890 ~~control methods;~~

1891                   ~~(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~

1892                   ~~(3) the cleared area is revegetated with native vegetation and stabilized~~  
 1893 ~~against erosion; and~~

1894                   ~~(4) herbicide use is in accordance with federal and state law;))~~ Repealed.

1895                   24. Allowed to repair or replace existing on-site wastewater disposal systems in  
 1896 accordance with the applicable public health standards within Marine Recovery Areas  
 1897 adopted by ~~((the P))~~public ~~((H))~~health - Seattle & King County and:

1898                   a. there is no alternative location available with less impact on the critical area;

1899                   b. ~~((impacts to the critical area are minimized to the maximum extent~~  
 1900 ~~practicable;~~

1901                   ~~e.))~~ the alterations will not subject the critical area to increased risk of  
 1902 landslide or erosion;

1903                   ~~((d.))~~ c. vegetation removal is the minimum necessary to accommodate the  
 1904 septic system; and

1905                   ~~((e.))~~ d. significant risk of personal injury is eliminated or minimized in the  
 1906 landslide hazard area.

1907                   25. Only if in compliance with published Washington state Department of Fish  
 1908 and Wildlife and Washington state Department of Natural Resources ~~((M))~~management  
 1909 standards for the species. If there are no published Washington state standards, only if in

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1910 compliance with management standards determined by the county to be consistent with  
1911 best available science.

1912 26. Allowed only if:

1913 a. there is ~~((not another))~~ no other feasible location with less ~~((adverse))~~ impact  
1914 on the critical area and ~~((its))~~ associated buffer;

1915 b. the ~~((corridor))~~ road is not located over habitat used for salmonid rearing or  
1916 spawning or by a species listed as endangered or threatened by the state or federal  
1917 government unless the department determines that there is no other feasible crossing  
1918 site~~((:))~~;

1919 c. the ~~((corridor))~~ width is minimized to the maximum extent practical;

1920 d. the construction occurs during approved periods for instream work;

1921 e. the ~~((corridor))~~ alteration will not change or diminish the overall aquatic  
1922 area flow peaks, duration, or volume or the flood storage capacity; and

1923 f. no new ~~((public right-of-way is))~~ roads are established within a severe  
1924 channel migration hazard area.

1925 27. To the maximum extent practical, during breeding season established under  
1926 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy  
1927 equipment are not operated within a wildlife habitat conservation area.

1928 28. Allowed only if:

1929 a. an alternative access is not available;

1930 b. impact to the critical area is minimized to the maximum extent practical  
1931 including the use of walls to limit the amount of cut and fill necessary;

1932 c. the risk associated with landslide and erosion is minimized;

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- 1933 d. access is located where it is least subject to risk from channel migration; and
- 1934 e. construction occurs during approved periods for instream work.
- 1935 29. (~~Only if in compliance with a farm management plan in accordance with~~
- 1936 ~~K.C.C. 21A.24.051.~~) Allowed for residential utility service distribution lines to
- 1937 residential dwellings, including, but not limited to, well water conveyance, septic system
- 1938 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:
- 1939 a. there is no alternative location with less impact on the critical area or the
- 1940 buffer; and
- 1941 b. to the maximum extent practical, all of the following are met:
- 1942 (1) not located over habitat used for salmonid rearing or spawning or by a
- 1943 species listed as endangered or threatened by the state or federal government unless the
- 1944 department determines that there is no other feasible crossing site;
- 1945 (2) not located over a type S aquatic area;
- 1946 (3) paralleling the channel or following a down-valley route near the channel
- 1947 is avoided;
- 1948 (4) the width of clearing is minimized;
- 1949 (5) the removal of trees greater than twelve inches diameter at breast height is
- 1950 minimized;
- 1951 (6) a contiguous and undisturbed buffer, equal in area to the disturbed buffer
- 1952 area, is added to protect the critical area;
- 1953 (7) access for maintenance is at limited access points into the buffer;
- 1954 (8) the construction occurs during approved periods for instream work;
- 1955 (9) bored, drilled, or other trenchless crossings are encouraged, and shall be

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1956 laterally constructed at least four feet below the maximum depth of scour for the base  
 1957 flood; and

1958 (10) open trenching across Type O or Type N aquatic areas is only used  
 1959 during low flow periods or only within aquatic areas when they are dry.

1960 30. Allowed only if:

1961 a. the new construction or replacement is made fish passable in accordance  
 1962 with the most recent Washington state Department of Fish and Wildlife manuals or with  
 1963 the National Marine and Fisheries Services guidelines for federally listed salmonid  
 1964 species; and

1965 b. the site is ~~((restored))~~ revegetated with ~~((appropriate))~~ native vegetation or  
 1966 climate-adaptive plants in accordance with an approved mitigation plan.

1967 31. Allowed if necessary to bring the bridge or culvert up to current standards  
 1968 and if:

1969 a. there is no~~((t an))~~ other feasible alternative available with less impact on the  
 1970 aquatic area and ~~((its buffer))~~ adjacent riparian area; and

1971 b. to the maximum extent practical, the bridge or culvert is located to minimize  
 1972 impacts to the aquatic area and ~~((its buffers))~~ adjacent riparian area.

1973 32. Allowed in an existing roadway if conducted consistent with the regional  
 1974 road maintenance guidelines.

1975 33. ~~((Allowed))~~ When outside the roadway, allowed if:

1976 a. the alterations will not subject the critical area to an increased risk ~~((of))~~  
 1977 from landslide, alluvial fan, or erosion hazards;

1978 b. vegetation removal is the minimum necessary to locate the utility or

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1979 construct the corridor; and

1980 c. significant risk of personal injury is eliminated or minimized in the landslide

1981 or alluvial fan hazard area.

1982 34. Limited to the pipelines, cables, wires, and support structures of utility

1983 facilities within utility corridors if:

1984 a. there is no alternative location with less ~~((adverse))~~ impact on the critical

1985 area and ~~((critical area))~~ buffer;

1986 b. ~~((new utility corridors meet))~~ to the maximum extent practical, all of the

1987 following ~~((to the maximum extent practical))~~ are met:

1988 (1) ~~((are))~~ not located over habitat used for salmonid rearing or spawning or

1989 by a species listed as endangered or threatened by the state or federal government unless

1990 the department determines that there is no other feasible crossing site;

1991 (2) ~~((the mean annual flow rate is less than twenty cubic feet per second))~~ not

1992 located over a type S aquatic area; ((and))

1993 (3) paralleling the channel or following a down-valley route near the channel

1994 is avoided;

1995 ~~((e. to the maximum extent practical utility corridors are located so that:~~

1996 ~~((+))~~ (4) the width is the minimized;

1997 ~~((2))~~ (5) the removal of trees greater than twelve inches diameter at breast

1998 height is minimized;

1999 ~~((3))~~ (6) a ~~((n additional;))~~ contiguous and undisturbed ~~((critical area))~~

2000 buffer, equal in area to the disturbed ~~((critical area))~~ buffer area including any allowed

2001 maintenance roads, is ~~((provided))~~ added to protect the critical area;

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2002                    ~~((d. to the maximum extent practical,))~~ (7) access for maintenance is at limited  
2003 access points into the ~~((critical area))~~ buffer rather than by a parallel maintenance road. If  
2004 a parallel maintenance road is necessary, the following standards are met:

2005                    ~~((1) to the maximum extent practical))~~ (a) the width of the maintenance road  
2006 is minimized and in no event ~~((greater))~~ more than fifteen feet; and

2007                    ~~((2))~~ (b) the location of the maintenance road is contiguous to the utility  
2008 corridor on the side of the utility corridor farthest from the critical area;

2009                    (8) the utility corridor serves multiple purposes and properties; and  
2010                    (9) bridges or other construction techniques that do not disturb the critical  
2011 areas are used;

2012                    ~~((e-))~~ c. the utility corridor or facility will not adversely impact the overall  
2013 critical area hydrology or diminish flood storage capacity;

2014                    ~~((f-))~~ d. the construction occurs during approved periods for instream work;

2015                    ~~((g. the utility corridor serves multiple purposes and properties to the~~  
2016 ~~maximum extent practical;~~

2017                    ~~h. bridges or other construction techniques that do not disturb the critical areas~~  
2018 ~~are used to the maximum extent practical;~~

2019                    ~~i-))~~ e. bored, drilled, or other trenchless crossings ~~((is))~~ are laterally constructed  
2020 at least four feet below the maximum depth of scour for the base flood;

2021                    ~~((j-))~~ f. bridge piers or abutments for bridge crossing are not placed within the  
2022 FEMA floodway or the ordinary high water mark;

2023                    ~~((k-))~~ g. open trenching is only used during low flow periods or only within  
2024 aquatic areas when they are dry. The department may approve open trenching of type S

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2025 or F aquatic areas only if there is not a feasible alternative and ~~((equivalent or greater))~~  
 2026 equal or better environmental protection can be achieved; and

2027 ~~((F))~~ h. minor communication facilities may collocate on existing utility  
 2028 facilities if:

2029 (1) no new transmission support structure is required; and

2030 (2) equipment cabinets are located on the transmission support structure.

2031 35. Allowed only for new utility facilities in existing utility corridors.

2032 36. Allowed for onsite private individual utility service connections or private  
 2033 or public utilities if the disturbed area is not expanded and no hazardous substances,  
 2034 pesticides or fertilizers are applied.

2035 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
 2036 maximum extent practical, and no hazardous substances, pesticides, or fertilizers are  
 2037 applied.

2038 38. Allowed if:

2039 a. conveying the surface water into the wetland buffer or ~~((aquatic area buffer))~~  
 2040 riparian area, and discharging into the wetland buffer, ~~((or aquatic area buffer))~~ riparian  
 2041 area, or at the wetland or aquatic area edge, has less ~~((adverse))~~ impact upon the wetland  
 2042 ~~((or))~~, wetland buffer, aquatic area ~~((or wetland or aquatic area buffer))~~, or riparian area  
 2043 than if the surface water were discharged at the buffer~~((s))~~ or riparian area edge and  
 2044 allowed to naturally drain through the buffer or riparian area;

2045 b. the volume of discharge is minimized through application of low impact  
 2046 development and water quality measures identified in the ~~((King County))~~ Surface Water  
 2047 Design Manual;

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- 2048 c. the conveyance and outfall are installed with hand equipment where  
 2049 feasible;
- 2050 d. the outfall shall include bioengineering techniques where feasible; and
- 2051 e. the outfall is designed to minimize ~~((adverse))~~ impacts to critical areas.
- 2052 39. Allowed only if:
- 2053 a. there is no feasible alternative with less impact on the critical area and ~~((its))~~  
 2054 associated buffer;
- 2055 b. to the maximum extent practical, the bridge or culvert is located to minimize  
 2056 impacts to the critical area and ~~((its))~~ associated buffer;
- 2057 c. the bridge or culvert is not located over habitat used for salmonid rearing or  
 2058 spawning unless there is no other feasible crossing site;
- 2059 d. construction occurs during approved periods for in-stream work; and
- 2060 e. bridge piers or abutments for bridge crossings are not placed within the  
 2061 FEMA floodway, severe channel migration hazard area<sub>1</sub> or waterward of the ordinary  
 2062 high water mark.
- 2063 40. Allowed for an open, vegetated stormwater management conveyance system  
 2064 and outfall structure that simulates natural conditions if:
- 2065 a. fish habitat features necessary for feeding, cover<sub>1</sub> and reproduction are  
 2066 included when appropriate;
- 2067 b. vegetation is maintained and added adjacent to all open channels and ponds,  
 2068 if necessary to prevent erosion, filter out sediments<sub>1</sub> or shade the water; and
- 2069 c. bioengineering techniques are used to the maximum extent practical.
- 2070 41. Allowed for a closed, tightlined conveyance system and outfall structure if:



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- 2071 a. necessary to avoid erosion of slopes; and
- 2072 b. bioengineering techniques are used to the maximum extent practical.
- 2073 42. Allowed in a severe channel migration hazard area, riparian area, or an
- 2074 ~~((aquatic area buffer))~~ alluvial fan hazard area to prevent bank erosion only:
- 2075 a. if consistent with the Integrated Streambank Protection Guidelines
- 2076 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
- 2077 techniques are used to the maximum extent practical, unless the applicant demonstrates
- 2078 that other methods provide equivalent structural stabilization and environmental function;
- 2079 b. based on a critical area((s)) report, the department determines that the new
- 2080 flood protection facility will not cause ~~((significant))~~ impacts to upstream or downstream
- 2081 properties; and
- 2082 c. to prevent bank erosion for the protection of:
- 2083 (1) public roadways;
- 2084 (2) sole access routes in existence before February 16, 1995;
- 2085 (3) new primary dwelling units, accessory dwelling units, or accessory living
- 2086 quarters and residential accessory structures located outside the severe channel migration
- 2087 hazard area if:
- 2088 (a) the site is adjacent to or abutted by properties on both sides containing
- 2089 buildings or sole access routes protected by legal bank stabilization in existence before
- 2090 February 16, 1995. The buildings, sole access routes, or bank stabilization ~~((must))~~ shall
- 2091 be located no more than six hundred feet apart as measured parallel to the migrating
- 2092 channel; and
- 2093 (b) the new primary dwelling units, accessory dwelling units, accessory

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2094 living quarters, or residential accessory structures are located no closer to the aquatic area  
 2095 than existing primary dwelling units, accessory dwelling units, accessory living quarters,  
 2096 or residential accessory structures on abutting or adjacent properties; or

2097 (4) existing primary dwelling units, accessory dwelling units, accessory living  
 2098 quarters, or residential accessory structures if:

2099 (a) the structure was in existence before the adoption date of a King County  
 2100 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2101 (b) the structure is in imminent danger, as determined by a ~~((geologist,~~  
 2102 ~~engineering geologist or geotechnical engineer))~~ geological professional;

2103 (c) the applicant has demonstrated that the existing structure is at risk, and  
 2104 the structure and supporting infrastructure cannot be relocated on the lot further from the  
 2105 source of channel migration; and

2106 (d) nonstructural measures are not feasible.

2107 43. Applies to ~~((lawfully))~~ legally established existing structures if:

2108 a. the height of the facility is not increased, unless the facility is being replaced  
 2109 in a new alignment that is landward of the previous alignment and enhances aquatic area  
 2110 habitat and process;

2111 b. the linear length of the facility is not increased, unless the facility is being  
 2112 replaced in a new alignment that is landward of the previous alignment and enhances  
 2113 aquatic area habitat and process;

2114 c. the footprint of the facility is not expanded waterward;

2115 d. consistent with the Integrated Streambank Protection Guidelines

2116 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering

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2117 techniques are used to the maximum extent practical;

2118 e. the site is restored with appropriate native vegetation or climate-adaptive  
 2119 plants and erosion protection materials in accordance with an approved mitigation plan;  
 2120 and

2121 f. based on a critical area((s)) report, the department determines that the  
 2122 maintenance, repair, replacement, or construction will not cause ((significant)) impacts to  
 2123 upstream or downstream properties.

2124 44. Allowed in type N and O aquatic areas if done in the least impacting way at  
 2125 the least impacting time of year, in conformance with applicable best management  
 2126 practices, and all affected instream and ((buffer)) riparian area features are restored.

2127 45. Allowed in ((a)) type S or F ((water)) aquatic areas when such work is:

2128 a. included as part of a project to evaluate, restore, mitigate, or ((improve))  
 2129 enhance habitat((-and));

2130 b. sponsored or cosponsored by a federally recognized Indian tribe, public  
 2131 agency, nonprofit organization that has natural resource management as a function, or  
 2132 ((by a federally recognized tribe)) a higher education institution;

2133 c. projects shall provide a net ecological benefit and increase in functions over  
 2134 the existing ecological and functional conditions of the critical area; and

2135 d. an ecological critical area report shall include:

2136 (1) an evaluation of the anticipated net change in ecological functions from  
 2137 pre-project to post project; and

2138 (2) a monitoring and reporting plan to demonstrate the gain of ecological  
 2139 function.

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2140 46. Allowed ~~((as long as))~~ if the trail surface is ~~((not))~~ constructed of  
2141 ~~((im))~~pervious surfaces that ~~((will))~~ does not contribute to surface water run~~((--))~~off,  
2142 ~~((unless))~~ except when the construction is necessary for soil stabilization, ~~((or))~~ soil  
2143 erosion prevention, ~~((unless the trail system is specifically designed and))~~ intended to  
2144 be accessible to ~~((handicapped))~~ persons with disabilities.

2145 47. ~~((Not allowed in a wildlife habitat conservation area. Otherwise,~~  
2146 ~~a))~~Allowed only in ~~((the))~~ a riparian area or wetland buffer, or for crossing a category II,  
2147 III, or IV wetland or a type F, N, or O aquatic area, or a wildlife habitat network, if:

2148 a. the trail surface is ~~((made))~~ constructed of pervious materials, except ~~((that~~  
2149 ~~public multipurpose trails))~~ when a public trail is intended to be accessible to persons  
2150 with disabilities may be made of impervious materials if they meet all the requirements in  
2151 K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be  
2152 constructed as a raised boardwalk or bridge;

2153 b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat  
2154 network areas are expanded equal to the width of the trail corridor including disturbed  
2155 areas;

2156 c. there is not another feasible location with less ~~((adverse))~~ impact on the  
2157 critical area and ~~((its))~~ associated buffer;

2158 d. the trail is not located over habitat used for salmonid rearing or spawning or  
2159 by a species listed as endangered or threatened by the state or federal government unless  
2160 the department determines that there is no other feasible crossing site;

2161 e. the trail width is minimized to the maximum extent practical and private  
2162 foot trails are limited to three feet in width;

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- 2163 f. the construction occurs during approved periods for instream work; ~~((and))~~
- 2164 g. the trail corridor will not change or diminish the overall aquatic area flow
- 2165 peaks, duration or volume or the flood storage capacity~~((-))~~;
- 2166 h. the trail shall minimize impacts within a wetland buffer, riparian area, or
- 2167 wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to
- 2168 the maximum extent practical;
- 2169 i. the work does not involve the use of herbicides, hazardous substances,
- 2170 sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands, or
- 2171 associated buffers;
- 2172 j. the trail may be ~~((located across a critical area buffer))~~ allowed to cross a
- 2173 riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform
- 2174 or to a permitted dock or pier; and
- 2175 ~~((i. A))~~ k. a private viewing platform may be allowed if it is:
- 2176 (1) located upland from the wetland edge or the ordinary high water mark of
- 2177 an aquatic area;
- 2178 (2) located where it will not be detrimental to the functions of the wetland or
- 2179 aquatic area and will have the least adverse environmental impact on the critical area or
- 2180 ~~((its))~~ associated buffer;
- 2181 (3) limited to fifty square feet in size;
- 2182 (4) constructed of materials that are nontoxic; and
- 2183 (5) on footings located outside of the wetland or aquatic area.
- 2184 48. Only if the maintenance:
- 2185 a. does not involve the use of herbicides or other hazardous substances except

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2186 for the removal of noxious weeds or invasive vegetation;

2187 b. when salmonids are present, the maintenance is in compliance with ditch

2188 standards in public rule; and

2189 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,

2190 culvert, engineered slope, or other improved area being maintained.

2191 49. Limited to alterations to create, restore, or enhance habitat forming

2192 processes or ~~((directly restore))~~ habitat functions and values, including ~~((access for))~~

2193 construction access necessary for the project, as follows:

2194 a. ~~((projects sponsored or cosponsored by a public agency that has natural~~

2195 ~~resource management as a primary function or by a federally recognized tribe;~~

2196 ~~b. restoration and enhancement plans prepared by a qualified biologist; or~~

2197 ~~c. conducted in accordance with an approved forest management plan, farm~~

2198 ~~management plan or rural stewardship plan))~~ Projects shall provide a net ecological

2199 benefit and increase in functions over the existing ecological and functional conditions of

2200 the critical area; and

2201 b. An ecological critical area report shall include:

2202 (1) an evaluation of the anticipated net change in ecological functions from

2203 pre-project to post project; and

2204 (2) a monitoring and reporting plan to demonstrate the gain of ecological

2205 function.

2206 50. Allowed in accordance with a scientific sampling permit issued by

2207 Washington state Department of Fish and Wildlife or an incidental take permit issued

2208 under Section 10 of the Endangered Species Act.

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2209           51.a. Allowed ~~((for the))~~ if done with minimal clearing and grading, including  
 2210 site access, necessary to prepare critical area reports.

2211           ~~((52.))~~ b. The following are allowed in a wetland, wetland buffer, aquatic area,  
 2212 riparian area, and severe channel migration hazard area if associated spoils are contained:

2213           ~~((a.))~~ (1) data collection and research if carried out to the maximum extent  
 2214 practical by nonmechanical or hand~~((--))~~held equipment;

2215           ~~((b.))~~ (2) survey monument placement;

2216           ~~((c.))~~ (3) site exploration and gage installation if performed in accordance with  
 2217 state-approved sampling protocols and accomplished to the maximum extent practical by  
 2218 hand~~((--))~~held equipment ~~((and))~~; or

2219           (4) similar work associated with an incidental take permit issued under  
 2220 Section 10 of the Endangered Species Act or consultation under Section 7 of the  
 2221 Endangered Species Act.

2222           52. Repealed.

2223           53. ~~((Limited to))~~ a. Allowed for agricultural activities in the same footprint if:  
 2224           (1) in continuous existence ~~((since))~~ as of January 1, 2005~~((, with no~~  
 2225 ~~expansion within the critical area or critical area buffer))~~; or

2226           (2) legally established after January 1, 2005, and in continuous existence since  
 2227 establishment.

2228           b. "Continuous existence" includes cyclical operations and managed periods of  
 2229 soil restoration, enhancement or other fallow states not exceeding seven years and  
 2230 associated with these ~~((horticultural and))~~ agricultural activities. Transfer of ownership,  
 2231 sale, or leasing of land shall not affect continuous existence.

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2232 54. Only ~~((A))~~ allowed ~~((for))~~ as follows:

2233 a. Limited to the following activities:

2234 (1) expansion of existing agricultural activities qualifying under subsection

2235 D.53. of this section;

2236 (2) conversion of one type of agricultural activity to another, including

2237 changing the types of crops harvesting method or changing from crops to livestock,

2238 qualifying under subsection D.53. of this section; or

2239 (3) establishment of new agricultural activities; ~~((where:~~

2240 ~~a. the site is predominantly involved in the practice of agriculture;))~~

2241 b. agriculture is the primary activity on the site;

2242 c. there is no expansion or new activity in ~~((to))~~ an area that:

2243 (1) has been cleared under a class I, II, III, IV-S<sub>2</sub> or nonconversion IV-G

2244 forest practice permit;  ~~((or))~~

2245 (2) is  ~~((more than ten thousand square feet with tree cover at a uniform~~

2246 ~~density more than ninety trees per acre and with the predominant mainstream diameter of~~

2247 ~~the trees at least four inches diameter at breast height, not including))~~  an aquatic area or a

2248 wetland, except grazed or tilled wet meadows; or

2249 (3) is a wetland buffer or riparian area that contains predominately native

2250 forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or

2251 herbaceous layer excludes areas  ~~((that are actively managed as agricultural crops for~~

2252 ~~pulpwood, Christmas trees or ornamental nursery stock))~~  where native species are

2253 commercially planted and harvested as crops; and

2254 ~~((e-))~~  d. the activities are  ~~((in compliance))~~ consistent with an approved farm

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2255 management plan in accordance with K.C.C. 21A.24.051, including any best  
 2256 management practices applicable to the activity~~((; and~~  
 2257 ~~d. all best management practices associated with the activities specified in the~~  
 2258 ~~farm management plan are installed and maintained)).~~  
 2259 55. Only allowed if:  
 2260 a. associated with an activity that qualifies under subsection D.53. or D.54. of  
 2261 this section;  
 2262 b. located in an existing grazed, ((or)) tilled ((wet meadows or their buffers if:  
 2263 ~~a. the facilities are designed to the standards of an approved farm management~~  
 2264 ~~plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in~~  
 2265 ~~accordance with K.C.C. chapter 21A.30)), or impervious area;~~  
 2266 c. there is no expansion or new activity in areas identified in subsection D.54.c.  
 2267 of this section;  
 2268 ~~((b.))~~ d. there is ((not a)) no other feasible alternative location available on the  
 2269 site that is located outside of the critical area or associated buffer; ~~((and~~  
 2270 ~~e.))~~ e. the alteration is consistent with an approved farm management plan in  
 2271 accordance with K.C.C. 21A.24.051, including any best management practices applicable  
 2272 to the activity;  
 2273 f. ~~the ((facilities are))~~ alteration is located as close to the outside edge of the  
 2274 critical area or buffer to the maximum extent practical; and  
 2275 g. within a severe channel migration hazard area, the alteration is located:  
 2276 (1) outside of the shoreline jurisdiction; and  
 2277 (2) in an area with the least risk from channel migration.

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2278 56. ~~((Only allowed in:~~  
 2279 ~~a.(1) a severe channel migration hazard area located outside of the shorelines~~  
 2280 ~~jurisdiction area;~~  
 2281 ~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~  
 2282 ~~(3) aquatic area buffer; and only if:~~  
 2283 ~~b.(1) the applicant demonstrates that adverse impacts to the critical area and~~  
 2284 ~~critical area buffers have been minimized;~~  
 2285 ~~(2) there is not another feasible location available on the site that is located~~  
 2286 ~~outside of the critical area or critical area buffer;~~  
 2287 ~~(3) the farm pad is designed to the standards in an approved farm~~  
 2288 ~~management plan in accordance with K.C.C. 21A.24.051; and~~  
 2289 ~~(4) for proposals located in the severe channel migration hazard area, the~~  
 2290 ~~farm pad or livestock manure storage facility is located where it is least subject to risk~~  
 2291 ~~from channel migration.~~  
 2292 57.)) Allowed for new agricultural drainage ~~((in compliance))~~ consistent with an  
 2293 approved farm management plan in accordance with K.C.C. 21A.24.051 ~~((and all)),~~  
 2294 including any best management practices ~~((associated with))~~ applicable to the ~~((activities~~  
 2295 ~~specified in the farm management plan are installed and maintained))~~ activity.  
 2296 ~~((58. If))~~ 57. Allowed as follows:  
 2297 a. if conducted in accordance with an approved forest management plan or  
 2298 farm management plan in accordance with K.C.C. 21A.24.051; or  
 2299 b. without an approved forest management plan or farm management plan,  
 2300 only if:

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2301                    (1) the agricultural drainage is not used by salmonids~~((, maintenance shall be~~  
 2302 ~~in compliance with an approved farm management plan in accordance with K.C.C.~~  
 2303 ~~21A.24.051))~~;

2304                    (2) vegetation removal is undertaken with hand labor, including handheld  
 2305 mechanical tools, unless the King County noxious weed control board otherwise  
 2306 prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides,  
 2307 or biological control methods;

2308                    (3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2309                    (4) the cleared area is revegetated with native vegetation or climate-adaptive  
 2310 plants and stabilized against erosion; and

2311                    (5) herbicide use is in accordance with federal and state law.

2312                    58. Only for maintenance of agricultural waterways if:

2313                    a. the purpose of the maintenance is to improve agricultural production on a  
 2314 site predominately engaged in the practice of agriculture;

2315                    b. the maintenance is conducted in compliance with a hydraulic project  
 2316 approval issued by the Washington state Department of Fish and Wildlife in accordance  
 2317 with chapter 77.55 RCW;

2318                    c. the maintenance complies with the King County agricultural drainage  
 2319 assistance program as agreed to by the Washington state Department of Fish and  
 2320 Wildlife, the department of local services, permitting division, and the department of  
 2321 natural resources and parks, and as reviewed by the Washington state Department of  
 2322 Ecology;

2323                    d. the person performing the maintenance and the landowner have attended

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2324 training provided by King County on the King County agricultural drainage assistance  
 2325 program and the best management practices required under that program;

2326 e. the maintenance complies with K.C.C. chapter 16.82; and

2327 f. the alteration is consistent with an approved farm management plan in  
 2328 accordance with K.C.C. 21A.24.051.

2329 59. Allowed ~~((within existing landscaped areas or other previously disturbed~~  
 2330 ~~areas))~~ on sites with an activity that qualifies under subsections D.53. or 54. of this  
 2331 section when:

2332 a. consistent with an approved farm management plan in accordance with  
 2333 K.C.C. 21A.24.051, including any best management practices applicable to the activity;

2334 b. there is no other feasible location with less impact on critical areas and  
 2335 associated buffers;

2336 c. in compliance with the Surface Water Design Manual, which includes:

2337 (1) farmland dispersion requirements for properties within an Agricultural  
 2338 Production District, enrolled in the Farmland Preservation Program, or zoned A; or

2339 (2) any applicable flow control best management practices for all other  
 2340 properties;

2341 d. access is located where it is least subject to risk from channel migration;

2342 e. a floodplain development permit is obtained for any action within the  
 2343 floodplain; and

2344 f. all other required state and federal permits have been obtained and actions  
 2345 comply with such permits.

2346 60. ~~((Allowed for residential utility service distribution lines to residential~~

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2347  ~~dwellings, including, but not limited to, well water conveyance, septic system~~  
2348  ~~conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~  
2349  ~~a. there is no alternative location with less adverse impact on the critical area~~  
2350  ~~or the critical area buffer;~~  
2351  ~~b. the residential utility service distribution lines meet all of the following, to~~  
2352  ~~the maximum extent practical:~~  
2353  ~~(1) are not located over habitat used for salmonid rearing or spawning or by a~~  
2354  ~~species listed as endangered or threatened by the state or federal government unless the~~  
2355  ~~department determines that there is no other feasible crossing site;~~  
2356  ~~(2) not located over a type S aquatic area;~~  
2357  ~~(3) paralleling the channel or following a down valley route near the channel~~  
2358  ~~is avoided;~~  
2359  ~~(4) the width of clearing is minimized;~~  
2360  ~~(5) the removal of trees greater than twelve inches diameter at breast height is~~  
2361  ~~minimized;~~  
2362  ~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in~~  
2363  ~~area to the disturbed critical area buffer area is provided to protect the critical area;~~  
2364  ~~(7) access for maintenance is at limited access points into the critical area~~  
2365  ~~buffer.~~  
2366  ~~(8) the construction occurs during approved periods for instream work;~~  
2367  ~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be~~  
2368  ~~laterally constructed at least four feet below the maximum depth of scour for the base~~  
2369  ~~flood; and~~

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2370           ~~(10) open trenching across Type O or Type N aquatic areas is only used~~  
2371 ~~during low flow periods or only within aquatic areas when they are dry.))~~ Limited to  
2372 nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers,  
2373 riparian areas where:

2374           a. the primary use of the site is an activity qualifying under subsection D.53. or  
2375 54. of this section;

2376           b. the structure is consistent with an approved farm management plan in  
2377 accordance with K.C.C. 21A.24.051, including any best management practices applicable  
2378 to the structure;

2379           c. the structure is either:

2380               (1) on or adjacent to existing nonresidential impervious surface areas,  
2381 additional impervious surface area is not created waterward of any existing impervious  
2382 surface areas, and the area was not used for crop production;

2383               (2) higher in elevation and no closer to the critical area than its existing  
2384 position; or

2385               (3) at a location away from existing impervious surface areas that is  
2386 determined to be the optimum location in the farm management plan;

2387           d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
2388 require the development of a farm management plan if required best management  
2389 practices are followed and the installation does not require clearing of critical areas or  
2390 their buffers; and

2391           e. in an alluvial fan hazard area or a severe channel migration hazard area if:  
2392               (1) there is no feasible alternative location on-site;

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2393 (2) the structure is located where it is least subject to risk from alluvial fan  
 2394 hazards or channel migration;

2395 (3) the structure is not used to house animals or store hazardous substances;  
 2396 and

2397 (4) the total footprint of all accessory structures within the severe channel  
 2398 migration hazard area will not exceed the greater of one thousand square feet or two  
 2399 percent of the severe channel migration hazard area on the site.

2400 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
 2401 district, or the department of natural resources and parks and the department of local  
 2402 services, permitting division, determines that the project and its location:

- 2403 a. is the best flood risk reduction alternative ~~((practicable))~~ practical;
- 2404 b. is part of a comprehensive, long-term flood management strategy;
- 2405 c. is consistent with the 2024 King County Flood Management Plan policies;
- 2406 d. will have the least ~~((adverse))~~ impact on the ecological functions of the  
 2407 critical area or ~~((its))~~ associated buffer, including habitat for fish and wildlife that are  
 2408 identified for protection in the King County Comprehensive Plan; and
- 2409 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2410 62.a. Not allowed in wildlife habitat conservation areas;

2411 b. Only allowed if:

2412 (1) the project is sponsored or cosponsored by a public agency whose primary  
 2413 function ~~((deals with))~~ is natural resources management;

2414 (2) the project is located on public land or on land that is owned by a  
 2415 nonprofit agency whose primary function ~~((deals with))~~ is natural resources management;

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- 2416 (3) there is not a feasible alternative location available on the site with less  
 2417 impact to the critical area or ~~((its))~~ associated buffer;
- 2418 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 2419 (5) the project minimizes the footprint of structures and the number of access  
 2420 points to any critical areas; and
- 2421 (6) the project meets the following design criteria:
- 2422 (a) to the maximum extent practical size of platform shall not exceed one  
 2423 hundred square feet;
- 2424 (b) all construction materials for any structures, including the platform,  
 2425 pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as  
 2426 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
 2427 fiberglass, or cured concrete that the department determines will not have an ~~((adverse))~~  
 2428 impact on water quality;
- 2429 (c) the exteriors of any structures are sufficiently camouflaged using netting  
 2430 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
 2431 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 2432 (d) structures shall be located outside of the wetland or aquatic area  
 2433 landward of the ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark or open water  
 2434 component, ~~((f))~~if applicable~~((t))~~, to the maximum extent practical on the site;
- 2435 (e) construction occurs during approved periods for work inside the  
 2436 ~~((Θ))~~ordinary ~~((H))~~high ~~((W))~~water ~~((M))~~mark;
- 2437 (f) construction associated with bird blinds shall not occur from March 1  
 2438 through August 31, in order to avoid disturbance to birds during the breeding, nesting,



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2439 and rearing seasons;

2440 (g) to the maximum extent practical, provide accessibility for persons with

2441 physical disabilities in accordance with the International Building Code;

2442 (h) trail access is designed in accordance with public rules adopted by the

2443 department;

2444 (i) existing native vegetation within the critical area will remain undisturbed

2445 except as necessary to accommodate the ~~((proposal))~~ project. Only minimal hand

2446 clearing of vegetation is allowed; and

2447 (j) disturbed bare ground areas around the structure ~~((must))~~ shall be

2448 ~~((replanted))~~ revegetated with native vegetation or climate-adaptive plants approved by

2449 the department.

2450 63. ~~((Not a))~~ Allowed ~~((in the severe channel migration zone,))~~ if there is no

2451 alternative location with less ~~((adverse))~~ impact on the critical area and buffer, and

2452 clearing is minimized to the maximum extent practical.

2453 64. ~~((Only structures wholly or partially supported by a tree and used as~~

2454 accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1,

2455 subject to the following:

2456 a. ~~not allowed in wildlife habitat conservation areas or severe channel~~

2457 migration hazard areas;

2458 b. ~~the structure's floor area shall not exceed two hundred square feet, excluding~~

2459 a narrow access stairway or landing leading to the structure;

2460 c. ~~the structure shall be located as far from the critical area as practical, but in~~

2461 no case closer than seventy five feet from the critical area;

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2462 ~~d. only one tree supported structure within a critical area buffer is allowed on a~~  
 2463 ~~lot;~~

2464 ~~e. all construction materials for the structure, including the platform, pilings,~~  
 2465 ~~exterior and interior walls, and roof, shall be constructed of nontoxic material, such as~~  
 2466 ~~nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,~~  
 2467 ~~fiberglass or cured concrete that the department determines will not have an adverse~~  
 2468 ~~impact on water quality;~~

2469 ~~f. to the maximum extent practical, the exterior of the structure shall be~~  
 2470 ~~camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife~~  
 2471 ~~and visibility from the critical area. The camouflage shall be maintained to retain~~  
 2472 ~~concealment effectiveness;~~

2473 ~~g. the structure must not adversely impact the long term health and viability of~~  
 2474 ~~the tree. The evaluation shall include, but not be limited to, the following:~~

2475 ~~(1) the quantity of supporting anchors and connection points to attach the tree~~  
 2476 ~~house to the tree shall be the minimum necessary to adequately support the structure;~~

2477 ~~(2) the attachments shall be constructed using the best available tree anchor~~  
 2478 ~~bolt technology; and~~

2479 ~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement~~  
 2480 ~~of the tree house and shall submit a report discussing how the tree's long term health and~~  
 2481 ~~viability will not be negatively impacted by the tree house or associated infrastructure;~~

2482 ~~h. exterior lighting shall meet the following criteria:~~

2483 ~~(1) limited to the minimum quantity of lights necessary to meet the building~~  
 2484 ~~code requirements to allow for safe exiting of the structure and stairway; and~~

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2485                   ~~(2) exterior lights shall be fully shielded and shall direct light downward, in~~  
 2486 ~~an attempt to minimize impacts to the nighttime environment;~~  
 2487                   ~~i. unless otherwise approved by the department, all external construction shall~~  
 2488 ~~be limited to September 1 through March 1 in order to avoid disturbance to wildlife~~  
 2489 ~~species during typical breeding, nesting, and rearing seasons;~~  
 2490                   ~~j. trail access to the structure shall be designed in accordance with trail~~  
 2491 ~~standards under subsection D.47. of this section;~~  
 2492                   ~~k. to the maximum extent practical, existing native vegetation shall be left~~  
 2493 ~~undisturbed. Only minimal hand clearing of vegetation is allowed; and~~  
 2494                   ~~l. vegetated areas within the critical area buffer that are temporarily impacted~~  
 2495 ~~by construction of the structure shall be restored by planting native vegetation according~~  
 2496 ~~to a vegetation management plan approved by the department.)) Allowed within existing~~  
 2497 ~~landscaped areas or other previously disturbed areas.~~  
 2498                   65. Shoreline water dependent and shoreline water oriented uses are allowed in  
 2499 ~~((the aquatic area and aquatic area buffer of a T))~~type S aquatic area and adjacent riparian  
 2500 area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ~~((King~~  
 2501 ~~County))~~ Comprehensive Plan.  
 2502                   66. Only hydroelectric ~~((generating))~~ generation facilities meeting the  
 2503 requirements of K.C.C. 21A.08.100.B.14., and only as follows:  
 2504                   a. there is ~~((not another))~~ no other feasible location within the aquatic area with  
 2505 less ~~((adverse))~~ impact on the critical area and ~~((its))~~ associated buffer;  
 2506                   b. the facility and corridor ~~((is))~~ are not located over habitat used for salmonid  
 2507 rearing or spawning or by a species listed as endangered or threatened by the state or

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2508 federal government unless the department determines that there is no other feasible  
 2509 location;

2510 c. the facility is not located in Category I wetlands or Category II wetlands  
 2511 with a habitat score of ~~((8))~~ eight points or greater;

2512 d. the corridor width is minimized to the maximum extent practical;

2513 e. paralleling the channel or following a down-valley route within ~~((an aquatic~~  
 2514 ~~area buffer))~~ a riparian area is avoided to the maximum extent practical;

2515 f. the construction occurs during approved periods for instream work;

2516 g. the facility and corridor will not change or adversely impact the overall  
 2517 aquatic area flow peaks, duration or volume or the flood storage capacity;

2518 h. ~~((the facility and corridor is not))~~ no new facilities are located within a  
 2519 severe channel migration hazard area;

2520 i. to the maximum extent practical, buildings will be located outside the  
 2521 wetland buffer or riparian area and away from the wetland or aquatic area ~~((or wetland))~~;

2522 j. to the maximum extent practical, access for maintenance is at limited access  
 2523 points into the critical area or associated buffer rather than by a parallel maintenance  
 2524 road. If a parallel maintenance road is necessary, the following standards are met:

2525 (1) to the maximum extent practical the width of the maintenance road is  
 2526 minimized and ~~((in))~~ no ~~((event greater))~~ more than fifteen feet; and

2527 (2) the location of the maintenance road is contiguous to the utility corridor  
 2528 on the side of the utility corridor farthest from the critical area;

2529 k. the facility does not pose an unreasonable threat to the public health, safety,  
 2530 or welfare on or off the development proposal site and is consistent with the general

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2531 purposes of this chapter and the public interest; and

2532           1. the facility connects to or is an alteration to a public roadway, public trail, a  
2533 utility corridor or utility facility, or other infrastructure owned or operated by a public  
2534 utility.

2535           67. Only hydroelectric (~~((generating))~~) generation facilities meeting the  
2536 requirements of K.C.C. 21A.08.100.B.14, and only as follows:

2537           a. there is no(~~((t-an))~~)other feasible location with less (~~((adverse))~~) impact on the  
2538 critical area and (~~((its))~~) associated buffer;

2539           b. the alterations will not subject the critical area to an increased risk of  
2540 landslide or erosion;

2541           c. the corridor width is minimized to the maximum extent practical;

2542           d. vegetation removal is the minimum necessary to locate the utility or  
2543 construct the corridor;

2544           e. the facility and corridor do not pose an unreasonable threat to the public  
2545 health, safety, or welfare on or off the development proposal site and (~~((is))~~) are consistent  
2546 with the general purposes of this chapter, and the public interest and significant risk of  
2547 personal injury (~~((is))~~) are eliminated or minimized in the landslide hazard area; and

2548           f. the facility connects to or is an alteration to a public roadway, public trail, a  
2549 utility corridor or utility facility, or other infrastructure owned or operated by a public  
2550 utility.

2551           68. Only for a single detached dwelling unit on a lake twenty acres or larger and  
2552 only as follows:

2553           a. the heat exchanger (~~((must be))~~) is a closed loop system that does not draw

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2554 water from or discharge to the lake;

2555 b. the lake bed shall not be disturbed, except as required by the county or a

2556 state or federal agency to mitigate for impacts of the heat exchanger;

2557 c. the in-water portion of system is only allowed where water depth exceeds

2558 six feet; and

2559 d. system structural support for the heat exchanger piping ~~((shall be))~~ is

2560 attached to an existing dock or pier or ~~((be attached))~~ to a new structure that meets the

2561 requirements of K.C.C. 21A.25.180.

2562 69. ~~((Only for maintenance of agricultural waterways if:~~

2563 a. ~~the purpose of the maintenance project is to improve agricultural production~~

2564 ~~on a site predominately engaged in the practice of agriculture;~~

2565 b. ~~the maintenance project is conducted in compliance with a hydraulic project~~

2566 ~~approval issued by the Washington state Department of Fish and Wildlife pursuant to~~

2567 ~~chapter 77.55 RCW;~~

2568 c. ~~the maintenance project complies with the King County agricultural~~

2569 ~~drainage assistance program as agreed to by the Washington state Department of Fish and~~

2570 ~~Wildlife, the department of local services, permitting division, and the department of~~

2571 ~~natural resources and parks, and as reviewed by the Washington state Department of~~

2572 ~~Ecology;~~

2573 d. ~~the person performing the maintenance and the landowner have attended~~

2574 ~~training provided by King County on the King County agricultural drainage assistance~~

2575 ~~program and the best management practices required under that program; and~~

2576 e. ~~the maintenance project complies with K.C.C. chapter 16.82))~~ Repealed.

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2577            SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C.

2578            21A.24.051 are hereby amended to read as follows:

2579            A. ~~((The alterations identified in K.C.C. 21A.24.045 for a))~~ Agricultural activities  
 2580 ~~((are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat~~  
 2581 ~~conservation areas, when an agricultural activity is currently occurring on the site and the~~  
 2582 ~~alteration is in compliance with an approved farm management plan in accordance with))~~  
 2583 allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

2584            B. For the purposes of this chapter, proof of agricultural activities may be  
 2585 demonstrated through one or more of the following:

2586            1. filing of an IRS tax form or schedule for the preceding year demonstrating  
 2587 commercial production of agricultural products, including but not limited to a form 1040  
 2588 schedule F or form 1120 with a farming or crop production business activity code;

2589            2. currently holds a USDA organic certification producer certification;

2590            3. filing of a USDA form CCC-902e;

2591            4. enrolled in the current use classification "farm and agricultural land" under  
 2592 chapter 84.34 RCW; or

2593            5. other comparable documentation of commercial farming activity accepted by  
 2594 the department, such as two or more of the following:

2595            a. lease agreements identifying the land is used for agriculture;

2596            b. USDA farm business plan; or

2597            c. USDA Farm Service Agency farm loan.

2598            C. Farm management plans shall be consistent with this section and, for livestock  
 2599 activities, ((a farm management plan in accordance)) also consistent with K.C.C. chapter

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2600 21A.30.

2601 ~~((B.))~~ D. This section does not modify any requirement that the property owner  
2602 obtain permits for activities covered by the farm management plan.

2603 ~~((C. The department of natural resources and parks or its designee shall serve as  
2604 the single point of contact for King County in providing information on farm  
2605 management plans for purposes of this title. The department of natural resources and  
2606 parks shall adopt a public rule governing the development of farm management plans.  
2607 The rule may provide for different types of farms management plans related to different  
2608 kinds of agricultural activities, including, but not limited to the best management  
2609 practices for livestock management, livestock crossing, livestock heavy use areas,  
2610 horticulture management, site development, farm pads, farm field access roads, and  
2611 agricultural drainage.~~

2612 ~~D.))~~ E. A property owner or applicant seeking to use the process to allow  
2613 alterations in critical area buffers shall ~~((develop))~~ have an approved farm management  
2614 plan based on the following goals, which are listed in order of priority:

2615 1. To maintain the productive agricultural land base and economic viability of  
2616 agriculture on the site;

2617 2. To maintain, restore, or enhance critical areas to the maximum extent  
2618 practical in accordance with the site-specific goals of the landowner;

2619 3. To the maximum extent practical in accordance with the site-specific goals of  
2620 the landowner, maintain, and enhance natural hydrologic systems on the site;

2621 4. To use federal, state, and local best management practices and best available  
2622 science for farm management to achieve the goals of the farm management plan; and



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2623           5. To monitor the effectiveness of best management practices and implement  
2624 additional practices through adaptive management to achieve the goals of the farm  
2625 management plan.

2626           ~~((E.))~~ F. If a part or all of the site is located within the shoreline jurisdiction, the  
2627 farm management plan shall:

2628           1. Consider and be consistent with the goals of the shoreline management act  
2629 and the policies of the King County shoreline master program;

2630           2. Consider the priorities of the King County shoreline protection and  
2631 restoration plan; and

2632           3. Ensure no net loss of shoreline ecological functions and critical area functions  
2633 and values.

2634           ~~((F. The property owner or applicant may develop the farm management plan as  
2635 part of a program offered or approved by King County.))~~ G. The plan shall include, but  
2636 is not limited to, the following elements:

2637           1. A site inventory identifying critical areas, structures, cleared and forested  
2638 areas, and other significant features on the site;

2639           2. Site-specific performance standards and best management practices to  
2640 maintain, restore, or enhance critical areas and ~~((their))~~ associated buffers, and maintain  
2641 and enhance native vegetation on the site, including the best management practices for  
2642 the installation and maintenance of farm field access drives and agricultural drainages;

2643           3. A plan for future changes to any existing structures or for any changes to the  
2644 landscape that involve clearing or grading;

2645           4. A plan for implementation of performance standards and best management

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2646 practices;

2647           5. A plan for monitoring the effectiveness of measures taken to protect critical  
2648 areas and ~~((their))~~ associated buffers ~~((and to modify))~~. Modification to the farm  
2649 management plan shall occur if ~~((adverse))~~ impacts ~~((occur))~~ to critical areas or  
2650 associated buffers are identified.

2651           ~~((G-))~~ H. If applicable, a farm management plan shall include documentation of  
2652 compliance with flood compensatory storage and flood conveyance in accordance with  
2653 K.C.C. 21A.24.240.

2654           ~~((H- A))~~ I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a  
2655 farm management plan is not effective until approved by the county. Before approval,  
2656 the county may conduct a site inspection, ~~((which may be through a program offered or~~  
2657 ~~approved by King County,))~~ to verify that the plan is ~~((reasonably))~~ likely to accomplish  
2658 the goals in subsection ~~((D-))~~ E. of this section and consistent with subsection ~~((E-))~~ F. of  
2659 this section.

2660           ~~((F-))~~ J. ~~((Once approved, a))~~ Activities carried out ~~((in compliance))~~ consistent  
2661 with ~~((the))~~ an approved farm management plan shall be deemed in compliance with this  
2662 chapter. In the event of a potential code enforcement action, ~~((the department of local~~  
2663 ~~services, permitting division, shall first inform the department of natural resources and~~  
2664 ~~parks of the activity. Before taking code enforcement action,))~~ the department of local  
2665 services, permitting division, shall consult with the department of natural resources and  
2666 parks and the King Conservation District to determine whether the activity is consistent  
2667 with the farm management plan.

2668           SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C.

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2669 21A.24.061 are hereby amended to read as follows:

2670 A. The King County council recognizes that ~~((rural stewardship plans and))~~ farm  
2671 management plans ~~((are key elements of this chapter that))~~ provide flexibility to natural  
2672 resource land and rural area residents to establish and maintain a rural lifestyle that  
2673 includes activities such as farming ~~((and forestry))~~, while maintaining and enhancing  
2674 rural character and environmental quality.

2675 B. The department of natural resources and parks shall be responsible for farm  
2676 management plans that are filed with the county and serve as the primary county agency  
2677 point of contact. The department of natural resources and parks shall consult with the  
2678 department of local services, permitting division, in carrying out the responsibilities  
2679 under this chapter relating to farm management plans. King County and the King  
2680 Conservation District may enter into agreements to carry out the provisions of this title  
2681 relating to farm management plans.

2682 C.1. The department of natural resources and parks and department of local  
2683 services shall adopt public rules to implement K.C.C. 21A.24.045 ~~((and))~~, 21A.24.051  
2684 ~~((relating to rural stewardship plans and farm management plans))~~, and K.C.C.  
2685 21A.30.045, consistent with the provisions of this section. The rules shall ~~((not~~  
2686 ~~compromise))~~ be consistent with the King Conservation District's mandates or standards  
2687 for farm management planning. The rules may provide for different types of farms  
2688 management plans related to different kinds of agricultural activities, including, but not  
2689 limited to best management practices for livestock management, livestock crossing,  
2690 livestock heavy use areas, horticulture management, site development, farm pads, farm  
2691 field access drives, and agricultural drainage.

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2692           2. In addition to the notification procedures required by K.C.C. chapter 2.98 and  
2693 under the State Environmental Policy Act, for the rule making under this section required  
2694 by this ordinance and each subsequent update to the public rule, the director of natural  
2695 resources and parks shall:

2696           a. Request consultation and comment from federally recognized Indian tribes  
2697 no less than sixty days before the adoption of the final rule;

2698           b. Offer to meet with federally recognized Indian tribes to review how  
2699 comments are addressed in the final rule before adoption; and

2700           c. Provide, as supplemental material to the final rule, a summary of comments  
2701 and how the final rule addresses the comments.

2702           3. The public rule required as a result of this ordinance shall be effective no  
2703 later than December 31, 2026, and the public rule shall be evaluated and updated in  
2704 conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as  
2705 needed to address time sensitive issues including, but not limited to, substantive changes  
2706 in state or local critical area regulations or substantive findings from critical area  
2707 monitoring or adaptive management.

2708           ~~((C:))~~ D. County departments or approved agencies shall provide technical  
2709 assistance and resources to landowners to assist them in preparing the plans. The  
2710 technical assistance shall include, but is not limited to, web-based information,  
2711 instructional manuals, and classroom workshops. When possible, the cost of such  
2712 assistance shall be ((provided at little or no cost to)) shall be minimal to landowners. ((In  
2713 addition, t))The department of natural resources and parks shall develop, in consultation  
2714 as necessary with the department of local services, permitting division, and the King

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2715 Conservation District, ~~((and make available to the public,))~~ model farm management~~((,~~  
 2716 ~~forest management and rural stewardship))~~ plans illustrating examples of plan application  
 2717 content, drawings, and site plans, ~~((to assist landowners in their development of site-~~  
 2718 ~~specific plans for their property))~~ and make them available to the public.

2719 ~~((D. The department of natural resources and parks is the primary county agency~~  
 2720 ~~responsible for rural stewardship plans and farm management plans that are filed with the~~  
 2721 ~~county under this chapter. The department of natural resources and parks shall consult~~  
 2722 ~~with the department of local services, permitting division, in carrying out its~~  
 2723 ~~responsibilities under this chapter relating to rural stewardship plans and farm~~  
 2724 ~~management plans. The department of natural resources and parks, the department of~~  
 2725 ~~local services, permitting division, and the King Conservation District may enter into~~  
 2726 ~~agreements to carry out the provisions of this chapter relating to rural stewardship plans~~  
 2727 ~~and farm management plans.))~~

2728 E. The department of natural resources and parks and department of local  
 2729 services, permitting division, shall monitor and evaluate the effectiveness of ~~((rural~~  
 2730 ~~stewardship and))~~ farm management plans in meeting the goals and objectives of those  
 2731 plans established in this chapter.

2732 F.1. The department of natural resources and parks shall maintain an inventory of  
 2733 farm management plans required to be submitted, reviewed, or approved by King County  
 2734 as a condition of participation in the public benefit rating system, a critical area alteration  
 2735 related to agriculture, or agricultural and livestock standards in K.C.C. chapter 21A.24 or  
 2736 K.C.C. chapter 21A.30.

2737 2. The update to the farm management public rule in subsection C.1. of this

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2738 section shall establish the procedures and the specific types of information to be collected  
 2739 as part of the inventory.

2740 3. The department shall make available and update annually an aggregated  
 2741 summary of the inventory on the county website.

2742 SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C.

2743 21A.24.070 are hereby amended to read as follows:

2744 A. ~~((The director may approve alterations to))~~ If application of this chapter denies  
 2745 all reasonable use or prohibits a development proposal, an applicant may apply for an  
 2746 exception in accordance with this section. Except in flood hazard areas, alluvial fan  
 2747 hazard areas, and severe channel migration hazard areas, an exception under this section  
 2748 may be allowed in critical areas, critical area buffers, and critical area setbacks ~~((, except~~  
 2749 ~~for flood hazard areas, not otherwise allowed by this chapter as follows:~~

2750 ~~1. Except as otherwise provided in subsection A.2. of this section, for linear~~  
 2751 ~~alterations, the director may approve alterations to critical areas, critical area buffers and~~  
 2752 ~~critical area setbacks only when)).~~

2753 B. A request for an exception in the shoreline jurisdiction shall be processed as a  
 2754 shoreline variance under K.C.C. 21A.44.090.

2755 C. A public agency or utility may apply for a critical area alteration exception if  
 2756 application of this chapter denies a development proposal. A public agency or utility  
 2757 critical area alteration exception shall meet all of the following criteria ((are met)):

2758 ~~((a-))~~ 1. ((t)) There is no feasible alternative ((to)) or location for the development  
 2759 proposal with less ((adverse)) impact on the critical area;

2760 ~~((b-))~~ 2. ((t)) The development proposal minimizes ((the adverse)) impacts on

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2761 critical areas to the maximum extent practical and complies with avoidance and  
 2762 mitigation sequencing in K.C.C. 21A.24.125;

2763 ~~((e-)) 3. ((t))The ((approval does not require the modification of a critical area~~  
 2764 ~~development standard established by))~~ strict application of this chapter would prohibit the  
 2765 provision of public agency or utility services to the public;

2766 ~~((d-)) 4. ((t))The~~ development proposal does not pose an unreasonable threat to  
 2767 the public health, safety, or welfare on or off the development proposal site and is  
 2768 consistent with the general purposes of this chapter and the public interest;

2769 ~~((e- the)) 5. For~~ linear alterations:

2770 ~~((1)) a. the alteration~~ connects to or is ~~((an alteration to))~~ a public roadway,  
 2771 regional light rail transit line, public trail, ~~((a)) utility corridor or utility facility, railroad,~~  
 2772 hydroelectric generation facility, or other public infrastructure owned or operated by a  
 2773 public utility; or

2774 ~~((2)) b. the alteration~~ is required to overcome limitations due to gravity;

2775 ~~((2. In order to accommodate the siting of a regional light rail transit facility~~  
 2776 ~~under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~  
 2777 ~~area buffers and critical area setbacks not otherwise allowed by this chapter and may~~  
 2778 ~~impose reasonable conditions to minimize the impact of the light rail transit facility on~~  
 2779 ~~the critical area and its buffer; and~~

2780 ~~3. For nonlinear alterations the director may approve alterations to critical areas~~  
 2781 ~~except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic~~  
 2782 ~~areas and wildlife habitat conservation areas, and alterations to critical area buffers and~~  
 2783 ~~critical area setbacks, when all of the following criteria are met:))~~

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2784 D. A property owner may apply for a private development critical area alteration  
2785 exception if application of this chapter denies a development proposal in a steep slope  
2786 hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat  
2787 network, critical area buffer, or critical area setback. A private development critical area  
2788 alteration exception shall meet all of the following criteria:

2789 ~~((a-))~~ 1. ((t)) There is no feasible alternative to the development proposal with  
2790 less ~~((adverse))~~ impact on the critical area;

2791 2. The development proposal minimizes impacts on critical areas to the  
2792 maximum extent practical and complies with avoidance and mitigation sequencing in  
2793 K.C.C. 21A.24.125;

2794 ~~((b-))~~ 3. ((t)) The alteration is the minimum necessary to accommodate the  
2795 development proposal;

2796 ~~((e-))~~ 4. ((t)) The ~~((approval))~~ exception does not require the modification of a  
2797 critical area development standard established by this chapter;

2798 ~~((d-))~~ 5. ((t)) The development proposal does not pose an unreasonable threat to  
2799 the public health, safety, or welfare on or off the development proposal site and is  
2800 consistent with the general purposes of this chapter and the public interest;

2801 ~~((e-))~~ 6. ((f)) For dwelling units, no more than five thousand square feet or ten  
2802 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~  
2803 critical area setbacks, or other land alteration, including grading~~((;))~~ or utility installations  
2804 ~~((and landscaping))~~, but not including the area used for a driveway or for an on-site  
2805 sewage disposal system~~((. When the site disturbance is within a critical area buffer, the~~  
2806 ~~building setback line shall be measured from the building footprint to the edge of the~~



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2807 ~~approved site disturbance;~~

2808 ~~f. to the maximum extent practical, access is located to have the least adverse~~

2809 ~~impact on the critical area and critical area buffer)); and~~

2810 ~~((g.)) 7. ((t))The ((critical area is not ((used as a salmonid)) development~~

2811 ~~proposal will not directly impact an aquatic area, wetland, wildlife habitat conservation~~

2812 ~~area, or fish spawning area((; and~~

2813 ~~h. the director may approve an alteration in a category II, III, and IV wetland~~

2814 ~~for development of a public school facility.~~

2815 ~~B. The director may approve alterations to critical areas, critical area buffers, and~~

2816 ~~critical area setbacks, except for flood hazard areas,)).~~

2817 ~~E. An applicant may apply for a reasonable use exception in any critical area or~~

2818 ~~buffer, except flood hazard areas, alluvial fan hazard areas, and severe channel migration~~

2819 ~~hazard areas, if the application of this chapter would deny all reasonable use of the~~

2820 ~~property ((as follow)). A reasonable use exception shall meet all of the following:~~

2821 ~~1. ((If the critical area, critical area buffer or critical area setback is outside of~~

2822 ~~the shoreline jurisdiction, the applicant may apply for a reasonable use exception under~~

2823 ~~this subsection without first having applied for an alteration exception under this section~~

2824 ~~if the requested reasonable use exception includes relief from development standards for~~

2825 ~~which an alteration exception cannot be granted under this section. The director shall~~

2826 ~~determine that all of the following criteria are met:~~

2827 ~~a. t))There is no other reasonable use with less ((adverse)) impact on the~~

2828 ~~critical area;~~

2829 ~~2. The development proposal minimizes impacts on critical areas to the~~

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2830 maximum extent practical and complies with avoidance and mitigation sequencing in  
 2831 K.C.C. 21A.24.125;

2832 3. The alteration is the minimum necessary to allow for reasonable use of the  
 2833 property;

2834 ~~((b-))~~ 4. The development proposal does not pose an unreasonable threat to the  
 2835 public health, safety, or welfare on or off the development proposal site and is consistent  
 2836 with the general purposes of this chapter and the public interest;

2837 ~~((c. any authorized alteration to the critical area or critical area buffer is the~~  
 2838 ~~minimum necessary to allow for reasonable use of the property;))~~ and

2839 ~~((d-))~~ 5. ((f))For dwelling units, no more than five thousand square feet or ten  
 2840 percent of the site, whichever is greater, may be disturbed by structures, ~~((building))~~  
 2841 critical area setbacks, or other land alteration, including grading~~((;))~~ or utility  
 2842 installations, ~~((and landscaping))~~ but not including the area used for a driveway or for an  
 2843 on-site sewage disposal system~~((; and~~

2844 ~~2. If the critical area, critical area buffer or critical area setback is located within~~  
 2845 ~~the shoreline jurisdiction, the request for a reasonable use exception shall be considered a~~  
 2846 ~~request for a shoreline variance under K.C.C. 21A.44.090)).~~

2847 ~~((E-))~~ F. For the purpose of this section:

2848 1. ~~((("Linear" alteration means infrastructure that supports development that is~~  
 2849 ~~linear in nature and includes public and private roadways, public trails, private~~  
 2850 ~~driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility~~  
 2851 ~~corridors and utility facilities))~~ When a site disturbance is within a critical area or  
 2852 associated buffer, the critical area setback line shall be measured from the edge of a

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2853 structure to the edge of the approved site disturbance; and

2854 2. ~~((For purposes of subsections A. and B. of this section, a))~~ Areas located  
 2855 ~~((within the shoreline jurisdiction that are))~~ below the ordinary high water mark shall not  
 2856 be included in calculating the site area.

2857 ~~((D. Alteration))~~ G. ((e)) Exceptions approved under this section shall meet the  
 2858 mitigation requirements of this chapter.

2859 ~~((E.))~~ H. An ~~((applicant))~~ application for an ~~((alteration))~~ exception shall  
 2860 ~~((submit))~~ provide a critical area report ~~((, as required by))~~ consistent with K.C.C.  
 2861 21A.24.110.

2862 I. An exception shall not be approved if the inability of the applicant to derive  
 2863 reasonable use of the property is the result of actions by the current or prior property  
 2864 owner.

2865 SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C.  
 2866 21A.24.090 are hereby amended to read as follows:

2867 ~~((If a development proposal site contains or is within a critical area, the applicant~~  
 2868 ~~shall submit an affidavit which declares whether))~~ An applicant for a development permit  
 2869 or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance,  
 2870 shall provide:

2871 A. A disclosure of critical areas on the development proposal site, including  
 2872 mapped or identifiable critical areas within the largest potential buffer; and

2873 B. An affidavit indicating whether ~~((F))~~ the applicant has knowledge of any  
 2874 illegal alteration to ~~((any or all))~~ critical areas or associated buffers on the development  
 2875 proposal site ~~((; and~~

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2876           ~~B. The applicant previously has been found in violation of this chapter, in~~  
2877 ~~accordance with K.C.C. Title 23. If the applicant previously has been found in violation,~~  
2878 ~~the applicant shall declare whether the violation has been corrected to the satisfaction of~~  
2879 ~~King County)).~~

2880           SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby  
2881 recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

2882           SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500  
2883 are hereby amended to read as follows:

2884           A.1. A property owner or ~~((the property owner's agent))~~ applicant may ~~((request))~~  
2885 apply for a critical area designation for part or all of a site ~~((, without seeking a permit for~~  
2886 ~~a development proposal, by filing with the department a written application for a critical~~  
2887 ~~area designation on a form provided by the department))~~.

2888           2. ~~((If the request is for review of a portion of a site, t))~~ The application shall  
2889 include a map identifying ~~((the portion of))~~ the site ~~((for which the designation is~~  
2890 ~~sought))~~.

2891           ~~((2. The designation may include an evaluation or interpretation of the~~  
2892 ~~applicability of critical area buffers and other critical area standards to a future~~  
2893 ~~development proposal))~~ 3. Supporting critical area reports consistent with K.C.C.  
2894 21A.24.110 may be required by the department.

2895           B. ~~((In preparing the critical area designation, the department shall perform a~~  
2896 ~~critical area review to:~~

2897           ~~1. Determine whether any critical area exists on the site and confirm its type,~~  
2898 ~~location, boundaries and classification;~~

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2899           ~~2. Determine whether a critical area report is required to identify and~~  
2900 ~~characterize the location, boundaries and classification of the critical area;~~

2901           ~~3. Evaluate the critical area report, if required; and~~

2902           ~~4. Document the existence, location and classification of any critical area.~~

2903           ~~C. If required by the department, the applicant for a critical area designation shall~~  
2904 ~~prepare and submit to the department the critical area report required by subsection B.2.~~  
2905 ~~of this section. For sites zoned for single detached dwelling units involving wetlands or~~  
2906 ~~aquatic areas, the applicant may elect to have the department conduct the special study in~~  
2907 ~~accordance with K.C.C. Title 27;~~

2908           ~~D. The department shall make the determination of a critical area designation in~~  
2909 ~~writing within one hundred twenty days after the application for a critical area~~  
2910 ~~designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.~~  
2911 ~~20.20.100.A.1. through 5. are excluded from the one hundred twenty day period. If the~~  
2912 ~~determination applies to less than an entire site, the determination))~~ The department shall  
2913 evaluate and determine the existence, location, and classification of any critical areas  
2914 within the area indicated on the application. The designation shall clearly identify the  
2915 portion of the site to which the determination applies.

2916           ~~((E.1.))~~ C. The written determination made under this section is final and  
2917 effective for five years from the date of issuance as to the existence, location, and  
2918 classification of any critical area ~~((and critical area buffers))~~ on the site, unless:

2919           ~~((a.))~~ 1. ~~((t))~~There is a change in site conditions;

2920           ~~((b.))~~ 2. New or additional information becomes available that conflicts with or  
2921 invalidates information that formed the basis of the department's determination.

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2922 including, but not limited to, discovery of an unpermitted critical area alteration or the  
2923 adoption of revised methods for critical area classification; or

2924 3. A county, state, or federal agency adopts one of the following critical area  
2925 maps that conflict with the department's ((written)) determination;

2926 a. Critical aquifer recharge areas;

2927 b. Wildlife habitat network;

2928 c. Channel migration zones; or

2929 d. Flood hazard areas.

2930 ~~((2. As part of its review of a complete application for a permit or approval, the~~  
2931 ~~department shall establish whether the written determination is still effective.~~

2932 ~~F. If the department designates critical areas on a site under this section, the~~  
2933 ~~applicant for a development proposal on that site shall submit proof that a critical area~~  
2934 ~~notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this~~  
2935 ~~subsection, the department's determination under this section is final. If the department~~  
2936 ~~relies on a critical area designation made under this section during its review of an~~  
2937 ~~application for a permit or other approval of a development proposal and the permit or~~  
2938 ~~other approval is subject to an administrative appeal, any appeal of the designation shall~~  
2939 ~~be consolidated with and is subject to the same appeal process as the underlying~~  
2940 ~~development proposal. If the King County hearing examiner makes the county's final~~  
2941 ~~decision with regard to the permit or other approval type for the underlying development~~  
2942 ~~proposal, the hearing examiner's decision constitutes the county's final decision on the~~  
2943 ~~designation. If the King County council, acting as a quasi-judicial body, makes the~~  
2944 ~~county's final decision with regard to the permit or other approval type for the underlying~~

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2945 ~~development proposal, the King County council's decision constitutes the county's final~~  
 2946 ~~decision on the designation.))~~

2947 SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C.  
 2948 21A.24.100 are hereby amended to read as follows:

2949 A. ~~((Before any clearing, grading or site preparation, t))~~The department shall  
 2950 perform a critical area review ~~((for any))~~ of development ~~((proposal))~~ permit applications  
 2951 or other requests ~~((for permission))~~ to alter a site to determine ~~((whether there is))~~:

2952 1. The existence, location, and classification of ((A)) critical areas and active  
 2953 breeding sites of protected species:

2954 a. on the ((development proposal)) site; and

2955 ~~((2. An active breeding site of a protected species on the development proposal~~  
 2956 ~~site; or~~

2957 ~~3. A critical area or active breeding site of a protected species that has been~~  
 2958 ~~mapped, identified within three hundred feet of the applicant's property or that is visible~~  
 2959 ~~from the boundaries of the site)) b. within three hundred feet of the site that can be~~  
 2960 identified by use of available data and methods, including, but not limited to, visual  
 2961 observations from right-of-way or property with right of entry, mapping, aerial imagery,  
 2962 and other critical area determinations and critical area reports;

2963 2. The boundaries of buffers and critical area setbacks that apply to the site and  
 2964 area within three hundred feet of the site, consistent with the standards and regulations of  
 2965 this chapter; and

2966 3. Compliance with all other standards and regulations of this chapter.

2967 B. As part of the critical area review, the department shall review ~~((the critical~~

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2968 ~~area reports and determine~~)) whether:

2969 1. ~~((There has been an accurate identification of all critical areas))~~ Critical area

2970 designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

2971 2. ~~((An alteration will occur to a critical area or a critical area buffer))~~ Critical

2972 area reports are required;

2973 3. ~~((The development proposal is consistent with this chapter))~~ Critical areas,

2974 associated buffers, and critical area setbacks have been applied to the site and accurately

2975 identified, delineated, and classified in the application;

2976 4. ~~((The sequence))~~ Proposed alterations comply with avoidance and mitigation

2977 sequencing in K.C.C. 21A.24.125 ~~((has been followed to avoid impacts to critical areas~~

2978 ~~and critical area buffers)); ((and))~~

2979 5. Proposed ~~((M))~~ mitigation measures to compensate for ~~((adverse))~~ impacts to

2980 critical areas ~~((is required and whether the mitigation and monitoring plans and bonding~~

2981 ~~measures proposed by the applicant are sufficient to protect the general public health,~~

2982 ~~safety and welfare,))~~ and associated buffers are in compliance with K.C.C. 21A.24.130

2983 and all other applicable requirements of this chapter; and

2984 6. Proposed alterations are consistent with the goals, purposes, objectives, and

2985 requirements of this chapter.

2986 C. If a development proposal does not involve any site disturbance, clearing, or

2987 grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04,

2988 critical area review is not required, unless the development proposal is located within a:

2989 1. Flood hazard area;

2990 2. Critical aquifer recharge area; or



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2991           3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area,  
 2992 seismic hazard area, or coal mine hazard area and the proposed development will cause  
 2993 additional loads on the foundation, such as by expanding the habitable square footage of  
 2994 the structure or by adding or changing structural features that change the load bearing  
 2995 characteristics of the structure.

2996           D. The determinations made under critical area review of a development proposal  
 2997 permit application shall be consolidated with and subject to the same appeal process as  
 2998 the underlying development proposal, except for any determinations made under an  
 2999 effective critical area designation under K.C.C. 21A.24.500, as recodified by this  
 3000 ordinance, that are classified as a standalone decision under K.C.C. 20.20.020.

3001           SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C.  
 3002 21A.24.110 are hereby amended to read as follows:

3003           A. ~~((An applicant for a development proposal that requires))~~ A critical area report  
 3004 may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or  
 3005 K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit  
 3006 the scope of a critical area report ((at a level determined by the department)) if  
 3007 information is not needed to adequately evaluate the proposal and all probable impacts.

3008           B. ~~((The applicant may combine a))~~ In addition to the requirements in this section,  
 3009 critical area reports shall also include ecological and geological report information in  
 3010 sections 58 and 59 of this ordinance based on the affected critical area:

3011           1. Geological critical area report requirements under section 58 of this  
 3012 ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard  
 3013 areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic

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3014 hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and  
 3015 associated buffers; and

3016 2. Ecological critical area report requirements under section 59 of this  
 3017 ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation  
 3018 areas, wildlife habitat networks, and associated buffers.

3019 C. ((e))Critical area reports may be combined with any additional studies  
 3020 required by other laws and regulations.

3021 ((C-)) D. If the development proposal will affect only a part of the development  
 3022 proposal site, the department may limit the scope of the required critical area report to  
 3023 include only that part of the site that is affected by the development proposal.

3024 ((D-)) E.1. Floodplain development that was not assessed through the King  
 3025 County Programmatic Habitat Assessment prepared for the National Flood Insurance  
 3026 program and the Endangered Species Act shall include an assessment of the impact of the  
 3027 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

3028 a. ((A))a Biological Evaluation or Biological Assessment that has received  
 3029 concurrence from the United States Fish and Wildlife Service or the National Marine  
 3030 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

3031 b. ((D))documentation that the activity fits within a Habitat Conservation Plan  
 3032 approved pursuant to Section 10 of the Endangered Species Act;

3033 c. ((D))documentation that the activity fits within Section 4(d) of the  
 3034 Endangered Species Act; or

3035 d. ((A))an assessment prepared in accordance with Regional Guidance for  
 3036 Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((2010)) April 2011.

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3037 The assessment shall determine if the project ~~((would))~~ adversely affects any ~~((one or~~  
 3038 ~~more))~~ of the following:

3039 (1) the primary constituent elements identified when a species is listed as  
 3040 threatened or endangered;

3041 (2) Essential Fish Habitat designated by the National Marine Fisheries  
 3042 Service;

3043 (3) fish and wildlife habitat conservation areas;

3044 (4) vegetation communities and habitat structures;

3045 (5) water quality;

3046 (6) water quantity, including flood and low flow depths, volumes, and  
 3047 velocities;

3048 (7) the river or stream channel's natural planform pattern and migration  
 3049 process;

3050 (8) spawning substrate, if applicable; and

3051 (9) floodplain refugia, if applicable.

3052 ~~((2. The department must require a project with adverse effects to comply with~~  
 3053 ~~the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125~~  
 3054 ~~and 21A.24.130.))~~

3055 NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24  
 3056 a new section to read as follows:

3057 A. A geological critical area report shall meet the requirements of this section.

3058 B. The geological critical area report shall address all areas of the proposed

3059 development site and geologically hazardous areas within three hundred feet of the site or

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3060 that have the potential to affect or be affected by the proposal.

3061 C. The geological critical area report shall be prepared, stamped, and signed by a  
3062 geological professional. The geological assessment shall include a field investigation and  
3063 may include the use of historical aerial photo analysis, review of public records and  
3064 documentation, and interviews with adjacent property owners or others knowledgeable  
3065 about the area, as well as other methods approved by the department. The geological  
3066 assessment shall include a detailed review of the field investigations, published data and  
3067 references, data and conclusions from past geological assessments, or geotechnical  
3068 investigations of the site, site-specific measurements, tests, investigations, or studies, as  
3069 well as the methods of data analysis and calculations that support the results, conclusions,  
3070 and recommendations.

3071 D. The geological critical area report shall contain, at a minimum, the following  
3072 information:

3073 1. Basic information including:

3074 a. the name and contact information of the applicant; the name, qualifications,  
3075 and contact information for the primary author or authors of the report; and a description  
3076 of the proposal; and

3077 b. parcel number or numbers of the site;

3078 2. A description of site conditions that includes:

3079 a. existing development including structures, impervious surfaces, wells, drain  
3080 fields, drain field reserve areas, roads, easements, and above and below ground utilities;

3081 b. the extent, quantity and type of existing vegetation cover;

3082 c. a description of the ground surface inclination in percent gradient;

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- 3083                   d. a description and location of the surface and subsurface hydrology,  
 3084 including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface  
 3085 expressions of groundwater. The director may require a hydrogeologic report to  
 3086 accompany the geotechnical assessment if impacts are anticipated;
- 3087                   e. identification and characterization of all critical areas and buffers and areas  
 3088 within the shoreline jurisdiction;
- 3089                   3. A site plan that includes:
- 3090                   a. the existing topography with vertical contour intervals of five feet or less,  
 3091 for the entire site and abutting public rights-of-way, private roads, or access easements;
- 3092                   b. significant geologic contacts, landslides, or downslope soil movement on  
 3093 and within three hundred feet of the site;
- 3094                   c. all identified geologically hazardous areas, buffers, and critical area  
 3095 setbacks;
- 3096                   d. exploration locations;
- 3097                   e. locations of proposed development and clearing limits, if known;
- 3098                   f. transects of any provided cross-sections; and
- 3099                   g. drainage flow characteristics including pipes, drains, catch basins, drainage  
 3100 structures, culverts, underdrain pipes, and other structures;
- 3101                   4. A description of the geological conditions of the soils and bedrock that  
 3102 includes:
- 3103                   a. references to mapped geological soil and bedrock units, seismic faults,  
 3104 landslides, alluvial fans, potential liquefaction zones, channel migration zones, and  
 3105 historical coal mines;

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3106                   b. data regarding underlying geology, slope gradients, soil types, and  
3107 subsurface information including boring or test pit logs describing soil stratification, and  
3108 results of soil tests conducted.

3109                   c. a description of the soils in accordance with the Natural Resource  
3110 Conservation Service, indicating the potential for erosion;

3111                   d. review of the site history regarding landslides, erosion, and prior grading;

3112                   e. geomorphological features of the site visible through site inspection, aerial  
3113 photography, LIDAR imagery, or topographic contours;

3114                   f. on-site soil explorations of sufficient location, distribution, and depth to  
3115 adequately characterize the subsurface conditions of the site. Soils analysis shall be  
3116 accomplished in accordance with accepted classification systems in use in the region;

3117                   g. engineering properties of the subsurface soils or bedrock or both;

3118                   h. identification of all existing fill areas; and

3119                   i. the location or evidence of seismic faults and soil conditions indicating the  
3120 potential for liquefaction;

3121                   5. A hazard analysis and finding of risks associated with relevant geologic  
3122 hazards and the potential impacts to public safety, the hazard area, and the subject  
3123 property, including, but not limited to:

3124                   a. slope stability;

3125                   b. potential for liquefaction hazard;

3126                   c. debris runout, including from upslope on the site or from neighboring  
3127 properties and on down slope properties from the site and proposed development;

3128                   d. channel migration; and

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- 3129 e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts  
3130 to existing or proposed development from waves or currents, stream meandering, or other  
3131 erosional forces to determine the recommended solution for bank or shoreline  
3132 stabilization in conformance with K.C.C. 21A.25.170;
- 3133 6. An evaluation of proposed development which includes:
- 3134 a. the location and description of proposed development activity;
- 3135 b. the method of drainage and locations of all existing and proposed surface  
3136 and subsurface drainage facilities and patterns, including infiltration testing or other  
3137 geological review specifics as required by the Surface Water Design Manual;
- 3138 c. the locations and methods for temporary and permanent erosion control;
- 3139 d. recommendations for temporary and permanent structure siting limitations,  
3140 and foundation type and depth;
- 3141 e. recommendations on minimum buffers and setbacks for the specific  
3142 geological hazard;
- 3143 f. recommendations for grading procedures, fill placement and compaction  
3144 criteria, handling contaminated soils and materials, temporary and permanent slope  
3145 inclinations and support, and design criteria for corrective measures and opinions and  
3146 recommendations regarding the capabilities of the site;
- 3147 g. an estimate of bluff retreat rate that recognizes and reflects potential  
3148 catastrophic events such as seismic activity or one-hundred-year storm event;
- 3149 h. recommendations for engineering mitigation of hazards; and
- 3150 i. recommendations for vegetation management to mitigate hazards;
- 3151 7. A determination stating whether the alterations minimize risks to people and

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development in accordance with the standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice;

8. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal;

9. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

10. Any other information determined by the department to be necessary to determine compliance with this chapter, including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, or models for estimating how far landslide materials will travel.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An ecological critical area report shall meet the requirements of this section.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. Wetland, aquatic area, and riparian area delineation that includes:
  - a. identification of wetlands and delineation of associated boundaries in



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3175 accordance with the approved federal wetland delineation manual and applicable regional  
 3176 supplement as set forth in WAC 173-22-035, including completed data forms and data  
 3177 point locations;

3178           b. rating of wetlands in accordance with the Washington State Wetland Rating  
 3179 System for Western Washington Version 2.0, Washington state Department of Ecology  
 3180 publication number 23-06-009, published 2014 and updated 2023, including completed  
 3181 rating forms;

3182           c. identification of aquatic area locations, typing, and ordinary high water  
 3183 mark;

3184           d. identification of severe channel migration hazard areas and floodplains; and

3185           e. determination of applicable wetland buffers and riparian areas;

3186           2. A wildlife study and habitat assessment that identifies any known nests or  
 3187 breeding sites and potential habitat for any federal or state listed endangered, threatened,  
 3188 sensitive, or candidate species or King County species of local importance, and delineates  
 3189 any known wildlife habitat conservation areas and wildlife habitat networks;

3190           3. A description of existing on-site and adjacent site conditions that includes:

3191           a. existing development, including, but not limited to, structures, roads,  
 3192 impervious surfaces, utilities, clearing, grading, and easements, and whether any existing  
 3193 development is not legally established;

3194           b. the extent and dominant species composition of existing vegetative cover;

3195           c. existing hydrologic characteristics of any wetland or aquatic areas, including  
 3196 sources of hydrology;

3197           d. functions and values of all critical areas present; and

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3198 e. location, species, and diameter at breast height of trees three inches in  
 3199 diameter at breast height or larger within critical areas and associated buffers that are  
 3200 within the proposed clearing limits and within striking distance of the proposed  
 3201 development activity. The department may require tree locations to be surveyed;

3202 4. An evaluation of how avoidance and mitigation sequencing, consistent with  
 3203 K.C.C. 21A.24.125, was applied to the development proposal;

3204 5. If impacts to critical areas or buffers are proposed, an analysis that includes:

3205 a. calculation of square footage of direct permanent impacts to each critical  
 3206 area and buffer;

3207 b. calculation of square footage of temporary impacts to each critical area and  
 3208 associated buffer, and estimation of the time required for ecological functions to be  
 3209 restored;

3210 c. calculation of indirect impacts to wetlands in accordance with Wetland  
 3211 Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2  
 3212 Washington state Department of Ecology, publication number 21-06-003, published  
 3213 April 2021;

3214 d. description of vegetation, habitat, functions, and values of each critical area  
 3215 that will be lost or modified due to the proposed impacts;

3216 e. an analysis demonstrating that the hydrology of remaining wetlands on or  
 3217 adjacent to the site will not be substantially impacted by the project, using the wetland  
 3218 hydrology protection guidelines in the Surface Water Design Manual; and

3219 f. a tree risk assessment prepared by an arborist certified by the International  
 3220 Society of Arboriculture for any hazard trees proposed for removal within critical areas

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3221 or associated buffers;

3222 6. A mitigation plan that includes:

3223 a. evaluation of on-site potential for enhancement, rehabilitation, restoration,  
3224 or creation of critical areas and associated buffers for which mitigation is required;

3225 b. description of on-site mitigation activities proposed and justification that  
3226 impacts will be adequately offset to ensure no net loss of critical area functions and  
3227 values, including use of the credit-debit method as applicable for wetland impacts in  
3228 accordance with Calculating Credits and Debits for Compensatory Mitigation in  
3229 Wetlands of Western Washington, Washington state Department of Ecology publication  
3230 number 10-06-011, published 2010 and updated 2012;

3231 c. calculations of mitigation area required for permanent impacts or long-term  
3232 temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

3233 d. calculation of restoration area required for temporary impacts where  
3234 ecological functions are expected to be restored within one year;

3235 e. depiction of proposed mitigation and restoration areas and example of  
3236 planting plan, including irrigation if applicable;

3237 f. plan for installation of wildlife lighting;

3238 g. depiction of wildlife-passable fencing and permanent critical area signs at  
3239 the edges of critical areas, associated buffers, and disturbed areas, as applicable; and

3240 h. rationale for and description of any proposed off-site mitigation, including  
3241 location, methods, quantities, and demonstration that equal or better ecological functions  
3242 will be achieved;

3243 7. A monitoring plan that includes:

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- 3244           a. a monitoring schedule of at least five years, unless otherwise directed by the  
3245 department to address site-specific conditions such as inclination over twenty percent,  
3246 excessively drained soils, or mitigation occurs in wetland;
- 3247           b. success criteria for mitigation activities to meet at the end of each  
3248 monitoring year;
- 3249           c. monitoring methods sufficient to determine if success criteria are being met  
3250 throughout the mitigation area;
- 3251           d. a maintenance plan to ensure success criteria are met; and
- 3252           e. a contingency plan if it is determined that mitigation fails to meet success  
3253 criteria;
- 3254       8. A site plan depicting:
- 3255           a. critical areas on the site and within three hundred feet of the site;
- 3256           b. buffer widths;
- 3257           c. critical area setbacks;
- 3258           d. existing and proposed alterations, including, but not limited to, structures,  
3259 impervious surfaces, utilities, clearing, landscaping, and grading; and
- 3260           e. property lines, setbacks, and easements; and
- 3261       9. Additional information determined by the department to be necessary to  
3262 comply with this chapter.

3263       SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C.  
3264 21A.24.125 are hereby amended to read as follows:

3265       ~~((A. An applicant for a development proposal or alteration, shall apply the~~  
3266 ~~following sequential measures, which appear in order of priority,))~~ When an alteration to

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3267 a critical area is proposed, the following avoidance and mitigation sequencing shall be  
 3268 applied in the following order of priority to avoid and minimize impacts to critical areas  
 3269 and critical area buffers:

3270           ~~((1.))~~ A. Avoiding the impact or hazard by not taking a certain action;

3271           ~~((2.))~~ B. Minimizing the impact or hazard by:

3272                 ~~((a.))~~ 1. limiting the degree or magnitude of the action with appropriate  
 3273 technology; or

3274                 ~~((b.))~~ 2. taking affirmative steps to avoid or reduce impacts, such as project  
 3275 redesign, relocation, or timing;

3276           ~~((3.))~~ C. Rectifying the impact ~~((to critical areas))~~ by repairing, rehabilitating, or  
 3277 restoring the affected critical area or its buffer;

3278           ~~((4.))~~ D. Minimizing or eliminating the hazard by restoring or stabilizing the  
 3279 hazard area through engineered or other methods;

3280           ~~((5.))~~ E. Reducing or eliminating the impact or hazard over time by preservation  
 3281 or maintenance operations during the life of the ~~((development proposal or))~~ alteration;

3282           ~~((6.))~~ F. Compensating for the ~~((adverse))~~ impact by replacing or enhancing  
 3283 critical areas and their buffers or creating substitute critical areas and their buffers; and

3284           ~~((7.))~~ G. Monitoring the impact, hazard, or success of required mitigation and  
 3285 taking ~~((remedial))~~ corrective action.

3286           ~~((B. The specific mitigation requirements of this chapter for each critical area or~~  
 3287 ~~requirements determined through the resource mitigation reserves program apply when~~  
 3288 ~~compensation for adverse impacts is required by the sequence in subsection A. of this~~  
 3289 ~~section.))~~

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3290            SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C.

3291    21A.24.130 are hereby amended to read as follows:

3292            A. ~~((If m))Mitigation ((is)) required under this chapter ((to compensate for~~  
3293 ~~adverse impacts, unless otherwise provided, an applicant))~~ shall:

3294            1. ~~((Mitigate adverse impacts to:~~

3295            ~~a. critical areas and their buffers; and~~

3296            ~~b. the development proposal as a result of the proposed alterations on or near~~  
3297 ~~the critical areas; and~~

3298            2. ~~Monitor the performance of any required mitigation))~~ Only occur after  
3299 avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

3300            2. Achieve no net loss of critical area functions;

3301            3. Prevent risk from hazards posed by the critical area; and

3302            4. Not create impacts on other critical area functions.

3303            B. ~~((The department shall not approve a development proposal until mitigation~~  
3304 ~~and monitoring plans are in place to mitigate for alterations to critical areas and buffers))~~  
3305 Preferential consideration shall be given to measures that replace the impacted functions  
3306 directly and in the immediate vicinity of the impact.

3307            C. ~~((Whenever mitigation is required, an applicant shall submit a critical area~~  
3308 ~~report that includes:~~

3309            1. ~~An analysis of potential impacts;~~

3310            2. ~~A mitigation plan that meets the specific mitigation requirements in this~~  
3311 ~~chapter for each critical area impacted; and~~

3312            3. ~~A monitoring plan that includes:~~

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3313 ~~a. a demonstration of compliance with this title;~~  
 3314 ~~b. a contingency plan in the event of a failure of mitigation or of unforeseen~~  
 3315 ~~impacts if:~~  
 3316 ~~(1) the department determines that failure of the mitigation would result in a~~  
 3317 ~~significant impact on the critical area or buffer; or~~  
 3318 ~~(2) the mitigation involves the creation of a wetland; and~~  
 3319 ~~c. a monitoring schedule that may extend throughout the impact of the activity~~  
 3320 ~~or, for hazard areas, for as long as the hazard exists.))~~ A critical area report and  
 3321 mitigation and monitoring plan is required for any development proposal that includes  
 3322 mitigation.  
 3323 D. The department shall require appropriate safeguards, terms, or conditions as  
 3324 necessary to ensure no net loss of critical area functions as conditions of approval for  
 3325 mitigation measures, including, but not limited to, conservation easements, financial  
 3326 guarantees in accordance with K.C.C. Title 27A, and performance monitoring.  
 3327 E. Mitigation shall ~~((not))~~ be implemented ~~((until))~~ after the department approves  
 3328 ~~((the))~~ mitigation and monitoring plans. The applicant shall notify the department when  
 3329 mitigation is installed and monitoring ~~((is))~~ has commenced and shall provide King  
 3330 County with reasonable access to the ~~((mitigation))~~ site for the purpose of inspections  
 3331 during ~~((any))~~ the monitoring period.  
 3332 ~~((E.))~~ F. If monitoring reveals a significant deviation from predicted impact or a  
 3333 failure of mitigation requirements, the applicant shall implement an approved  
 3334 contingency plan. The contingency plan constitutes new mitigation and is subject to all  
 3335 mitigation requirements, including a revised monitoring plan, ~~((and))~~ revised financial

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3336 guarantees, ~~((requirements))~~ and an extension of the monitoring period by at least two  
 3337 years.

3338 SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C.  
 3339 21A.24.133 are hereby amended to read as follows:

3340 A. ~~((To the maximum extent practical, an applicant shall mitigate adverse~~  
 3341 ~~impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat~~  
 3342 ~~network))~~ Mitigation shall be prioritized on or contiguous to the development site.

3343 B. The department may approve mitigation that is off-site ~~((the development~~  
 3344 ~~site))~~ if an applicant demonstrates that:

3345 1. It is not practical to mitigate on or contiguous to the development proposal  
 3346 site, such as constraints due to site conditions or lot size; ~~((and))~~

3347 2. The off-site mitigation will achieve ~~((equivalent or greater))~~ equal or better  
 3348 hydrological, water quality, and ~~((wetland or aquatic area))~~ habitat functions((-)); and

3349 3. The off-site mitigation addresses limiting factors or identified critical needs  
 3350 for critical area resource conservation based on watershed or comprehensive resource  
 3351 management plans applicable to the area of impact.

3352 ~~((B-))~~ C. ~~((When off site mitigation is authorized, t))~~ The department shall give  
 3353 priority to locations within the same drainage subbasin as the development proposal site  
 3354 and that meet the following:

3355 1. Mitigation banking sites and resource mitigation reserves as authorized by  
 3356 this chapter;

3357 2. Private mitigation sites that are established in compliance with the  
 3358 requirements of this chapter and approved by the department; ~~((and))~~ or



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3359           3. Public mitigation sites that have been ranked in a process ~~((that has been))~~  
3360 supported by ecological assessments, including wetland and aquatic areas established as  
3361 priorities for mitigation in King County ~~((basin plans or other))~~ watershed plans.

3362           ~~((C.))~~ D. The department ~~((may))~~ shall require ~~((documentation))~~ that the  
3363 mitigation site ~~((has been))~~ be permanently preserved from future development or  
3364 alteration that would be inconsistent with the functions of the mitigation. The applicant  
3365 shall provide documentation ~~((may include, but is not limited to,))~~ such as a conservation  
3366 easement or other agreement between the applicant and owner of the mitigation site.  
3367 King County may enter into agreements or become a party to any easement or other  
3368 agreement necessary to ensure that the site continues to exist in its mitigated condition.

3369           ~~((D.))~~ E. The department shall maintain a list of sites available for use for off-site  
3370 mitigation projects.

3371           ~~((E.))~~ F.1. The department ~~((and the department of natural resources and parks~~  
3372 ~~have develop a program to allow the payment of a fee in lieu of providing mitigation on a~~  
3373 ~~development site.))~~ may approve mitigation through the King County mitigation reserve  
3374 program. The program addresses:

3375           a. when the payment of a fee is allowed considering the availability of a site in  
3376 geographic proximity with comparable hydrologic and biological functions and potential  
3377 for future habitat fragmentation and degradation; and

3378           b. the use of the fees for mitigation on public or private sites that have been  
3379 ~~((ranked according to ecological criteria through one or more programs that have~~  
3380 ~~included a public process))~~ selected using a watershed approach, in accordance with the  
3381 approved in-lieu fee program instrument.

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2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ~~((a paper original and))~~ an electronic copy with the clerk of the council, who shall retain the original and provide a~~((n electronic))~~ copy to all councilmembers, the council chief of staff, and the lead staff for the transportation, economy, and environment committee or its successor. The report should address the following:

- a. information on the amount and source of revenues received by the program;
- b. a description and rationale for projects selected for funding;
- c. an accounting of budgeted and actual expenditures made; and
- d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

- A. Revegetation in critical areas and critical area buffers shall:
  - 1. Meet the mitigation standards in this chapter;
  - 2. Provide equal or better ecological function compared to existing conditions;
  - 3. Replicate the structure and function of the historic native plant community, except when restoring temporary impacts to a legally altered plant community;
  - 4. Use only native or climate-adaptive plant species that are well suited to thrive in the current and future site conditions;
  - 5. Prioritize vegetation native to King County, with the use of approved climate-adaptive plants only when survival of native vegetation is not expected or not certain due to local impacts of climate change; and

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3405                   6. Include measures to restore soil and hydrologic functions when necessary.

3406                   B. The department shall consider site-specific conditions and may allow

3407 modifications to planting plans as necessary for revegetation success.

3408                   C.1. The department of natural resources and parks shall maintain a list of species

3409 approved for use as climate-adaptive plants for use by the public.

3410                   2. The department of natural resources and parks shall establish criteria for the

3411 inclusion of species in the list including, but not limited to, the following:

3412                   a. The species is not invasive and would not extirpate existing native plant

3413 species in King County;

3414                   b. The species would not result in a loss of native plant or wildlife biodiversity,

3415 including native specialist insect species; and

3416                   c. The planting activities would not spread or transmit disease.

3417                   3. The department of natural resources and parks shall establish a process for

3418 inclusion of species into the list including, but not limited to, the following:

3419                   a. providing opportunity for interested parties to petition a species to be added

3420 or removed from the list;

3421                   b. a pathway for applicants to petition use of a species on a project-specific

3422 basis during permit review;

3423                   c. requesting consultation and comment from federally recognized Indian

3424 tribes no less than sixty days before initial publishing or updating of the climate-adaptive

3425 plant list;

3426                   d. offering to meet with federally recognized Indian tribes to review how

3427 comments are addressed before publication of the list; and

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3428 e. providing, as supplemental material to the list, a summary of comments and  
 3429 how the list addresses the comments.

3430 4. The initial list shall be published no later than December 31, 2026, and the  
 3431 list shall be evaluated and updated in conjunction with the Comprehensive Plan update  
 3432 required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including  
 3433 but not limited to, substantive changes in state or local critical area regulations or  
 3434 substantive findings from critical area monitoring or adaptive management.

3435 SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C.  
 3436 21A.24.170 are hereby amended to read as follows:

3437 A. Except as otherwise provided in subsection ~~((of))~~ C. of this section, the owner  
 3438 of any property containing critical areas or buffers on which a development proposal is  
 3439 submitted or any property on which mitigation is established ~~((as a result of~~  
 3440 ~~development))~~ shall file a notice on title ~~((approved by King County))~~ with the records  
 3441 and licensing services division. The notice on title shall be on a form approved by the  
 3442 department and inform the public of:

- 3443 1. The presence of critical areas ~~((of))~~, buffers, or mitigation sites on the  
 3444 property;
- 3445 2. The application of this chapter to the property; ~~((and))~~
- 3446 3. The possible existence of limitations on actions in or affecting the critical  
 3447 areas or buffers or the fact that mitigation sites may exist; and
- 3448 4. The existence of approved wetland buffer or riparian area averaging or  
 3449 reductions on the property.

3450 B. ~~((The applicant for a development proposal shall submit p))~~ Proof that the

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3451 notice (~~((required by this section))~~) on title has been filed (~~((for public record))~~) shall be  
 3452 submitted before (~~((King County))~~) the department approves any development proposal for  
 3453 the property or(~~(;))~~ before recording in the case of subdivisions, short subdivisions, and  
 3454 binding site plans(~~((, at or before recording of the subdivision, short subdivision, or~~  
 3455 ~~binding site plan))~~).

3456 C. The notice required under subsection A. of this section is not required if:

- 3457 1. The property is a public right-of-way or the site of a permanent public  
 3458 facility;
- 3459 2. The development proposal does not require (~~((sensitive))~~) critical area review  
 3460 under K.C.C. 21A.24.100.C.; or
- 3461 3. The property only contains a critical aquifer recharge area or an erosion  
 3462 hazard area.

3463 D. Notices on title shall run with the land regardless of ownership, use, or land  
 3464 division. However, a property owner may apply to the county to have a notice on title  
 3465 removed or amended, under either of the following circumstances:

3466 1. The department, as part of a critical area review of a permit application or a  
 3467 critical area designation, determines the information contained in an existing notice on  
 3468 title is no longer accurate, such as in its type or location; or

3469 2. An adopted critical area map was updated indicating a reclassification or  
 3470 declassification of one of the following critical areas on the subject property:

- 3471 a. critical aquifer recharge areas;
- 3472 b. wildlife habitat network;
- 3473 c. channel migration zones; or

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3474 d. flood hazard areas.

3475 SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C.

3476 21A.24.180 are hereby amended to read as follows:

3477 A. ~~((The applicant))~~ Critical area tracts protect and enhance critical area  
 3478 functions and values including, but not limited to, providing fish and wildlife habitat, and  
 3479 protecting the public from geologic hazards and increased stormwater runoff.

3480 Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to  
 3481 delineate and protect ~~((those))~~ the following critical areas and associated buffers ~~((listed~~  
 3482 ~~below in development proposals for subdivisions, short subdivisions or binding site plans~~  
 3483 ~~and shall record the tracts on all documents of title of record for all affected lots))~~:

3484 1. ~~((All-1))~~ Landslide hazard areas and buffers that are one acre or ((more in  
 3485 size)) larger;

3486 2. ~~((All-s))~~ Steep slope hazard areas and buffers that are one acre or ((more in  
 3487 size)) larger;

3488 3. ~~((All-w))~~ Wetlands and buffers; ((and))

3489 4. ~~((All-a))~~ Aquatic areas ((and buffers));

3490 5. Riparian areas;

3491 6. Alluvial fan hazard areas that are one acre or larger; and

3492 7. Wildlife habitat networks.

3493 B. A critical area tract established under subsection A. of this section shall be  
 3494 held either:

3495 1. ((held)) in an undivided interest by each owner of a building lot within the  
 3496 development with this ownership interest passing with the ownership of the lot~~((;))~~; or

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3497           2. ~~((shall be held))~~ by an incorporated homeowner's association or other legal  
3498 entity that ensures the ownership, maintenance, and protection of the tract.

3499           C. ~~((The long-term management goals for critical area tracts established under  
3500 subsection A. of this section are to protect and enhance critical area functions and values,  
3501 including, but not limited to, providing fish and wildlife habitat and protecting the public  
3502 from geologic hazards and increased stormwater runoff.))~~ The specific management  
3503 strategy for each tract shall be clearly defined before preliminary approval of the  
3504 subdivision or binding site plan.

3505           D. For an off-site mitigation area, the applicant shall place the mitigation area in  
3506 a critical area tract in accordance with subsection A. of this section, or in a perpetual  
3507 conservation easement as approved by the director.

3508           E. In lieu of the requirements of subsections A. and D. of this section, the director  
3509 may allow an applicant to include critical areas in resource tracts established under  
3510 K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the  
3511 purpose of the resource portion is for resource management and the purpose of the  
3512 designated critical areas is for critical area protection and enhancement and protecting the  
3513 public from geologic hazards and increased stormwater runoff.

3514           ~~((E.))~~ F. Site plans submitted as part of building permits, clearing, and grading  
3515 permits, or other development permits shall include and delineate:

3516           1. ~~((A.))~~ Flood hazard areas, as determined by King County in accordance  
3517 with K.C.C. 21A.24.230;

3518           2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard  
3519 areas;

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3520 3. Aquatic areas, riparian areas, and wetlands;

3521 4. Wildlife habitat conservation areas and ~~((the))~~ wildlife habitat networks;

3522 5. Critical area ~~((B))~~ buffers; and

3523 6. ~~((Building))~~ Critical area setbacks as required by K.C.C. 21A.24.200.

3524 ~~((F.))~~ G. If only a part of the development site has been mapped, the part of the

3525 site that has not been mapped shall be clearly identified and labeled on the site plans.

3526 SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C.

3527 21A.24.200 are hereby amended to read as follows:

3528 A. Unless otherwise provided, ~~((an applicant shall set buildings and other))~~

3529 structures shall be set back a minimum distance of ~~((fifteen))~~ ten feet from the outside

3530 edges of all critical areas and critical area buffers ~~((or from the edges of all critical areas,~~

3531 ~~if no buffers are required))~~. ~~((When the))~~ If site disturbance is within a critical area or an

3532 associated buffer, the ~~((building))~~ critical area setback ~~((line))~~ shall be measured from the

3533 ~~((building footprint))~~ edge of the structure to the edge of the approved site disturbance.

3534 B. The following are allowed in the ~~((building))~~ critical area setback area:

3535 ~~((A.))~~ 1. Landscaping;

3536 ~~((B.))~~ 2. Uncovered decks;

3537 ~~((C.))~~ 3. Building overhangs if the overhangs do not extend more than eighteen

3538 inches into the setback area;

3539 ~~((D.))~~ 4. Impervious ground surfaces, such as driveways and patios~~((, but the))~~.

3540 ~~((i))~~ Improvements are required to meet any special drainage provisions specified in

3541 public rules adopted for ~~((the various))~~ critical areas and the Surface Water Design

3542 Manual;



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3543            ~~((E-))~~ 5. Utility service connections as long as the excavation for installation  
 3544 avoids impacts to the critical area or associated buffer; and

3545            ~~((F-))~~ 6. Minor encroachments if adequate protection of the buffer will be  
 3546 maintained.

3547            SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C.  
 3548 21A.24.275 are hereby amended to read as follows:

3549            The following development standards apply to development proposals and  
 3550 alterations on sites within channel migration zones that have been mapped and adopted  
 3551 by public rule:

3552            A. The riparian area development standards ~~((that apply to the aquatic area~~  
 3553 ~~buffers))~~ in K.C.C. 21A.24.365 shall also apply to ~~((the))~~ severe channel migration  
 3554 ~~((zone))~~ hazard areas and ~~((the))~~ portions of the moderate channel migration ~~((zone))~~  
 3555 hazard areas that ~~((is))~~ are within ~~((the aquatic area buffer))~~ riparian areas. The more-  
 3556 restrictive standards apply where there is a conflict;

3557            B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within ~~((a))~~  
 3558 severe channel migration hazard areas; and

3559            C. The following development standards apply to development proposals and  
 3560 alterations within ~~((the))~~ moderate channel migration hazard areas:

3561            1. Maintenance, repair, or expansion of any use or structure is allowed if the  
 3562 existing ~~((structure's))~~ footprint is not expanded towards ~~((any source of))~~ the channel  
 3563 migration hazard, unless the applicant can demonstrate that the location is the least  
 3564 subject to risk;

3565            2. New primary dwelling units, accessory dwelling units, or accessory living

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3566 quarters, and required infrastructure, are allowed if:

3567 a. the structure is located on a ~~((separate))~~ legally established lot in existence

3568 on or before February 16, 1995;

3569 b. a feasible alternative location outside of the channel migration hazard area is

3570 not available on~~((--))~~ the site; and

3571 c. to the maximum extent practical, the structure and supporting infrastructure

3572 is located the farthest distance from any source of channel migration hazard, unless the

3573 applicant can demonstrate that an alternative location is:

3574 (1) the least subject to risk; or

3575 (2) within the outer third of the moderate channel migration hazard area as

3576 measured perpendicular to the channel;

3577 3. New accessory structures are allowed if:

3578 a. a feasible alternative location is not available on-site; and

3579 b. to the maximum extent practical, the structure is located the farthest distance

3580 from the migrating channel; and

3581 4. The subdivision of property is allowed within the portion of a moderate

3582 channel migration hazard area located outside ~~((an aquatic area buffer))~~ a riparian area if:

3583 a. All lots contain five-thousand square feet or more of net buildable ~~((land))~~

3584 area outside of the moderate channel migration hazard area;

3585 b. Access to all lots does not cross the moderate channel migration hazard

3586 area; and

3587 c. All infrastructure is located outside the moderate channel migration hazard

3588 area except that an on-site septic system is allowed in the moderate channel migration

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3589 hazard area if:

3590 (1) a feasible alternative location is not available on-site; and

3591 (2) to the maximum extent practical, the septic system is located the farthest  
3592 distance from the migrating channel.

3593 SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C.

3594 21A.24.280 are hereby amended to read as follows:

3595 ~~((The following development standards apply to development proposals and  
3596 alterations on sites containing landslide hazard areas:))~~

3597 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3598 alterations identified in K.C.C. 21A.24.045 are allowed within ~~((a))~~ landslide hazard  
3599 areas ~~((with a slope of forty percent or greater;))~~ or associated buffers.

3600 B. The following development standards apply to development proposals and  
3601 alterations on sites containing landslide hazard areas:

3602 1.a. A buffer is required from all edges of the landslide hazard area. To  
3603 eliminate or minimize the risk of property damage or injury resulting from landslides  
3604 caused in whole or part by the development, the department shall determine the size of  
3605 the buffer based upon a geological critical area report ~~((prepared by a geotechnical  
3606 engineer or geologist.))~~;

3607 b. If a geological critical area report is not submitted to or required by the  
3608 department, the minimum buffer ~~((is))~~ shall be fifty feet~~((-))~~;

3609 c. If the landslide hazard area has a vertical rise of more than two-hundred feet,  
3610 the department may increase the minimum ~~((building))~~ critical area setback in ~~((K.C.C.  
3611 C-))~~ K.C.C. 21A.24.200 to one-hundred feet; and

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3612 d. For alterations associated with single detached dwelling units only, the  
3613 department may waive the geological critical area report requirement and authorize  
3614 buffer reductions if the department determines that the reduction will adequately protect  
3615 the proposed development and the landslide hazard area;

3616 ~~((C.))~~ 2. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part  
3617 of an allowed alteration, removal of any vegetation from a landslide hazard area or  
3618 associated buffer is prohibited;

3619 ~~((D. A))~~ 3. ~~((A))~~ Alterations shall minimize disturbance to the landslide hazard  
3620 area, slope, and vegetation unless necessary for slope stabilization; ~~((and))~~

3621 ~~((E.))~~ 4. Alterations ~~((in a landslide hazard area located on a slope less than~~  
3622 ~~forty percent are allowed if:~~

3623 ~~1. The proposed alteration will))~~ shall not decrease slope stability on contiguous  
3624 properties; ~~((and~~

3625 ~~2.))~~ 5. The risk of property damage or injury resulting from landsliding ~~((is))~~  
3626 shall be eliminated or minimized.

3627 The risk of landsliding as a result of slope instability shall be considered to be minimized  
3628 where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static  
3629 conditions and 1.1 for seismic conditions. Except when a more detailed deformation  
3630 analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half  
3631 the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site  
3632 in the International Building Code and American Society of Civil Engineers 7 standard;  
3633 and

3634 6. Alterations shall comply with the requirements and recommendations of the

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3635 geological critical area report.

3636 SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in

3637 K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

3638 SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C.

3639 21A.24.310 are hereby amended to read as follows:

3640 ~~((The following development standards apply to development proposals and~~  
 3641 ~~alterations on sites containing steep slope hazard areas:))~~

3642 A. ~~((Except as provided in subsection D. of this section, u))~~Unless allowed as an  
 3643 alteration exception under K.C.C. 21A.24.070, only the following alterations ~~((identified~~  
 3644 ~~in K.C.C. 21A.24.045))~~ are allowed within ~~((a))~~ steep slope hazard areas~~((;))~~ or  
 3645 associated buffers:

3646 1. Alterations identified in K.C.C. 21A.24.045;

3647 2. Alterations to steep slopes with a vertical elevation change of up to twenty  
 3648 feet where no impact will result. The department may approve this exemption based on a  
 3649 review of and concurrence with a geological critical area report; and

3650 3. Regrading of any slope that was created through previous legal grading  
 3651 activities. Any slope that remains forty percent or steeper after alterations are completed  
 3652 are subject to requirements for steep slope hazard areas.

3653 B. The following development standards apply to development proposals and  
 3654 alterations on sites containing steep slope hazard areas:

3655 1.a. A buffer is required from all edges of the steep slope hazard area. To  
 3656 eliminate or minimize the risk of property damage or injury resulting from slope  
 3657 instability, landsliding, or erosion caused in whole or part by the development, the

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3658 department shall determine the size of the buffer based upon a geological critical area  
 3659 report ~~((prepared by a geotechnical engineer or geologist. The department of local  
 3660 services shall adopt a public rule to implement this subsection, including implementing  
 3661 the requirements for development and review of a critical area report.))~~;

3662 ~~((1-))~~ b. For new structures and substantial improvements to existing structures  
 3663 on sites where any portion of the steep slope hazard area extends into the coastal high  
 3664 hazard area or sea level rise risk area:

3665 ~~((a-))~~ (1) The geological critical area report shall include an assessment of  
 3666 current and future risks of sea level rise conditions anticipated to occur over the next fifty  
 3667 years and a recommended buffer;

3668 ~~((b-))~~ (2) If a geological critical area report is not submitted to the department,  
 3669 the minimum buffer shall be seventy-five feet;

3670 ~~((2-))~~ c. For all other development not identified in subsection B.~~((1-))~~2. of this  
 3671 section:

3672 ~~((a-))~~ (1) If a geological critical area report is not submitted to or required by  
 3673 the department, the minimum buffer shall be fifty feet; and

3674 ~~((b-))~~ (2) For ~~((building permits for))~~ alterations associated with single  
 3675 detached dwelling units only, the department may waive the ~~((special study))~~ geological  
 3676 critical area report requirement and authorize buffer reductions if the department  
 3677 determines that the reduction will adequately protect the proposed development and the  
 3678 ~~((critical area))~~ steep slope hazard area;

3679 ~~((C-))~~ 2. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part  
 3680 of an allowed alteration, removal of any vegetation from a steep slope hazard area or

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3681 associated buffer is prohibited; ~~((and~~

3682 ~~D. All alterations are allowed in the following circumstance:~~

3683 ~~1. Slopes which are forty percent or steeper with a vertical elevation change of~~  
 3684 ~~up to twenty feet if no adverse impact will result from the exemption based on King~~  
 3685 ~~County's review of and concurrence with a soils report prepared by a geologist or~~  
 3686 ~~geotechnical engineer; and~~

3687 ~~2. The approved regrading of any slope which was created through previous~~  
 3688 ~~legal grading activities. Any slope which remains forty percent or steeper following site~~  
 3689 ~~development shall be subject to all requirements for steep slopes))~~

3690 3. The risk of property damage or injury resulting from slope instability shall be  
 3691 eliminated or minimized. The risk of slope instability shall be considered to be  
 3692 minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5  
 3693 for static conditions and 1.1 for seismic conditions. Except when a more detailed  
 3694 deformation analysis is conducted, seismicity shall be modeled as a horizontal force  
 3695 equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as  
 3696 given for the site in the International Building Code and American Society of Civil  
 3697 Engineers 7 standard; and

3698 4. Alterations shall comply with the requirements and recommendations of the  
 3699 geological critical area report.

3700 SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C.  
 3701 21A.24.290 are hereby amended to read as follows:

3702 The following development standards apply to development proposals and  
 3703 alterations on sites ~~((containing seismic hazard areas))~~ where potential seismic hazard

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3704 areas are mapped:

3705 A. The department may approve alterations ~~((to seismic hazard areas))~~ only if:

3706 1. The geological critical area report containing an evaluation of site-specific  
 3707 subsurface conditions shows that the ~~((proposed))~~ development proposal site is not  
 3708 ~~((located in))~~ a seismic hazard area; or

3709 2. The applicant implements appropriate engineering design based on the best  
 3710 available engineering and geological practices that either eliminates or minimizes the risk  
 3711 of structural damage or injury resulting from seismically induced settlement or soil  
 3712 liquefaction; and

3713 B. The department may waive or reduce engineering study and design  
 3714 requirements for alterations in seismic hazard areas for:

3715 1. ~~((Mobile))~~ Manufactured homes;

3716 2. Additions or alterations that do not increase occupancy or significantly affect  
 3717 the risk of structural damage or injury; and

3718 3. One-story buildings with less than two-thousand-five hundred~~((s))~~ square feet  
 3719 of floor area or roof area, whichever is greater, and that are not dwelling units or used as  
 3720 places of employment or public assembly.

3721 NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24  
 3722 a new section to read as follows:

3723 A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within  
 3724 alluvial fan hazard areas.

3725 B. The following development standards apply to development proposals and  
 3726 alterations on sites containing alluvial fan hazard areas:



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3727           1. A buffer may be required from the edge of the alluvial fan hazard area. To  
3728 eliminate or minimize the risk of property damage or injury resulting from inundation,  
3729 sedimentation, or erosion caused in whole or part by the development, the department  
3730 shall determine the size of the buffer based upon a geological critical area report;

3731           2. A geological critical area report is required for alterations that are on an  
3732 alluvial fan or within fifty feet of an alluvial fan;

3733           3. Alterations shall minimize and not increase the risk of inundation,  
3734 sedimentation, channel migration, or erosion on adjacent properties;

3735           4. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
3736 allowed alteration, removal of any vegetation from an alluvial fan hazard area or  
3737 associated buffer is prohibited;

3738           5. Alterations shall minimize disturbance to the alluvial fan hazard area, slope,  
3739 and vegetation unless necessary for slope stabilization; and

3740           6. The alteration shall not increase the frequency or magnitude of sediment  
3741 management activities or in-stream channel work that could impact fish habitat or  
3742 passage.

3743           NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24  
3744 a new section to read as follows:

3745           A. This section applies to development proposals on sites that are within tsunami  
3746 hazard areas.

3747           B. New and substantially improved residential buildings within a tsunami hazard  
3748 area shall be designed to provide protection from inundation and debris impact according  
3749 to the projected hazard level. The projected hazard level shall be determined by the

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county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practical, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment (~~((prepared in accordance with this chapter))~~), the department shall classify coal mine hazard areas as follows:

A. Declassified coal mine areas are those areas where the risk of catastrophic

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collapse is not significant and that ~~((the))~~ a hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas directly underlain or ~~((directly))~~ affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas directly underlain or ~~((directly))~~ affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by ~~((;))~~ overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in

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3796 K.C.C. chapter 21A.24 to follow section K.C.C. 21A.24.210, as recodified by this  
3797 ordinance.

3798 SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
3799 are hereby amended to read as follows:

3800 The map entitled King County Critical Aquifer Recharge Areas, included in  
3801 Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer  
3802 recharge areas in King County in accordance with RCW 36.70A.170, as modified by  
3803 notices of map amendment in K.C.C. 21A.24.312.

3804 SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C.  
3805 21A.24.312 are hereby amended to read as follows:

3806 A. Upon application supported by a critical area((s)) report that includes a  
3807 hydrogeologic site evaluation, the department, in consultation with the department of  
3808 natural resources and parks, may determine that an area ~~((that is or is not classified as a))~~  
3809 on the critical aquifer recharge area ~~((on the))~~ map adopted under K.C.C. 21A.24.311:

3810 ~~((A-))~~ 1. Does not meet the criteria for a critical aquifer recharge area and  
3811 declassify that area if it is classified as a critical aquifer recharge area;

3812 ~~((B-))~~ 2. Has the wrong critical aquifer recharge area classification and determine  
3813 the correct classification; or

3814 ~~((C-))~~ 3. Has not been classified as a critical aquifer recharge area and should be  
3815 so classified based on the standards of K.C.C. 21A.24.313.

3816 B. Upon reclassification or declassification, a notice of map amendment for the  
3817 affected parcel or parcels shall be sent from the department of natural resources and parks  
3818 to the property owner, applicant, if applicable, and the county assessor.

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3819            SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C.

3820    21A.24.313 are hereby amended to read as follows:

3821            Critical aquifer recharge areas are categorized as follows:

3822            A. Category I critical aquifer recharge areas include those mapped areas that

3823    King County has determined (~~((are))~~):

3824            1. Are (~~((H))~~)highly susceptible to groundwater contamination and that are

3825    located within a sole source aquifer or a wellhead protection area; or

3826            2. Are (~~((F))~~)in an area where hydrogeologic mapping or a numerical flow

3827    transport model in a Washington department of health approved wellhead protection plan

3828    demonstrate that the area is within the one\_year time of travel to a wellhead for a Group

3829    A water system;

3830            B. Category II critical aquifer recharge areas include those mapped areas that

3831    King County has determined:

3832            1. Have a medium susceptibility to ground(~~((-))~~)water contamination and are

3833    located in a sole source aquifer or a wellhead protection area; or

3834            2. Are highly susceptible to groundwater contamination and are not located in a

3835    sole source aquifer or wellhead protection area; and

3836            C. Category III critical aquifer recharge areas include those mapped areas that

3837    King County has determined have low susceptibility to groundwater contamination and

3838    are located over an aquifer underlying (~~((an island that is surrounded by saltwater))~~)

3839    Vashon-Maury Island.

3840            SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C.

3841    21A.24.316 are hereby amended to read as follows:

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3842           The following development standards apply to development proposals and  
3843 alterations on sites containing critical aquifer recharge areas:

3844           A. Except as otherwise provided in subsection H. of this section, the following  
3845 new development proposals and alterations are not allowed on a site located in a category  
3846 I critical aquifer recharge area:

- 3847           1. Transmission pipelines carrying petroleum or petroleum products;
- 3848           2. Sand and gravel, and hard rock mining unless:
  - 3849           a. the site has mineral zoning as of January 1, 2005; or
  - 3850           b. ~~((mining))~~ mineral extraction is an ~~((permitted))~~ allowed use on the site and
  - 3851 the critical aquifer recharge area was mapped after the date a complete application for
  - 3852 mineral extraction on the site was filed with the department;
- 3853           3. ~~((Mining of any type))~~ Mineral extraction below the upper surface of the  
3854 saturated ground~~((--))~~water that could be used for potable water supply;
- 3855           4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3856           5. Hydrocarbon extraction;
- 3857           6. Commercial wood treatment facilities on permeable surfaces;
- 3858           7. Underground storage tanks, including tanks that are exempt from the  
3859 requirements of chapter 173-360A WAC, with hazardous substances, as defined in  
3860 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with standards of chapter 173-  
3861 360A WAC and K.C.C. Title 17;
- 3862           8. Above~~((--))~~ground storage tanks for hazardous substances, as defined in  
3863 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary  
3864 containment areas and a spill protection plan;

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3865 9. Golf courses;

3866 10. Cemeteries;

3867 11. Wrecking yards;

3868 12. Landfills for hazardous waste, municipal solid waste, or special waste, as

3869 defined in K.C.C. chapter 10.04; and

3870 13. On lots smaller than one acre, an on-site septic system, unless:

3871 a. the system is approved by the Washington state Department of Health and

3872 has been listed by the Washington ~~((S))~~state Department of Health as meeting treatment

3873 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3874 b. ~~((the Seattle-King County department of))~~ public health - Seattle & King

3875 County determines that the systems required under subsection A.13.a. of this section will

3876 not function on the site.

3877 B. Except as otherwise provided in subsection H. of this section, the following

3878 new development proposals and alterations are not allowed on a site located in a category

3879 II critical aquifer recharge area:

3880 1. Mining of any type below the upper surface of the saturated ground~~((-))~~water

3881 that could be used for potable water supply;

3882 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3883 3. Hydrocarbon extraction;

3884 4. Commercial wood treatment facilities located on permeable surfaces;

3885 5.a. Underground storage tanks with hazardous substances, as defined in chapter

3886 70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and

3887 K.C.C. Title 17, ~~((E))~~except for a category II critical aquifer recharge area located over

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3888 an aquifer underlying ~~((an island that is surrounded by saltwater, underground storage~~  
 3889 ~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the~~  
 3890 ~~requirements of chapter 173-360 WAC and K.C.C. Title 17)) Vashon-Maury Island; and~~

3891           b. For a category II critical aquifer recharge area located over an aquifer  
 3892 underlying ~~((an island that is surrounded by saltwater))~~ Vashon-Maury Island,  
 3893 underground storage tanks, including underground storage tanks exempt from the  
 3894 requirements of chapter 173-360A WAC, with hazardous substances, as defined in  
 3895 chapter ~~((70.105))~~ 70A.300 RCW, that do not comply with the standards in chapter 173-  
 3896 360A WAC and K.C.C. Title 17;

3897           6. Above~~((-))~~ground storage tanks for hazardous substances, as defined in  
 3898 chapter ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary  
 3899 containment areas and a spill protection plan;

3900           7. Wrecking yards;

3901           8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
 3902 defined in K.C.C. chapter 10.04; and

3903           9. On lots smaller than one acre, an on-site septic systems, unless:

3904           a. the system is approved by the Washington state Department of Health and  
 3905 has been listed by the Washington state Department of Health as meeting treatment  
 3906 standard N as provided in ~~((WAC))~~ chapter 426-272A WAC; or

3907           b. ~~((the Seattle-King County department of))~~ public health - Seattle & King  
 3908 County determines that the systems required under subsection B.9.a. of this section will  
 3909 not function on the site.

3910           C. Except as otherwise provided in subsection H. of this section, the following



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3911 new development proposals and alterations are not allowed on a site located in a category  
3912 III critical aquifer recharge area:

3913 1. Disposal of radioactive wastes, as defined in chapter ~~((43.200))~~ 70A.384  
3914 RCW;

3915 2. Hydrocarbon extraction;

3916 3. Commercial wood treatment facilities located on permeable surfaces;

3917 4. Underground storage tanks, including tanks exempt from the requirements of  
3918 chapter 173-360A WAC, with hazardous substances, as defined in chapter ~~((70.105))~~  
3919 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and  
3920 K.C.C. Title 17;

3921 5. Above ground storage tanks for hazardous substances, as defined in chapter  
3922 ~~((70.105))~~ 70A.300 RCW, unless protected with primary and secondary containment  
3923 areas and a spill protection plan;

3924 6. Wrecking yards; and

3925 7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3926 defined in K.C.C. chapter 10.04.

3927 D. The following development standards apply to development proposals and  
3928 alterations that are substantial improvements on a site located in a critical aquifer  
3929 recharge area:

3930 1. The owner of an underground storage tank, including a tank that is exempt  
3931 from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer  
3932 recharge area or a category II critical aquifer recharge area located over an aquifer  
3933 underlying Vashon-Maury Island shall either bring the tank into compliance with the

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3934 standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or  
3935 remove the tank; and

3936           2. The owner of an underground storage tank in a category II critical aquifer  
3937 recharge area not located on located over an aquifer underlying Vashon-Maury Island  
3938 shall bring the tank into compliance with the standards of chapter 173-360A WAC and  
3939 K.C.C. Title 17 or shall properly decommission or remove the tank.

3940           E. In any critical aquifer recharge area, the property owner shall properly  
3941 decommission an abandoned well.

3942           F. On a site located in a critical aquifer recharge area within ~~((#))~~Urban  
3943 ~~((g))~~Growth ~~((#))~~Area, a development proposal for new residential development,  
3944 including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall  
3945 incorporate best management practices included in the ~~((King County))~~ Surface Water  
3946 Design Manual into the site design in order to infiltrate stormwater runoff to the  
3947 maximum extent practical.

3948           G. For critical aquifer recharge areas on Vashon-Maury Island:

3949           1. No new groundwater wells are ~~((permitted))~~ allowed within a coastal high  
3950 hazard area. A rainwater catchment system may be used as an alternative water supply  
3951 source for a single ~~((family))~~ detached residence if the requirements of ~~((K.C.C.))~~ King  
3952 County Board of Health Code BOH 13.04.070 are met;

3953           2. All new groundwater wells within a sea level rise risk area shall include a  
3954 surface seal that prevents risks of saltwater contamination caused by sea level rise  
3955 conditions anticipated to occur over the next fifty years; and

3956           3.a. The owner of a new well located within the sea level rise risk area shall test

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3957 the well for chloride levels using testing protocols approved by the Washington state  
3958 Department of Health.

3959           b. The owner shall report the results of the test to ~~((Seattle-King County~~  
3960 ~~department of))~~ public health – Seattle & King County and to the department of natural  
3961 resources and parks.

3962           c. If the test results indicate saltwater intrusion is likely to occur, the  
3963 department of natural resources and parks, in consultation with ~~((Seattle-King County~~  
3964 ~~department of))~~ public health – Seattle & King County, shall recommend appropriate  
3965 measures.

3966           d. The owner shall implement all recommended measures in addition to the  
3967 minimum requirements of this title to prevent saltwater intrusion.

3968           H. On a site greater than twenty acres, the department may approve a  
3969 development proposal otherwise prohibited by subsections A., B., and C. of this section if  
3970 the applicant demonstrates through a critical area report that the development proposal is  
3971 located outside the critical aquifer recharge area and that the development proposal will  
3972 not cause an ~~((significant))~~ adverse ~~((environmental))~~ impact to the critical aquifer  
3973 recharge area.

3974           I. The provisions relating to underground storage tanks in subsections A. through  
3975 D. of this section apply only when the proposed regulation of underground storage tanks  
3976 has been submitted to and approved by the Washington state ~~((d))~~Department of  
3977 ~~((e))~~Ecology, in accordance with ~~((90.76.040))~~ RCW 70A.355.030 and WAC ~~((173-360-~~  
3978 ~~530))~~ 173-360A-0130.

3979           SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C.

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3980 21A.24.318 are hereby amended to read as follows:

3981           A. Identification of wetlands and delineation of their boundaries shall be done in  
3982 accordance with the approved federal wetland delineation manual and applicable regional  
3983 supplement as set forth in WAC 173-22-035.

3984           B. Wetlands shall be rated into category I, category II, category III, and category  
3985 IV based on the adopted Washington State Wetland Rating System for Western  
3986 Washington, Washington state Department of Ecology publication number ((14-06-029))  
3987 23-06-009, published October 2014 and updated July 2023.

3988           C. Wetland rating categories shall not recognize illegal modifications.

3989           SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C.

3990 21A.24.325 are hereby amended to read as follows:

3991           A. Except as otherwise provided in this section, buffers shall be provided from  
3992 the wetland edge as follows:

3993           1. The buffers shown on the following table apply unless modified in  
3994 accordance with subsections B., C., D., and E. of this section:

((WETLAND CATEGORY AND CHARACTERISTICS)) <u>Wetland Category and Characteristics</u>	((INTENSITY OF IMPACT OF ADJACENT LAND USE)) <u>Intensity of Impact of Adjacent Land Use</u>		
	((HIGH IMPACT)) <u>High Impact</u>	((MODERATE IMPACT)) <u>Moderate Impact</u>	((LOW IMPACT)) <u>Low Impact</u>

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<b>Category I</b>			
Wetlands of High Conservation Value	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Bog	<del>((250))</del> <u>300</u> feet	<del>((190))</del> <u>225</u> feet	<del>((125))</del> <u>150</u> feet
Estuarine	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <u>150</u> feet
Coastal Lagoon	<del>((200))</del> <u>300</u> feet	<del>((150))</del> <u>225</u> feet	<del>((100))</del> <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category II</b>			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet

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Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
<b>Category IV</b>	<del>((50))</del> <u>60</u> feet	<del>((40))</del> <u>45</u> feet	<del>((25))</del> <u>35</u> feet

3995                    2. For purposes of this subsection A., unless the director determines a lesser  
3996 level of impact is appropriate based on information provided by the applicant, the  
3997 intensity of impact of the adjacent land use is determined as follows:  
3998                    a. High impact includes:  
3999                    (1) sites zoned commercial or industrial;  
4000                    (2) commercial, institutional, or industrial use on a site regardless of the  
4001 zoning classification;  
4002                    (3) nonresidential use on a site zoned ~~((for residential use))~~ RA, UR, or R,  
4003 such as telecommunication towers and associated equipment;  
4004                    (4) high-intensity active recreation use on a site regardless of zoning, such as

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4005 golf courses, ~~((ball))~~ sports fields, and similar use;

4006 (5) all sites within the Urban Growth Area, except recreational uses in

4007 subsection A.2.b.(6) and A.2.c.(2) of this section; ~~((or))~~

4008 (6) Residential zoning greater than one dwelling unit per acre;

4009 (7) railroads; or

4010 (8) federal and state highways, including on-ramps and exits, state routes, and

4011 other roads associated with high impact land uses;

4012 b. Moderate impact includes:

4013 (1) residential uses on sites zoned residential one dwelling unit per acre or

4014 less;

4015 (2) residential use on a site zoned ~~((rural area, agriculture or forestry))~~ RA, A,

4016 or F;

4017 (3) agricultural uses without an approved farm management plan;

4018 (4) forest service roads and roads associated with moderate impact land uses;

4019 (5) utility corridors or right-of-way shared by several utilities, including

4020 maintenance roads; or

4021 ~~((5))~~ (6) moderate-intensity active recreation or open space use, such as

4022 paved trails, parks with biking, jogging, and similar use; and

4023 c. Low impact includes:

4024 (1) forestry uses on a site regardless of zoning classification;

4025 (2) passive recreation uses, such as unpaved trails, nature viewing areas,

4026 fishing and camping areas, and other similar uses that do not require permanent

4027 structures~~((s))~~ on a site regardless of zoning;

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4028 (3) agricultural uses carried out in accordance with an approved farm  
 4029 management plan and in accordance with K.C.C. 21A.24.045~~((.D.53. and K.C.C.~~  
 4030 ~~21A.24.045.D.54.))~~; or  
 4031 (4) utility corridors without a maintenance road and little or no vegetation  
 4032 maintenance.

4033 B. ~~((The department may approve a modification of the minimum))~~ Wetland  
 4034 ~~buffer width ((required by this section by)) averaging ((the buffer width))~~ may be allowed  
 4035 if an ecological critical area report demonstrates:

4036 1. a. ~~((The department determines that:~~  
 4037 ~~a. the b))~~ Buffer averaging will improve wetland protection if the wetland has  
 4038 significant differences in characteristics that ((effect)) affect habitat functions, such as a  
 4039 wetland with a forested component adjacent to a degraded emergent component or a  
 4040 ~~((=))~~ dual-rated((=)) wetland with a Category I area adjacent to a lower-rated area; or

4041 b. averaging includes the corridors of a wetland complex; ~~((and~~

4042 2. ~~The resulting buffer meets the following standards:~~

4043 a.) 2. ~~((t))~~ The total area of the buffer after averaging is ((equivalent)) equal to  
 4044 or greater than the area of the buffer before averaging;

4045 ~~((b-))~~ 3. ~~((t))~~ The additional buffer is contiguous with the standard buffer;

4046 ~~((e-))~~ 4. ~~((t))~~ The buffer at its narrowest point is ((never)) no less than ((either))  
 4047 seventy-five percent of the required width ((or seventy-five feet for Category I and II,  
 4048 fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater));

4049 ~~((d. the averaged buffer will not result in degradation of wetland functions and~~  
 4050 ~~values as demonstrated by critical area report from a qualified wetland professional; and))~~



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5. No net loss of wetland functions and values shall occur as a result of buffer averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

~~((e-))~~ 6. ((t))The buffer is increased adjacent to the higher functioning ~~((area of))~~ habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ~~((as demonstrated by a critical area report from a qualified wetland professional))~~;

7. Buffer averaging is not combined with other buffer reductions or modifications; and

8. Indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications ~~((under the following special circumstances))~~ as follows:

1. For wetland buffers that are unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform necessary buffer functions, the department may require, and the applicant may select, either an increase in the buffer equal to the next higher impact of adjacent land use or revegetated consistent with section 63 of this ordinance;

2. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.6. of

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4074 this section ~~((and))~~ or the buffer averaging rules in subsection B. of this section;

4075 ~~((2.))~~ 3. For a wetland buffer that includes a steep slope hazard area or landslide

4076 hazard area, the ~~((buffer))~~ width ~~((is))~~ shall be the greater of:

4077 a. the wetland buffer width ~~((required by the wetland's category in this~~

4078 ~~section))~~; or

4079 b. the wetland buffer width, extended upslope towards the top of the landslide

4080 or steep slope hazard area, as measured perpendicular to topographic contours, up to a

4081 maximum total width of twice the wetland buffer width otherwise required;

4082 ~~((3.))~~ 4. For a wetland complex ~~((located outside the Urban Growth Area~~

4083 ~~established by the King County Comprehensive Plan or located within the Urban Growth~~

4084 ~~Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which~~

4085 ~~is included as Attachment A to Ordinance 15051))~~, the buffer widths ~~((is determined))~~ are

4086 as follows:

4087 a. ((i))The buffer width for each individual wetland ~~((in the complex is the~~

4088 ~~same width as the buffer width required for the category of wetland))~~ shall be consistent

4089 with subsection A. of this section;

4090 b. ((i))If the buffer of a wetland within the complex does not touch or overlap

4091 with at least one other wetland buffer in the complex, a corridor is required from the

4092 buffer of that wetland to one other wetland buffer in the complex considering the

4093 following factors:

4094 (1) the corridor is designed to support maintaining viable wildlife species that

4095 are commonly recognized to exclusively or partially use wetlands and wetland buffers

4096 during a critical life cycle stage, such as breeding, rearing, or feeding;

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- 4097 (2) the corridor minimizes fragmentation of the wetlands;
- 4098 (3) higher category wetlands are connected through corridors before lower
- 4099 category wetlands; and
- 4100 (4) the corridor width is at least twenty-five percent of the length of the
- 4101 corridor, but no less than twenty-five feet in width; and
- 4102 (5) shorter corridors are preferred over longer corridors;
- 4103 c. ~~((w))~~ Wetlands in a complex that are connected by an aquatic area that flows
- 4104 between the wetlands are not required to be connected through a corridor;
- 4105 d. ~~((t))~~ The department may exclude a wetland from the wetland complex if the
- 4106 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
- 4107 that are commonly recognized to exclusively or partially use wetlands and wetland
- 4108 buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and
- 4109 e. ~~((t))~~ The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
- 4110 allowed in corridors subject to the same conditions and requirements ~~((as wetland buffers~~
- 4111 ~~as long as))~~ if the alteration is designed so as not to disrupt wildlife movement through
- 4112 the corridor;
- 4113 ~~((4.))~~ 5. Where a legally established public roadway transects a wetland buffer,
- 4114 the department may approve a modification of the ~~((minimum))~~ required buffer width to
- 4115 the edge of the roadway if:
- 4116 a. the part of the buffer on the other side of the roadway sought to be reduced:
- 4117 ~~((a-))~~ (1) does not provide additional protection of ~~((the proposed development~~
- 4118 ~~or the))~~ wetland functions and values from the proposed alteration; and
- 4119 ~~((b-))~~ (2) provides insignificant biological, geological, or hydrological buffer

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4120 functions relating to the other portion of the buffer adjacent to the wetland; and  
 4121 ~~((5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
 4122 ~~the buffer widths shall be established under the rural stewardship plan and shall not~~  
 4123 ~~exceed the standard for a low impact land use, unless the department determines that a~~  
 4124 ~~larger buffer is necessary to achieve no net loss of wetland ecological function; and))~~

4125 b. the applicant provides a written evaluation that includes:

4126 (1) a description of the vegetative composition, hydrologic regime,  
 4127 topography, and development on both sides of the roadway;

4128 (2) an assessment of the functions that the buffer provides on the other side of  
 4129 the roadway for wildlife habitat, water quality, and water quantity; and

4130 (3) an analysis of how the roadway fully disconnects the buffer from  
 4131 providing the assessed functions, and whether the disconnection affects the entirety of the  
 4132 buffer; and

4133 6. ((The buffer widths required for proposed land uses with)) For developments  
 4134 with residential uses, mixed-use, daycares, and social services within the Urban Growth  
 4135 Area that are categorized as high ((intensity)) impacts to wetlands, the buffer widths can  
 4136 be reduced to those required for moderate ((intensity)) impacts ((under the following  
 4137 conditions)) if:

4138 a. all the following measures to minimize impacts of the proposed land uses  
 4139 are applied:

4140 (1) revegetate with dense native vegetation or climate-adaptive plants along  
 4141 the edge of the buffer and in any other portion of the buffer wherever existing vegetation  
 4142 is sparse;

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- 4143 (2) install wildlife lighting and direct all light away from the wetland;
- 4144 (3) locate noise-generating activities away from the wetland;
- 4145 (4) install wildlife passable fencing at the edge of the wetland buffer;
- 4146 (5) attach critical area signs to wildlife passable fencing every fifty to
- 4147 seventy-five linear feet, as determined by the department, so that a sign is visible from
- 4148 any point along the edge of the critical area or buffer;
- 4149 (6) submit an integrated pest and weed management plan that prohibits the
- 4150 use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and
- 4151 (7) demonstrate how each of the following meets the core requirements in the
- 4152 Surface Water Design Manual, including:
- 4153 (a) stormwater runoff;
- 4154 (b) change in water regime; and
- 4155 (c) erosion and dust control; and
- 4156 b. ((F))for wetlands that score moderate or high for habitat functions((, which
- 4157 means six points or higher, the width of the buffer can be reduced if both of the following
- 4158 criteria are met:
- 4159 ((1) A))a relatively undisturbed vegetated corridor at least one-hundred feet
- 4160 wide is protected between the wetland and ((any other Priority Habitats as defined by the
- 4161 Washington state Department of Fish and Wildlife in the priority habitat and species list))
- 4162 a legally protected, relatively undisturbed, and vegetated area. The corridor ((must))
- 4163 shall be protected for the entire distance ((between the wetland and the priority habitat))
- 4164 and ((legally)) recorded via a conservation easement; and
- 4165 ((2) Measures to minimize the impacts of different land uses on wetlands as

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4166 identified in subsection C.6.b. of this section are applied; and

4167                   b. For wetlands that score low for habitat, which means less than six points, the

4168 buffer width can be reduced to that required for moderate intensity impacts by applying

4169 measures to minimize impacts of the proposed land uses, as follows:

Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.

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Change in water regime	<del>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</del>
Pets and human disturbance	<del>Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.</del>
Dust	<del>Use best management practices to control dust.))</del>

4170 c. the development proposal does not impact the reduced buffer.

4171 D. The department may approve a modification to the buffers established in  
4172 subsection A. of this section if the wetland was created or its characterization was  
4173 upgraded as part of a voluntary enhancement or restoration project.

4174 E. If the site is located within the shoreline jurisdiction, the department shall  
4175 determine that a proposal to reduce wetland buffers under this section will result in no net  
4176 loss of shoreline ecological functions or wetland functions and values.

4177 SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C.  
4178 21A.24.335 are hereby amended to read as follows:

4179 ~~((The following development standards apply to development proposals and  
4180 alterations on sites containing wetlands or their buffers:))~~

4181 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4182 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland  
4183 buffers((;)).

4184 B. The ~~((applicant))~~ following development standards apply to development  
4185 proposals and alterations on sites containing wetlands or associated buffers:

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4186           1. A project may include climate-adaptive plants consistent with section 63 of  
 4187 this ordinance, but shall not otherwise introduce any plant or wildlife that is not  
 4188 indigenous to the Puget Sound (~~((lowland))~~) region into any wetland or wetland buffer  
 4189 unless authorized by a state or federal permit or approval; and

4190           ~~((C. A category IV wetland less than two thousand five hundred square feet that~~  
 4191 ~~is not part of a wetland complex may be altered in accordance with an approved~~  
 4192 ~~mitigation plan by relocating the wetland into a new wetland, with equivalent or greater~~  
 4193 ~~functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based~~  
 4194 ~~on the type of mitigation measures proposed; and~~

4195           ~~D.))~~ 2. Alterations to category I wetlands containing bogs or fens are limited to  
 4196 K.C.C. 21A.24.045, D.20. and D.~~((52))~~51.

4197           SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C.  
 4198 21A.24.340 are hereby amended to read as follows:

4199           In addition to the requirements in (~~((K.C.C. 21A.24.125 and 21A.24.130))~~) this  
 4200 chapter, the following applies to wetland and wetland buffer mitigation (~~((to compensate~~  
 4201 ~~for the adverse impacts associated with an alteration to a wetland or wetland buffer))~~):

4202           A. Mitigation measures (~~((must))~~) shall achieve (~~((equivalent or greater))~~) equal or  
 4203 better wetland functions and values, including, but not limited to:

4204           1. Habitat functions such as complexity, connectivity, and other biological and  
 4205 ecological functions; and

4206           2. Hydrological functions, such as (~~((S))~~)seasonal hydrological dynamics, as  
 4207 provided in the (~~((King County))~~) Surface Water Design Manual;

4208           B. For permanent impacts to a wetland or wetland buffer, (~~((F))~~)the following



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4209 ratios of ~~((area of))~~ mitigation area to ~~((area of alteration))~~ impact area apply ~~((to~~  
 4210 ~~mitigation measures for permanent alterations))~~:

4211 1. For ~~((alterations))~~ impacts to a wetland buffer, a ratio of ~~((one to one; and))~~  
 4212 1:1 on-site, and 2:1 off-site;

4213 2. For ~~((alterations))~~ direct impacts to a wetland that result in permanent, direct  
 4214 loss of wetland area:

<del>((Category</del> and type of wetland	<del>Wetland</del> reestablishment or creation	<del>Wetland</del> rehabilitation	<del>1:1 Wetland</del> reestablishment or wetland creation (R/C) and wetland enhancement (E)	<del>Wetland</del> enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case by case	4:1 rehabilitation of an estuarine wetland	Case by case	Case by case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I	6:1	12:1	1:1 R/C and 10:1 E	Case by case

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forested				
All other Category I	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I wetlands of high conservation value	Not allowed	6:1 rehabilitation of a wetland of high conservation value	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by- ease))
<b><u>Category and type of wetland</u></b>	<b><u>Wetland reestablishment or creation</u></b>	<b><u>Wetland rehabilitation</u></b>	<b><u>1:1 Wetland reestablishment or creation (R/C) and wetland enhancement (E)</u></b>	<b><u>Wetland enhancement only</u></b>

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<u>Category I wetlands of high conservation value</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>Case-by-case</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I estuarine</u>	<u>Case-by-case</u>	<u>8:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I coastal lagoon</u>	<u>Not allowed</u>	<u>8:1</u>	<u>Not allowed</u>	<u>Case-by-case</u>
<u>Category I forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 20:1 E</u>	<u>Case-by-case</u>
<u>All other Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 12:1 E</u>	<u>Case-by-case</u>
<u>Category II estuarine</u>	<u>Case-by-case</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>1:1 R/C and 8:1 E</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>

3. For indirect impacts to a wetland, one half of the ratio required by subsection

B.2. of this section.

C. The following ratios ((~~of area~~)) of mitigation area to ((~~area of alteration~~))

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4219 impact area apply to ~~((mitigation measures for))~~ temporary ~~((alterations))~~ impacts where

4220 wetland~~((s will))~~ functions are expected to take longer than one year to be restored.

4221 Temporary impacts do not ~~((be impacted by))~~ include permanent fill material~~((÷))~~ or

4222 removal of old growth or mature trees, as defined in the Washington state Department of

4223 Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023.

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Reestablishment or <del>((€))</del> creation <del>((or restoration))</del>	Enhancement	Rehabilitation	Reestablishment or <del>((€))</del> creation <del>((or restoration))</del>
Category I	<del>((6))</del> 8:1	<del>((4.5))</del> 6:1	3:1	<del>((3))</del> 4:1	2:1	1.5:1
Category II	<del>((3))</del> 6:1	<del>((2))</del> 3:1	1.5:1	<del>((1.5))</del> 3:1	1.5:1	.75:1
Category III	<del>((2))</del> 4:1	<del>((1.5))</del> 2:1	1:1	<del>((1))</del> 2:1	<del>((.75))</del> 1:1	.5:1

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Categor y IV	<del>((1.5))</del> 3:1	1.5:1	.75:1	<del>((Not applicable))</del> 1.5:1	<del>((Not applicable))</del> .75:1	<del>((Not applicable )</del> .25:1
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4224 D. The department may increase the mitigation ratios provided in subsections B.

4225 and C. of this section under the following circumstances:

4226 1. The department determines there is uncertainty as to the probable success of  
4227 the proposed restoration or creation;

4228 2. A significant period of time will elapse between the impact caused by the  
4229 development proposal and the establishment of wetland functions at the mitigation site;

4230 3. The proposed mitigation will result in a lower category wetland or reduced  
4231 functions relative to the wetland being impacted; ~~((or))~~

4232 4. The proposed mitigation site is not within the same 10-digit hydrologic unit,  
4233 as defined in the Federal Standards and Procedures for the National Watershed Boundary  
4234 Dataset: United States Geological Survey, 2022, as the impact;

4235 5. The proposed mitigation site differs from the development proposal site in  
4236 hydrogeomorphic class, Cowardin system or class, or other fundamental habitat  
4237 characteristics;

4238 6. The development proposal site contains documented habitat for federal or  
4239 state listed endangered, threatened, sensitive, or candidate species or King County species  
4240 of local importance; or

4241 7. The alteration causing the impact was ~~((an))~~ unauthorized ~~((impact))~~ or  
4242 illegal.

4243 E. ~~((The department may decrease the mitigation ratios provided in subsections~~

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~~B. and C. of this section under the following circumstances))~~ As an alternative to applying mitigation ratios in subsection B. or C. of this section, mitigation requirements for impacts to freshwater wetlands may be determined using the credit-debit method in accordance with Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report, Washington state Department of Ecology, publication number 10-06-011, published 2012 and as follows:

1. Mitigation shall be consistent with Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance Version 2, Washington state Department of Ecology, publication number 21-06-003, published 2021; and

2. For permittee-responsible advance mitigation using the credit-debit method:

a. A development permit shall authorize mitigation activities and establish conditions for use as advance mitigation;

b. The mitigation shall be consistent with Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation, Washington state Department of Ecology, publication number 12-06-015, published 2012.

F. Wetland mitigation bank or in lieu fee program credits may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. Off-site compensatory mitigation bank or in lieu fee program mitigation ratios are as follows:

~~1. ((The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values~~

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4267 ~~that are significantly greater than the wetland being impacted;~~

4268           3. ~~The applicant demonstrates that the proposed actions for mitigation have~~  
 4269 ~~been conducted in advance of the impact caused by the development proposal and that~~  
 4270 ~~the actions are successful; or~~

4271           4. ~~In wetlands where several wetland hydrogeomorphic classes, including, but~~  
 4272 ~~not limited to depressional, slope, riverine and flow through, are found within one~~  
 4273 ~~delineated boundary, the department may decrease the ratios if:~~

4274           a. ~~impacts to the wetland are all within an area that has a different~~  
 4275 ~~hydrogeomorphic class from the one used to establish the category;~~

4276           b. ~~the category of the area with a different class is lower than that of the entire~~  
 4277 ~~wetland; and~~

4278           c. ~~the applicant provides adequate hydrologic and geomorphic data to establish~~  
 4279 ~~that the boundary between the hydrogeomorphic classes lies outside of the footprint of~~  
 4280 ~~the impacts.)) For wetland mitigation banks certified under Chapter 173-700 WAC, the~~  
 4281 ~~amount of compensatory mitigation required shall be as follows:~~

4282           a. For direct impacts to wetlands, the ratio shall be consistent with the  
 4283 approved mitigation banking instrument, with a minimum bank credit to impact acre ratio  
 4284 of 1:1;

4285           b. For direct impacts to wetland buffers, the ratio shall be consistent with the  
 4286 approved mitigation banking instrument;

4287           c. For indirect wetland impacts, the ratio shall be one-half of the ratio  
 4288 recommended in the approved mitigation banking instrument; and

4289           d. For long-term temporary impacts, the ratio shall be one-quarter of the ratio

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4290 recommended in the approved mitigation banking instrument;

4291 2. For use of the King County mitigation reserves program or a state or federally

4292 authorized in lieu fee program:

4293 a. For direct, indirect, and long-term temporary impacts, the amount of

4294 compensatory mitigation required shall be consistent with the in lieu fee program

4295 instrument and result in no net loss of wetland functions and values; and

4296 b. For impacts to wetland buffers, the ratio shall be 1:1; and

4297 3. Compensatory mitigation for other approved off-site mitigation options shall

4298 be consistent with ratios in subsections B., C., and D. of this section.

4299 ~~((F.))~~ G. For temporary ~~((alterations))~~ impacts to a wetland or its buffer that are

4300 predominately woody vegetation, the department may require mitigation in addition to

4301 restoration of the ~~((altered))~~ wetland or wetland buffer; and

4302 ~~((G.))~~ H. Mitigation of ~~((an alteration to a buffer of a))~~ wetland buffers ~~((that~~

4303 ~~occurs along an aquatic area))~~ in a lake shoreline ~~((in accordance with an allowed~~

4304 ~~alteration under this chapter))~~ shall include, but is not limited to, on-site revegetation,

4305 maintenance, and other restoration of the buffer or setback area to the maximum extent

4306 practical.

4307 SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C.

4308 21A.24.355 are hereby amended to read as follows:

4309 A. Aquatic areas are ~~((categorized or -))~~typed~~((as follows))~~ using the water

4310 typing system in WAC 222-16-030 and the following criteria:

4311 1. Type S ~~((waters include))~~ means all aquatic areas, within their bankfull width,

4312 inventoried as ~~(( ))~~shorelines of the state~~(( ))~~ under King County's ~~((S))~~shoreline

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4313 ~~((M))~~master ~~((P))~~program;~~((K.C.C. chapter 21A.25, in accordance with chapter 90.58~~  
 4314 ~~RCW))~~ including periodically inundated areas of their associated wetlands;

4315           2. Type F ~~((waters include all))~~ means segments of aquatic areas ~~((that are not))~~  
 4316 other than type S ~~((waters))~~, which are within the bankfull widths of defined channels and  
 4317 periodically inundated areas of their associated wetlands, or within lakes, ponds, or  
 4318 impoundments having a surface area of one-half acre or greater at seasonal low water and  
 4319 that contain fish or fish habitat ~~((, including))~~ or are described by one of the following  
 4320 categories:

4321           a. waters diverted for domestic use by more than ten residential or camping  
 4322 units or by a public accommodation facility licensed to serve more than ten persons,  
 4323 where such diversion is determined by the department to be a valid appropriation of water  
 4324 and the only practical water source for such users. Such waters shall be considered to be  
 4325 Type F upstream from the point of such diversion for one-thousand-five-hundred feet or  
 4326 until the drainage area is reduced by fifty percent, whichever is less;

4327           b. waters diverted for use by a federal, state, ~~((or))~~ tribal, or private fish  
 4328 hatchery from the point of diversion for one~~((-))~~ thousand~~((-))~~ five~~((-))~~ hundred feet or  
 4329 the entire tributary if the tributary is highly significant for protection of downstream  
 4330 water quality;

4331           c. waters within a federal, state, local, or private campground having more than  
 4332 ten camping units. Water is considered to enter a campground when it reaches the  
 4333 boundary of the park lands available for public use and comes within one-hundred feet  
 4334 from a camping unit, trail, or other park improvement; or

4335           d. riverine ponds, wall-based channels, and other channel features that are used

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4336 by fish for off-channel habitat. These habitats are identified by their connection to a fish  
 4337 habitat stream and accessible during some period of the year and accessible to fish;

4338 3. Type N (~~((waters include))~~) means all segments of aquatic areas that are not  
 4339 type S or F (~~((waters))~~) and that are physically connected to type S or F (~~((waters))~~) by (~~((an~~  
 4340 ~~above-ground))~~) a channel or piped system, stream, or wetland; and

4341 4. Type O (~~((waters include))~~) means all segments of aquatic areas that are not  
 4342 type S, F, or N (~~((waters))~~) and that are not physically connected to type S, F, or N  
 4343 (~~((waters))~~) by a (~~((n above-ground))~~) channel or piped system, (~~((pipe or culvert,))~~) stream, or  
 4344 wetland, and which infiltrates water into the ground.

4345 B. For the purposes of (~~((the water))~~) aquatic area types in subsection A. of this  
 4346 section(~~((, an above-ground))~~):

4347 1. A channel system is (~~((considered to be))~~) present if the (~~((one hundred year))~~)  
 4348 floodplains of both the contributing and receiving waters are connected; and

4349 2. Fish habitat may be classified by:

4350 a. the presence of fish;

4351 b. a stream segment, that is perennial or ephemeral, with a defined channel of  
 4352 two feet or greater bank full width and a gradient less than twenty percent; or

4353 c. any stream located within the floodplain of type S or F water.

4354 (~~((C. The department may determine that an area upstream of a legal human-made~~  
 4355 ~~barrier is not fish habitat considering the following factors:~~

4356 1. ~~The human-made barrier is located beneath public infrastructure that is~~  
 4357 ~~unlikely to be replaced and it is not feasible to remove the barrier without removing the~~  
 4358 ~~public infrastructure;~~

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4359           2. ~~The human-made barrier is in the Urban Growth Area established by the~~  
 4360 ~~King County Comprehensive Plan and is located beneath one or more dwelling units and~~  
 4361 ~~it is not feasible to remove the barrier without removing the dwelling unit;~~

4362           3. ~~The human-made barrier is located in a subbasin that is not designated "high"~~  
 4363 ~~on the Basin and Shoreline Conditions Map which is included as Attachment A to~~  
 4364 ~~Ordinance 15051; or~~

4365           4. ~~The human-made barrier is not identified for removal by a public agency or~~  
 4366 ~~in an adopted watershed plan.))~~

4367           SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C.  
 4368 21A.24.358 are hereby amended to read as follows:

4369           A. ~~((Aquatic area buffers))~~ Riparian areas shall ~~((be measured as follows))~~:

4370           1. ~~((From the ordinary high water mark or from the top of bank if the ordinary~~  
 4371 ~~high water mark cannot be identified;~~

4372           2. ~~If))~~ Where the adjacent aquatic area is ((located within)) in a mapped severe  
 4373 channel migration hazard area~~((, the aquatic area buffer width shall be the greater of the~~  
 4374 ~~aquatic area buffer width as measured consistent with subsection A.1. of this section or))~~:

4375           a. include the severe channel migration hazard area; and

4376           b. extend from the outer edge of the severe channel migration hazard area;

4377           2. Where the adjacent aquatic area is not in a mapped severe channel migration  
 4378 hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from  
 4379 the top of bank if the ordinary high water mark cannot be identified; and

4380           3. ~~((If the aquatic area buffer includes a steep slope hazard area or landslide~~  
 4381 ~~hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~

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~~this section or the top of the hazard area))~~ Extend in all directions from the point at which the adjacent aquatic area enters or exits an underground conveyance system.

~~B.1. ((Within the Urban Growth Area, aquatic area buffers))~~ Riparian area widths shall be as follows:

- ~~((1. A type S or F aquatic area buffer is one hundred fifteen feet;~~
- ~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~
- ~~3. A type N aquatic area buffer is sixty five feet; and~~
- ~~4. A type O aquatic area buffer is twenty five feet.))~~

<u>Adjacent Aquatic Area Type</u>	<u>Riparian Area Width</u>
<u>S or F outside the Urban Growth Area</u>	<u>200 feet</u>
<u>S or F in the Urban Growth Area</u>	<u>180 feet</u>
<u>N</u>	<u>100 feet</u>
<u>O</u>	<u>50 feet</u>

2. If the riparian area is in a steep slope hazard area or a landslide hazard area, the riparian area width is the greater of:

- a. the riparian area width as described in this section; or
- b. the extent of the landslide or steep slope hazard area upslope up to a maximum total width of twice the riparian area width, as measured perpendicular to the topographic contours;

3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the greater of:

- a. the riparian area width as described in this section; or

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4400            b. the extent of the alluvial fan hazard area.

4401            C. ~~((Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~

4402                1. ~~A type S or F aquatic area buffer is one hundred sixty five feet;~~

4403                2. ~~A type N aquatic area buffer is sixty five feet; and~~

4404                3. ~~A type O aquatic area buffer is twenty five feet.~~

4405            D. ~~Within the Bear Creek drainage basin a type N aquatic area buffer in a~~

4406 ~~designated regionally significant resource area is one hundred feet.~~

4407            E. ~~The department may approve a modification of buffer widths if))~~ Riparian area

4408 width averaging may be allowed if an ecological critical area report demonstrates:

4409                1. ~~((a. The department determines that through buffer averaging the ecological~~

4410 ~~structure and function of the resulting buffer is equivalent to or greater than the structure~~

4411 ~~and function before averaging and meets the following standards:~~

4412                    (1) ~~the total area of the buffer is not reduced;~~

4413                    (2) ~~the buffer area is contiguous; and~~

4414                    (3) ~~averaging does not result in the reduction of the minimum buffer for the~~

4415 ~~buffer area waterward of the top of the associated steep slopes or for a severe channel~~

4416 ~~migration hazard area;~~

4417                b. ~~the applicant demonstrates that the buffer cannot provide certain functions~~

4418 ~~because of soils, geology or topography, in which case the department shall establish a~~

4419 ~~buffers width that protects the remaining ecological functions that the buffer can provide;~~

4420                c. ~~the site is zoned RA and is subject to an approved rural stewardship plan. In~~

4421 ~~modifying the buffers, the department shall consider factors such as, the basin and~~

4422 ~~shoreline condition, the location of the site within the basin and shoreline, the buffer~~

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4423 ~~condition and the amount of clearing;~~

4424 ~~d. a legally established roadway transects an aquatic area buffer, the roadway~~  
 4425 ~~edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on~~  
 4426 ~~the other side of the roadway provides insignificant biological or hydrological function in~~  
 4427 ~~relation to the portion of the buffer adjacent to the aquatic area; or~~

4428 ~~e. the aquatic area is created or its type is changed as a result of enhancement~~  
 4429 ~~or restoration projects that are not mitigation for a development proposal or alteration;~~  
 4430 ~~and~~

4431 ~~2. If the site is located within the shoreline jurisdiction, that no net loss of~~  
 4432 ~~shoreline ecological functions will result when considering projects that combine reduced~~  
 4433 ~~buffers and habitat restoration.)) The total area of the riparian area after averaging is~~  
 4434 ~~equal to or greater than the total area of the riparian area before averaging;~~

4435 2. The additional riparian area is contiguous with the standard riparian area;

4436 3. The riparian area at its narrowest point is no less than seventy-five percent of  
 4437 the standard width;

4438 4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological  
 4439 functions and values shall occur as a result of the averaging. Revegetation consistent  
 4440 with section 63 of this ordinance is required in the riparian area where native vegetation  
 4441 does not currently exist;

4442 5. The width of the riparian area is increased adjacent to the higher functioning  
 4443 habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower  
 4444 functioning or less sensitive portion;

4445 6. Where the riparian area includes a steep slope, landslide, or alluvial fan

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4446 hazard area, the width of the riparian area is not reduced waterward of the hazard areas;  
 4447 and

4448 7. Riparian area averaging is not combined with any other riparian area width  
 4449 modifications.

4450 SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C.

4451 21A.24.365 are hereby amended to read as follows:

4452 ~~((The following development standards apply to development proposals and~~  
 4453 ~~alterations on sites containing aquatic areas or their buffers;))~~

4454 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
 4455 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ~~((aquatic~~  
 4456 ~~area buffers;))~~ riparian areas.

4457 B. The following development standards apply to development proposals and  
 4458 alterations on sites containing aquatic areas or riparian areas:

4459 1. Clearing, ~~((G))~~grading ~~((for allowed alterations in aquatic area buffers is)),~~  
 4460 and other site disturbances are only allowed from May 1 to October 1. ~~((This))~~ The  
 4461 period may be modified or restricted when the department determines it is necessary  
 4462 ~~((along marine shorelines))~~ to protect critical forage fish and salmonid migration, ~~((or))~~  
 4463 as provided in K.C.C. 16.82.095, or as required by a state or federal permit;

4464 ~~((C;))~~ 2. The moisture-holding capacity of the topsoil layer on all areas of the  
 4465 site not covered by impervious surfaces should be maintained by:

4466 ~~((1;))~~ a. Minimizing soil compaction, or

4467 ~~((2;))~~ b. Reestablishing natural soil structure and the capacity to infiltrate;

4468 ~~((D;))~~ 3. New structures ~~((within an aquatic area buffer))~~ should be sited to

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4469 avoid the creation of future hazard trees and to minimize the impact on groundwater  
 4470 movement; ~~((and~~  
 4471 ~~E.))~~ 4. To the maximum extent practical:  
 4472 ~~((1.))~~ a. The soil duff layer should not be disturbed, but if disturbed, should be  
 4473 redistributed to other areas of the project site where feasible;  
 4474 ~~((2.))~~ b. A spatial connection should be provided between vegetation within  
 4475 and outside the ~~((aquatic area buffer))~~ riparian area to prevent creation of wind throw  
 4476 hazards; and  
 4477 ~~((3.))~~ c. Hazard trees ~~((should be retained))~~ approved for removal in ~~((aquatic~~  
 4478 ~~area buffers and))~~ the riparian area should be either topped or pushed over toward the  
 4479 aquatic area, and not removed from the riparian area; ~~((and~~  
 4480 ~~F.))~~ 5. A project may include climate-adaptive plants, but shall not otherwise  
 4481 introduce any plant or wildlife that is not native to the Puget Sound region into an aquatic  
 4482 area or riparian area unless authorized by state or federal approval; and  
 4483 6. If a ~~((restoration, enhancement or mitigation))~~ project ~~((proposes to place))~~  
 4484 includes large wood ~~((woody debris))~~ waterward of the ordinary high water mark of a  
 4485 ~~((F))~~ type S aquatic area, the applicant shall ~~((consider))~~ minimize the potential for  
 4486 recreational hazards in project design.

4487 SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C.

4488 21A.24.380 are hereby amended to read as follows:

4489 In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~  
 4490 ~~21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate for the~~  
 4491 ~~adverse impacts associated with an alteration to))~~ in an aquatic area or ~~((aquatic area~~



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4492 ~~buffer))~~ riparian area:

4493 A. Mitigation measures ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or  
 4494 better aquatic or riparian area functions than prealteration conditions, including, but not  
 4495 limited to:

4496 1. Habitat complexity, connectivity, and other biological and ecological  
 4497 functions;

4498 2. Seasonal hydrological dynamics~~((;))~~ and water storage capacity ~~((and water~~  
 4499 ~~quality))~~; ~~((and))~~

4500 3. ~~((Geomorphic and habitat processes and functions))~~ Shade and temperature  
 4501 control, pollution removal, water purification, and other water quality functions; and

4502 4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural  
 4503 bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial  
 4504 animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat  
 4505 processes and functions;

4506 B. ~~((To the maximum extent practical, permanent alterations that require~~  
 4507 ~~restoration or enhancement of the altered aquatic area, aquatic area buffer or another~~  
 4508 ~~aquatic area or aquatic area buffer must consider))~~ The mitigation plan shall address the  
 4509 following design factors, as applicable ~~((to the function being mitigated))~~:

4510 1. The natural channel or shoreline reach dimensions including its depth, width,  
 4511 length, and gradient;

4512 2. The horizontal alignment and sinuosity;

4513 3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical  
 4514 or similar substrate and similar erosion and sediment transport dynamics;

4515 4. Bank ~~((and buffer))~~ configuration and erosion and sedimentation rates;  
4516 ~~((and))~~

4517 5. ~~((Similar))~~ Native vegetation or climate-adaptive plant species diversity, size,  
4518 and densities ~~((in the channel, sea bed or lake bottom and on the))~~ comparable to a nearby  
4519 relatively undisturbed riparian ((bank or buffer)) area with similar configuration, spatial  
4520 arrangement, and solar aspect;

4521 6. Similar slope and elevation; and

4522 7. Similar soil conditions, including moisture, saturation, and organic content;

4523 C. Mitigation ~~((to compensate))~~ for ~~((adverse impacts))~~ aquatic areas shall meet  
4524 the following standards:

4525 1. Mitigation shall ((N))not be located upstream of a barrier to fish passage;

4526 2. ~~((Is equal or greater in biological function; and~~

4527 ~~3.))~~ To the maximum extent practical ~~((is))~~, mitigation shall be located on the  
4528 development proposal site ~~((of the alteration))~~ or within one-half mile of the site and in  
4529 the same aquatic area reach ~~((at a 1:1 ratio of area of mitigation to area of alteration; or~~

4530 ~~4. Is)).~~ If mitigation cannot be located on the site or within one-half mile of the  
4531 site, it shall be located in the same ~~((aquatic area))~~ drainage subbasin or marine shoreline  
4532 ~~((and attains the following ratios of area of functional mitigation to area of alteration:~~

4533 a. a 3:1 ratio for a type S or F aquatic area; and

4534 b. a 2:1 ratio for a type N or O aquatic area)); and

4535 3. Mitigation ratios for aquatic areas are as follows:

<u>Aquatic Area</u>	<u>Mitigation Location</u>	<u>Mitigation Ratio</u>
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<u>and Location</u>		<u>(mitigation area to impact area)</u>
<u>All aquatic areas</u>	<u>On the development proposal site</u>	<u>2:1</u>
<u>All aquatic areas</u>	<u>Within 1/2 mile of the development proposal site and in the same aquatic reach</u>	<u>2:1</u>
<u>Type S or F</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>3:1</u>
<u>Type N or O</u>	<u>More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline</u>	<u>2:1</u>

4536 D. For purposes of subsection C. of this section, ((a)) mitigation ((measure)) is in  
 4537 the same aquatic area reach if the length of aquatic area ((shoreline)) or riparian area  
 4538 meets the following criteria:

- 4539 1. Similar geomorphic conditions including slope, soil, aspect, and substrate;
- 4540 2. Similar processes including erosion and transport of sediment and ((woody  
 4541 debris)) large wood;
- 4542 3. ((Equivalent)) Equal or better biological conditions, including presence of  
 4543 and habitat for invertebrates, fish, wildlife, and vegetation; and
- 4544 4. ((Equivalent)) Equal or better biological functions, including fish and wildlife  
 4545 mating, reproduction, rearing, migration, and refuge; ((or)) and
- 4546 5. For tributary streams, a distance of no more than one-half mile from the main  
 4547 stem;

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4548 E. ~~((The department may reduce the mitigation ratios in subsection C. of this~~  
4549 ~~section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic~~  
4550 ~~area if the applicant provides a scientifically rigorous mitigation monitoring program that~~  
4551 ~~includes the following elements:~~

- 4552 1. ~~Monitoring methods that ensure that the mitigation meets the approved~~  
4553 ~~performance standards identified by the department;~~
- 4554 2. ~~Financing or funding guarantees for the duration of the monitoring program;~~  
4555 ~~and~~
- 4556 3. ~~Experienced, qualified staff to perform the monitoring;))~~ For riparian areas,  
4557 on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation  
4558 shall consist of restoration or creation, including through revegetation with native  
4559 vegetation or climate-adaptive plants and removing invasive species, or both.

4560 1. Standard on-site mitigation ratios for riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>On-site Mitigation Ratio (mitigation area to impact area)</u>
<u>Shoreline (S)</u>	<u>3:1</u>
<u>Fish bearing (F)</u>	<u>3:1</u>
<u>Non-fish bearing (N)</u>	<u>3:1</u>
<u>Other (O)</u>	<u>2:1</u>

4561 2. The department may approve alternative on-site mitigation ratios for riparian  
4562 areas, if the alternative mitigation provides equal or better ecological function than the  
4563 standard mitigation requirements. Alternative mitigation is based on the type of existing  
4564 vegetation impacted, as follows:

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<u><b>Adjacent Aquatic Area Type</b></u>	<u><b>Impacts to Woody Vegetation (Trees and Shrubs)</b></u>	<u><b>Impacts to Non-Woody Vegetation or Unvegetated Areas</b></u>
<u>Shoreline (S)</u>	<u>2:1 ratio with at least one</u>	<u>1.5:1 ratio with at least one</u>
<u>Fish bearing (F)</u>	<u>primary action or three</u>	<u>primary action or two</u>
<u>Non-fish bearing (N)</u>	<u>secondary actions</u>	<u>secondary actions</u>
<u>Other (O)</u>	<u>1.5:1 ratio with at least one</u>	<u>1:1 ratio with at least one</u>
	<u>primary action or two</u>	<u>primary or secondary</u>
	<u>secondary actions</u>	<u>action</u>

4565 a. Primary actions include:

4566 (1) placing large wood in adjacent aquatic areas, when not installed for  
 4567 shoreline stabilization or flood protection facilities;

4568 (2) removing a fish passage barrier, if not required by the development  
 4569 permit;

4570 (3) removing an aquatic area transportation crossing, such as a road, bridge,  
 4571 or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate.

4572 Utility-only crossings are not included under this action;

4573 (4) removing shoreline armoring, revetments, or levees; or

4574 (5) other similar actions as determined by the department.

4575 b. Secondary actions include:

4576 (1) adding area contiguous to the existing riparian area at a ratio of 0.5:1  
 4577 where otherwise not required. If the area of addition does not have an equal ecological  
 4578 function to the impact area, the area shall be revegetated with native vegetation or

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- 4579 climate-adaptive plants;
- 4580 (2) placing large wood in riparian areas or an adjacent floodplain;
- 4581 (3) installing wildlife snags or similar wildlife nesting or rearing habitat;
- 4582 (4) removing floodplain fill and replanting with native vegetation or climate-
- 4583 adaptive plants as appropriate; or
- 4584 (5) removing a fish passage barrier if required by a development permit;
- 4585 (6) other similar actions as approved by the department;

4586 F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be

4587 allowed if the mitigation is unable to be located on or within one-half mile of the site.

4588 Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve,

4589 or conservation easement if on private property.

4590 2. Off-site compensatory mitigation ratios riparian areas are as follows:

<u>Adjacent Aquatic Area Type</u>	<u>Off-Site Compensatory Mitigation</u>
	<u>Ratio</u>
<u>Shoreline (S)</u>	<u>4:1</u>
<u>Fish bearing (F)</u>	<u>4:1</u>
<u>Non-fish bearing (N)</u>	<u>4:1</u>
<u>Other (O)</u>	<u>3:1</u>

4591 G. For rectifying an illegal alteration to ((any type of)) an aquatic area or ((its

4592 buffer)) riparian area, mitigation ((measures must meet the following standards:

4593 1-)) shall be ((L))located on the site of the illegal alteration, at a ((1:1))

4594 compensatory mitigation ratio of ((area of mitigation to area of alteration and

4595 2. To the maximum extent practical,)) of 3:1, replicate((s)) the natural

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prealteration configuration at its natural prealteration location including the factors in subsection B. of this section(~~(; and~~

~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~

~~H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer))~~ to the maximum extent practical.

SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

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

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

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

1. For a bald eagle:

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

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

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4619           ~~((2-))~~ c. Between January 1 and August 31, land clearing machinery, such as  
4620 bulldozers, graders, or other heavy equipment, ~~((may))~~ shall not be operated within eight  
4621 hundred feet of the nest;

4622           ~~((C-))~~ 2. For a great blue heron:

4623           ~~((1-))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ an eight-  
4624 hundred-twenty-foot radius from the rookery. The department may increase the radius up  
4625 to an additional one-hundred sixty-four feet if the department determines that the  
4626 population of the rookery is declining; and

4627           ~~((2-))~~ b. Between January 1 and July 31, clearing or grading are not allowed  
4628 within nine-hundred-twenty-four feet of the rookery;

4629           ~~((D-))~~ 3. For a marbled murrelet, the wildlife habitat conservation area is ~~((an~~  
4630 ~~area with))~~ a one-half-mile radius around an active nest;

4631           ~~((E-))~~ 4. For a northern goshawk, the wildlife habitat conservation area ~~((is an~~  
4632 ~~area))~~ with a one-thousand-five-hundred-foot radius around an active nest located outside  
4633 of the ~~((u))~~Urban ~~((g))~~Growth ~~((a))~~Area;

4634           ~~((F-))~~ 5. For an osprey:

4635           ~~((1-))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ a two-hundred-  
4636 thirty-foot radius around an active nest; and

4637           ~~((2-))~~ b. Between April 1 and September 30, alterations are not allowed within  
4638 six-hundred-sixty feet of the nest;

4639           ~~((G-))~~ 6. For a peregrine falcon:

4640           ~~((1-))~~ a. The wildlife habitat conservation area is an area extending for a  
4641 distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the



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4642 eyrie on the rim of the cliff, and the area immediately below the cliff;

4643           ~~((2.))~~ b. Between March 1 and June 30, land-clearing activities that result in  
4644 loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed  
4645 within one-half mile of the eyrie; and

4646           ~~((3.))~~ c. New power lines ~~((may))~~ shall not be constructed within one-thousand  
4647 feet of the eyrie;

4648           ~~((H.))~~ 7. For a spotted owl, the wildlife habitat conservation area is ~~((an area with))~~  
4649 ~~with))~~ a three-thousand-seven-hundred-foot radius from an active nest;

4650           ~~((I.))~~ 8. For a Townsend's big-eared bat:

4651           ~~((1.))~~ a. Between June 1 and October 1, the wildlife habitat conservation area is  
4652 ~~((an area with))~~ a four-hundred-fifty-foot radius from the entrance to a cave or mine,  
4653 located outside of the urban area, with an active nursery colony;

4654           ~~((2.))~~ b. Between November 1 and March 31, the wildlife habitat conservation  
4655 area is ~~((an area with))~~ a four-hundred-fifty-foot radius around the entrance to a cave or  
4656 mine located outside the ~~((U))~~Urban ~~((G))~~Growth ~~((A))~~Area serving as a winter  
4657 hibernacula;

4658           ~~((3.))~~ c. Between March 1 and November 30, a building, bridge, tunnel, or other  
4659 structure used solely for day or night roosting ~~((may))~~ shall not be altered or destroyed;

4660           ~~((4.))~~ d. Between May 1 and September 15, the entrance into a cave or mine that  
4661 is protected because of bat presence ~~((is))~~ shall be protected from human entry; and

4662           ~~((5.))~~ e. A gate across the entrance to a cave or mine that is protected because of  
4663 bat presence ~~((must))~~ shall be designed to allow bats to enter and exit the cave or mine;

4664           ~~((I.))~~ 9. For a Vaux's swift:

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4665           ~~((1-))~~ a. The wildlife habitat conservation area is ~~((an area with))~~ a three-  
 4666 hundred-foot radius around an active nest located outside of the ~~((u))~~Urban ~~((g))~~Growth  
 4667 ~~((a))~~Areas; and

4668           ~~((2-))~~ b. Between April 1 and October 31, clearing, grading, or outdoor  
 4669 construction is not allowed within four hundred feet of an active or potential nest tree.  
 4670 The applicant may use a species survey to demonstrate that the potential nest tree does  
 4671 not contain an active nest; and

4672           ~~((K-))~~ 10. The department shall require protection of an active breeding site of  
 4673 any federal or state listed endangered, threatened, sensitive, and candidate species or  
 4674 King County species of local importance ~~((not listed in subsections B. through J. of this~~  
 4675 ~~section))~~. If the Washington state Department of Fish and Wildlife has adopted  
 4676 management recommendations for a species covered by this subsection, the department  
 4677 shall follow those management recommendations. If management recommendations  
 4678 have not been adopted, the department shall base protection decisions on best available  
 4679 science.

4680           SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C.  
 4681 21A.24.385 are hereby amended to read as follows:

4682           A. ~~((The department shall make certain that s))~~Segments of the wildlife habitat  
 4683 network ~~((are))~~ shall be set aside and protected along the designated wildlife habitat  
 4684 network adopted by the ~~((King County))~~ Comprehensive Plan ~~((as follows:))~~.

4685           ~~((A-))~~ This section applies to the following development proposals on parcels that  
 4686 include a segment of the designated wildlife habitat network:

4687           1. All ~~((urban planned developments, fully contained communities,))~~ binding

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4688 site plans, subdivisions, and short subdivisions; and

4689           2. All development proposals on individual lots, unless a segment of the wildlife  
4690 habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract,  
4691 easement, or setback area, and a notice of the existence of the segment has been recorded;

4692           B. Segments of the wildlife habitat network (~~((must))~~) shall be identified and  
4693 protected in one of the following ways:

4694           1. In (~~((urban planned developments, fully contained communities,))~~) binding site  
4695 plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous  
4696 permanent open((-))space tract with all developable lots sited on the remaining portion  
4697 of the (~~((project))~~) development proposal site, or the lots are designed so that required  
4698 setback areas can form a contiguous setback covering the network segments; or

4699           2. For individual lots, the network is placed in a county-approved setback area.  
4700 To the maximum extent practical, existing native vegetation is included in the network.  
4701 The notice required by K.C.C. (~~((21A.27.170))~~) 21A.24.170 is required; and

4702           C. All wildlife habitat network tracts or setback areas (~~((must))~~) shall meet the  
4703 design standards in K.C.C. 21A.24.386.

4704           SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C.  
4705 21A.24.386 are hereby amended to read as follows:

4706           (~~((The following standards apply to development proposals and alterations on  
4707 sites containing wildlife habitat network:))~~)

4708           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4709 alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

4710           B. The following development standards apply to development proposals and

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4711 alterations on sites containing wildlife habitat network:

4712 1. The wildlife habitat network is sited to meet the following conditions:

4713 ~~((1-))~~ a. The network forms one contiguous tract or setback area that enters and  
4714 exits the property where the network crosses the property boundary;

4715 ~~((2-))~~ b. To the maximum extent practical, the network maintains a width of  
4716 three-hundred feet. The network width shall not be less than one-hundred-fifty feet at  
4717 any point; and

4718 ~~((3-))~~ c. The network is contiguous with and includes critical areas and their  
4719 buffers;

4720 ~~((4-))~~ d. To the maximum extent practical, the network connects isolated  
4721 critical areas or habitat; and

4722 ~~((5-))~~ e. To the maximum extent practical, the network connects with wildlife  
4723 habitat network segments, open space tracts, or wooded areas on adjacent properties, if  
4724 present;

4725 ~~((C-))~~ 2. The wildlife habitat network tract ~~((must))~~ shall be permanently  
4726 marked in accordance with this chapter;

4727 ~~((D-))~~ 3. An applicant proposing recreation, forestry, or any other use  
4728 compatible with preserving and enhancing the habitat value of the wildlife habitat  
4729 network located within the site ~~((must))~~ shall have an approved management plan. The  
4730 applicant shall include and record the approved management plan for a binding site plan  
4731 or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing  
4732 within the wildlife habitat network in a tract or tracts is limited to that allowed by an  
4733 approved management plan;

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4734           ~~((E-))~~ 4. If the wildlife habitat network is contained in a setback area, a  
 4735 management plan is not required. Clearing is not allowed within a wildlife habitat  
 4736 network within a setback area on individual lots, unless the property owner has an  
 4737 approved management plan;

4738           ~~((F-))~~ 5. In ~~((urban planned developments, fully contained communities,))~~  
 4739 binding site plans, subdivisions, and short subdivisions, a homeowners association or  
 4740 other entity capable of long term maintenance and operation shall monitor and assure  
 4741 compliance with any approved management plan;

4742           ~~((G-))~~ 6. The department may credit a permanent open space tract containing the  
 4743 wildlife habitat network toward the other applicable requirements such as surface water  
 4744 management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed  
 4745 uses within the tract are compatible with preserving and enhancing the wildlife habitat  
 4746 value. Restrictions on other uses within the wildlife habitat network tract shall be clearly  
 4747 identified in the management plan; and

4748           ~~((H-))~~ 7. The director may waive or reduce these standards for public facilities  
 4749 such as schools, fire stations, parks, and road projects.

4750           SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby  
 4751 amended to read as follows:

4752           In addition to the requirements in ~~((K.C.C. 21A.24.130, 21A.24.125 and~~  
 4753 ~~21A.24.133))~~ this chapter, the following applies to mitigation ~~((to compensate))~~ for ~~((the~~  
 4754 ~~adverse impacts associated with))~~ wildlife habitat conservation areas and wildlife habitat  
 4755 networks:

4756           A. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to))~~ a wildlife habitat

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4757 conservation area ~~((must))~~ shall prevent disturbance of each protected species. On-site  
 4758 mitigation may include management practices, such as timing of the disturbance. Off-site  
 4759 mitigation is limited to sites that will enhance the ~~((wildlife))~~ habitat ~~((conservation area))~~  
 4760 of the species impacted;

4761 B. Mitigation ~~((to compensate))~~ for ~~((the adverse impacts to the))~~ a wildlife  
 4762 habitat network ~~((must))~~ shall achieve ~~((equivalent or greater))~~ equal or better biological  
 4763 functions, including, but not limited to, habitat complexity and connectivity functions.  
 4764 Specific mitigation requirements for impacts to the wildlife habitat network shall:

4765 1. Expand or enhance the wildlife network as close to the location of impact as  
 4766 feasible; and

4767 2. Attain the following ratios of area of mitigation to area of alteration:

4768 a. for mitigation on site:

4769 (1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4770 and

4771 (2) 1.5:1 ratio for enhancement or restoration; and

4772 b. for mitigation off-site:

4773 (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4774 and

4775 (2) 3:1 ratio for enhancement or restoration;

4776 C. For temporary ~~((alterations))~~ impacts, the department may require  
 4777 ~~((rectification))~~ rehabilitation, restoration, or enhancement of the altered wildlife habitat  
 4778 network;

4779 D. The department may increase the width of the wildlife habitat network to

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4780 mitigate for risks to habitat functions;

4781 E. To the maximum extent practical, mitigation projects involving wildlife  
4782 habitat network restoration should provide replication of the site's prealteration natural  
4783 environment including:

4784 1. Soil type, conditions, and physical features;

4785 2. Vegetation diversity and density; and

4786 3. Biological and habitat functions; and

4787 F. The department may modify the requirements in this section if the applicant  
4788 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife  
4789 habitat conservation area or wildlife habitat network through alternative mitigation  
4790 measures.

4791 NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter  
4792 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

4793 Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and  
4794 K.C.C. Title 23.

4795 SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C.  
4796 21A.25.100 are hereby amended to read as follows:

4797 A. The shoreline use table in this section determines whether a specific use is  
4798 allowed within each of the shoreline environments. The shoreline environment is located  
4799 on the vertical column and the specific use is located on the horizontal row of the table.  
4800 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The  
4801 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be  
4802 interpreted as follows:

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- 4803           1. If the cell is blank in the box at the intersection of the column and the row,  
4804 the use is prohibited in that shoreline environment;
- 4805           2. If the letter "P" appears in the box at the intersection of the column and the  
4806 row, the use may be allowed within the shoreline environment;
- 4807           3. If the letter "C" appears in the box at the intersection of the column and the  
4808 row, the use may be allowed within the shoreline environment subject to the shoreline  
4809 conditional use review procedures specified in K.C.C. 21A.44.100;
- 4810           4. If a number appears in the box at the intersection of the column and the row,  
4811 the use may be allowed subject to the appropriate review process in this section, the  
4812 general requirements of this chapter and the specific development conditions indicated  
4813 with the corresponding number in subsection C. of this section. If more than one number  
4814 appears after a letter, all numbers apply;
- 4815           5. If more than one letter-number combination appears in the box at the  
4816 intersection of the column and the row, the use is allowed in accordance with each letter-  
4817 number combination;
- 4818           6. A shoreline use may be allowed in the aquatic environment only if that  
4819 shoreline use is allowed in the adjacent shoreland environment; and
- 4820           7. This section does not authorize a land use that is not allowed by the  
4821 underlying zoning, but may add additional restrictions or conditions or prohibit specific  
4822 land uses within the shoreline jurisdiction. When there is a conflict between the allowed  
4823 land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for  
4824 shoreline uses shall first be given to water-dependent uses, then to water related uses, and  
4825 finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with



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4826 all relevant county code provisions and with the King County ~~((S))~~shoreline ~~((M))~~master  
4827 ~~((P))~~program.

4828 B. Shoreline uses.

	High Intensi ty	Resident ial	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aqua tic
<b>Agriculture</b>								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture (fish and wildlife management K.C.C. 21A.08.090)</b>								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2

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Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care services (K.C.C. 21A.08.045)	P4	P5	P5					
Business services,	P6							

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except automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)								
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 facility (K.C.C. 21A.08.055)	P9	P9	P9	P9	P9	P9	P9	C10
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								

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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.08.055)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation facilities								C15
In-stream fish and wildlife management,								C16

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except aquaculture (K.C.C. 21A.08.090)								
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational Development</b>								
Recreational and 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 residences (K.C.C. 21A.08.030), adult family homes and community residential facility I		P	P	P	P	C22	C22	

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(K.C.C. 21A.08.045)								
Houseplex, townhouse, apartment, manufactured home community, cottage housing (K.C.C. 21A.08.030)	P23	P			P			
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.045)	P23	P						
Accessory uses	P24	P24	P24	P24	P24	C22	C22	

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(K.C.C. 21A.08.030)						and 24	and 24	
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.08.055)								
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.08.055)	P26	P26	P26	P26	P26	P26	P26	C26
<b>Regional land uses</b>								

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Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							
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4829 C. Development conditions:

4830 1. In the ((N))natural shoreline environment, limited to low intensity agriculture,

4831 such as livestock use with an animal unit density of no more than one per two acres in the

4832 shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to

4833 exceed twenty percent of the site area located within the shoreline jurisdiction.

4834 2.a. The supporting infrastructure for aquaculture may be located landward of

4835 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

4836 b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

4837 c. In aquatic areas adjacent to the residential shoreline environment, net pen

4838 facilities shall be located no closer than one thousand five hundred feet from the ordinary

4839 high water mark of this environment, unless the department allows a specific lesser

4840 distance that it determines is appropriate based upon a visual impact analysis. Other

4841 types of floating culture facilities may be located within one thousand five hundred feet



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4842 of the ordinary high water mark if supported by a visual impact analysis.

4843 d. In aquatic areas adjacent to the rural shoreline environment, net pen  
4844 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
4845 high water mark of this environment, unless the department allows a specific lesser  
4846 distance that it determines is appropriate based upon a visual impact analysis.

4847 e. In the natural shoreline environment and aquatic areas adjacent to the natural  
4848 shoreline environment, commercial net pens are prohibited, and other aquaculture  
4849 activities are limited to activities that do not require structures, facilities, or mechanized  
4850 harvest practices and that will not alter the natural systems, features, or character of the  
4851 site.

4852 f. Farm-raised geoduck aquaculture requires a shoreline substantial  
4853 development permit if a specific project or practice causes substantial interference with  
4854 normal public use of the surface waters.

4855 g. A conditional use permit is required for new commercial geoduck  
4856 aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of  
4857 planting and harvest shall not require a new conditional permit.

4858 3.a. New marinas are not allowed along the east shore of Vashon-Maury Island,  
4859 from Piner Point to Point Robinson.

4860 b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4861 4. Water-dependent personal services land uses in K.C.C. 21A.08.050 are  
4862 allowed. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only  
4863 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
4864 do not have an easement that provides direct access to the water.

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4865           5.a. Water-dependent personal services land uses in K.C.C. 21A.08.050 are  
4866 allowed.

4867           b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are  
4868 only allowed as part of a shoreline mixed-use development that includes water-dependent  
4869 uses.

4870           c. Nonwater-oriented personal services land uses shall provide a ~~((significant))~~  
4871 public benefit by ~~((helping to achieve))~~ achieving one or more of the following shoreline  
4872 master program goals:

4873           (1) economic development for water-dependent uses;

4874           (2) public access;

4875           (3) water-oriented recreation;

4876           (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife  
4877 habitat; ~~((and))~~ or

4878           (5) protection and restoration of historic properties.

4879           6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

4880 Water-related business service~~((s))~~ uses are only allowed as part of a shoreline mixed-use  
4881 development and only if they support a water-dependent use. The water-related business  
4882 service~~((s))~~ uses shall comprise less than one-half of the square footage of the structures  
4883 or the portion of the site within the shoreline jurisdiction.

4884           7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

4885           b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as  
4886 part of a shoreline mixed-use development if the nonwater-dependent retail use supports  
4887 a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the

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4888 square footage of the structures or the portion of the site within the shoreline jurisdiction.

4889 c. Nonwater-oriented retail uses shall provide a significant public benefit by

4890 helping to achieve one or more of the following shoreline master program goals:

4891 (1) economic development for water-dependent uses;

4892 (2) public access;

4893 (3) water-oriented recreation;

4894 (4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

4895 habitat; and

4896 (5) protection and restoration of historic properties.

4897 8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-

4898 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a

4899 significant public benefit by helping to achieve one or more of the following shoreline

4900 master program goals:

4901 a. economic development for water-dependent uses;

4902 b. public access;

4903 c. water-oriented recreation;

4904 d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife

4905 habitat; and

4906 e. protection and restoration of historic properties.

4907 9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

4908 b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only

4909 allowed as part of a shoreline mixed-use development if the nonwater-dependent

4910 government use supports a water-dependent use. Nonwater-dependent uses shall

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comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ~~((N))~~natural environment.

10. The following standards apply to government services uses within the ~~((A))~~aquatic environment:

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

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

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

d. Cable crossings for telecommunications and power lines shall:

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

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4934                   (2) be installed in sites free of vegetation, as determined by physical or video  
4935 seabed survey;

4936                   (3) be buried, preferably using directional drilling, from the uplands to  
4937 waterward of the deepest documented occurrence of native aquatic vegetation; and

4938                   (4) use the best available technology;

4939                   e. Oil, gas, water, and other pipelines shall meet the same standards as cable  
4940 crossings and in addition:

4941                   (1) pipelines shall be directionally drilled to depths of seventy feet or one half  
4942 mile from the ordinary high water mark; and

4943                   (2) use the best available technology for operation and maintenance;

4944                   f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or  
4945 within the ~~((A))~~ aquatic environment adjacent to the ~~((C))~~ conservancy and ~~((N))~~ natural  
4946 shorelines.

4947                   11. In the ~~((N))~~ natural shoreline environment, limited to low intensity forest  
4948 practices that conserve or enhance the health and diversity of the forest ecosystem or  
4949 ecological and hydrologic functions conducted for the purpose of accomplishing specific  
4950 ecological enhancement objectives. In all shoreline environments, forest practices shall  
4951 meet the standards in K.C.C. 21A.25.130.

4952                   12. Manufacturing uses in the shoreline environment shall give preference first  
4953 to water-dependent manufacturing uses and second to water-related manufacturing uses:

4954                   a. ~~((N))~~ nonwater-oriented manufacturing uses are allowed only:

4955                   (1) as part of a shoreline mixed-use development that includes a water-  
4956 dependent use, but only if the water-dependent use comprises over fifty percent of the

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4957 floor area or portion of the site within the shoreline jurisdiction;

4958 (2) on sites where navigability is severely limited; or

4959 (3) on sites that are not contiguous with the ordinary high water mark or on

4960 sites that do not have an easement that provides direct access to the water; and

4961 (4) all nonwater-oriented manufacturing uses shall also provide a significant

4962 public benefit, such as ecological restoration, environmental clean-up, historic

4963 preservation, or water-dependent public education;

4964 b. public access is required for all manufacturing uses unless it would result in

4965 a public safety risk or is incompatible with the use;

4966 c. shall be located, designed, and constructed in a manner that ensures that

4967 there are no significant adverse impacts to other shoreline resources and values;

4968 d. restoration is required for all new manufacturing uses; and

4969 e. boat repair facilities are not allowed within the Maury Island Aquatic

4970 Reserve, except as follows:

4971 (1) engine repair or maintenance conducted within the engine space without

4972 vessel haul-out;

4973 (2) topside cleaning, detailing, and bright work;

4974 (3) electronics servicing and maintenance;

4975 (4) marine sanitation device servicing and maintenance that does not require

4976 haul-out;

4977 (5) vessel rigging; and

4978 (6) minor repairs or modifications to the vessel's superstructure and hull

4979 above the waterline that do not exceed twenty-five percent of the vessel's surface area

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4980 above the waterline.

4981           13. The water-dependent in-stream portion of a hydroelectric generation facility,  
4982 wastewater treatment facility, and municipal water production are allowed, including the  
4983 upland supporting infrastructure, and shall provide for the protection and preservation, of  
4984 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
4985 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
4986 hydrogeological processes, and natural scenic vistas.

4987           14. New in-stream portions of utility facilities may be located within the  
4988 shoreline jurisdiction if:

4989           a. there is no feasible alternate location;

4990           b. provision is made to protect and preserve ecosystem-wide processes,  
4991 ecological functions, and cultural resources, including, but not limited to, fish and fish  
4992 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
4993 and natural scenic vistas; and

4994           c. the use complies with the standards in K.C.C. 21A.25.260.

4995           15. Limited to in-stream infrastructure, such as bridges, and shall consider the  
4996 priorities of the King County Shoreline Protection and Restoration Plan when designing  
4997 in-stream transportation facilities. In-stream structures shall provide for the protection  
4998 and preservation of ecosystem-wide processes, ecological functions, and cultural  
4999 resources, including, but not limited to, fish and fish passage, wildlife and water  
5000 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

5001           16. Limited to hatchery and fish preserves.

5002           17. Mineral uses:

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5003           a. shall meet the standards in K.C.C. chapter 21A.22;

5004           b. shall be dependent upon a shoreline location;

5005           c. shall avoid and mitigate ~~((adverse))~~ impacts to the shoreline environment

5006 during the course of mining and reclamation to achieve no net loss of shoreline ecological

5007 function. In determining whether there will be no net loss of shoreline ecological

5008 function, the evaluation may be based on the final reclamation required for the site.

5009 Preference shall be given to mining proposals that result in the creation, restoration, or

5010 enhancement of habitat for priority species;

5011           d. shall provide for reclamation of disturbed shoreline areas to achieve

5012 appropriate ecological functions consistent with the setting;

5013           e. may be allowed within the active channel of a river only as follows:

5014           (1) removal of specified quantities of sand and gravel or other materials at

5015 specific locations will not adversely affect the natural processes of gravel transportation

5016 for the river system as a whole;

5017           (2) the mining and any associated ~~((permitted))~~ allowed activities will not

5018 have ~~((significant adverse))~~ impacts to habitat for priority species nor cause a net loss of

5019 ecological functions of the shoreline; and

5020           (3) if no review has been previously conducted under this subsection C.17.e.,

5021 before renewing, extending, or reauthorizing gravel bar and other in-channel mining

5022 operations in locations where they have previously been conducted, the department shall

5023 require compliance with this subsection C.17.e. If there has been prior review, the

5024 department shall review previous determinations comparable to the requirements of this

5025 section C.17.e. to ensure compliance with this subsection under current site conditions;

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5026 and

5027 f. shall comply with K.C.C. 21A.25.190.

5028 18. Only water-dependent recreational uses are allowed, except for public parks  
5029 and trails, in the ~~((H))~~high ~~((I))~~intensity shoreline environment and shall meet the  
5030 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

5031 19. Water-dependent and water-enjoyment recreational uses are allowed in the  
5032 ~~((R))~~residential, ~~((R))~~rural, and ~~((F))~~forestry shoreline environments and shall meet the  
5033 standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

5034 20. In the ~~((C))~~conservancy shoreline environment, only the following  
5035 recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public  
5036 access and K.C.C. 21A.25.150 for recreation:

5037 a. parks; and

5038 b. trails.

5039 21. In the ~~((N))~~natural shoreline environment, only passive and low-impact  
5040 recreational uses are allowed.

5041 22. Single detached residences shall be located outside of the ~~((aquatic area  
5042 buffer))~~ riparian area and set back from the ordinary high water mark to the maximum  
5043 extent practical.

5044 23. Only allowed as part of a water-dependent shoreline mixed-use development  
5045 where water-dependent uses comprise more than half of the square footage of the  
5046 structures on the portion of the site within the shoreline jurisdiction.

5047 24. Residential accessory uses shall meet the following standards:

5048 a. docks, piers, moorage, buoys, floats, or launching facilities shall comply

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5049 with the standards in K.C.C. 21A.25.180;

5050 b. residential accessory structures located within the ((~~aquatic area buffer~~))

5051 riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

5052 c. accessory structures shall be sited to preserve visual access to the shoreline

5053 to the maximum extent practical.

5054 25. New highway and street construction is allowed only if there is no feasible

5055 alternate location. Only low-intensity transportation infrastructure is allowed in the

5056 ((~~N~~))natural environment.

5057 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

5058 27. Only bed and breakfast guesthouses.

5059 28. Only in a marina.

5060 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

5061 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

5062 SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C.

5063 21A.25.110 are hereby amended to read as follows:

5064 An applicant for an aquaculture facility shall use the sequential measures in

5065 K.C.C. 21A.25.080. The following standards apply to aquaculture:

5066 A. Unless the applicant demonstrates that the substrate modification will result in

5067 an increase in native habitat diversity, aquaculture that involves little or no substrate

5068 modification shall be given preference over aquaculture that involves substantial

5069 substrate modification and the degree of proposed substrate modification shall be limited

5070 to the maximum extent practical.

5071 B. The installation of submerged structures, intertidal structures and floating

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5072 structures shall be limited to the maximum extent practical.

5073           C. Aquaculture proposals that involve substantial substrate modification or  
5074 sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other  
5075 similar mechanisms, shall not be allowed in areas where the proposal would adversely  
5076 impact critical saltwater or critical freshwater habitats.

5077           D. Aquaculture activities that after implementation of mitigation measures would  
5078 have a significant adverse impact on natural, dynamic shoreline processes, or that would  
5079 result in a net loss of shoreline ecological functions shall be prohibited.

5080           E. Aquaculture should not be located in areas that will result in significant  
5081 conflicts with navigation or other water-dependent uses.

5082           F. Aquaculture facilities shall be designed, located, and managed to prevent the  
5083 spread of diseases to native aquatic life or the spread of new nonnative species.

5084           G. Aquaculture practices shall be designed to minimize use of artificial chemical  
5085 substances and shall use chemical compounds that are least persistent and have the least  
5086 impact on plants and animals. Herbicides and pesticides shall be used only in  
5087 conformance with state and federal standards and to the minimum extent needed for the  
5088 health of the aquaculture activity.

5089           H. Noncommercial native salmon net pen facilities that involve minimal  
5090 supplemental feeding and limited use of chemicals or antibiotics as provided in  
5091 subsection G. of this section may be located in King County marine waters if they are  
5092 consistent with subsections S. and Y. of this section and are:

- 5093           1. Native salmon net pens operated by Indian tribes with treaty fishing rights;  
5094           2. For the limited penned cultivation of wild salmon stocks during a limited

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5095 portion of their lifecycle to enhance restoration of native stocks; or

5096 3. For rearing to adulthood in order to harvest eggs as part of a captive brood

5097 stock recovery program for endangered species.

5098 I. If uncertainty exists regarding potential impacts of a proposed aquaculture

5099 activity and for all experimental aquaculture activities, unless otherwise provided for, the

5100 department may require baseline and periodic operational monitoring by a county-

5101 approved consultant, at the applicant's expense, and shall continue until adequate

5102 information is available to determine the success of the project and the magnitude of any

5103 probable (~~((significant))~~) adverse environmental impacts. Permits for such activities shall

5104 include specific performance measures and provisions for adjustment or termination of

5105 the project at any time if monitoring indicates (~~((significant,))~~) adverse environmental

5106 impacts that cannot be adequately mitigated.

5107 J. Aquaculture developments approved on an experimental basis shall not exceed

5108 five acres in area, except land-based projects and anchorage for floating systems, and

5109 three years in duration. The department may issue a new permit to continue an

5110 experimental project as many times as it determines is necessary and appropriate.

5111 K. The department may require aquaculture operations to carry liability insurance

5112 in an amount commensurate with the risk of injury or damage to any person or property

5113 as a result of the project. Insurance requirements shall not be required to duplicate

5114 requirements of other agencies.

5115 L. If aquaculture activities are authorized to use public facilities, such as boat

5116 launches or docks, King County may require the applicant to pay a portion of the cost of

5117 maintenance and any required improvements commensurate with the use of those

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5118 facilities.

5119 M. New aquatic species that are not previously cultivated in Washington state  
5120 shall not be introduced into King County saltwaters or freshwaters without prior written  
5121 approval of the Director of the Washington state Department of Fish and Wildlife and the  
5122 Director of the Washington state Department of Health. This prohibition does not apply  
5123 to((÷)) Pacific, Olympia, Kumomoto, Belon<sub>2</sub> or Virginica oysters; Manila, Butter, or  
5124 Littleneck clams; or Geoduck clams.

5125 N. Unless otherwise provided in the shoreline permit issued by the department,  
5126 repeated introduction of an approved organism after harvest in the same location shall  
5127 require approval by the county only at the time the initial aquaculture use permit is  
5128 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic  
5129 organism in any area within the waters of King County regardless of whether it is a native  
5130 or resident organism within the county and regardless of whether it is being transferred  
5131 from within or without the waters of King County.

5132 O. For aquaculture projects, overwater structures shall be allowed only if  
5133 necessary for the immediate and regular operation of the facility. Overwater structures  
5134 shall be limited to the storage of necessary tools and apparatus in containers of not more  
5135 than three feet in height, as measured from the surface of the raft or dock.

5136 P. Except for the sorting or culling of the cultured organism after harvest and the  
5137 washing or removal of surface materials or organisms before or after harvest, no  
5138 processing of any aquaculture product shall occur in or over the water unless specifically  
5139 approved by permit. All other processing and processing facilities shall be located  
5140 landward of the ordinary high water mark.

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5141           Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict  
5142 compliance with all applicable governmental waste disposal standards, including, but not  
5143 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water  
5144 Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the  
5145 site of any aquaculture operation.

5146           R. Unless approved in writing by the National Marine Fisheries Service or the  
5147 U.S. Fish and Wildlife Service, predator control shall not involve the killing or  
5148 harassment of birds or mammals. Approved controls include, but are not limited to,  
5149 double netting for seals, overhead netting for birds, and three-foot high fencing or netting  
5150 for otters. The use of other nonlethal, nonabusive predator control measures shall be  
5151 contingent upon receipt of written approval from the National Marine Fisheries Service  
5152 or the U.S. Fish and Wildlife Service, as required.

5153           S. Finfish net pens and rafts shall meet the following criteria in addition to the  
5154 other applicable regulations of this section:

5155           1. Finfish net pens shall not be located in Quartermaster Harbor. For the  
5156 purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north  
5157 of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner  
5158 Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

5159           2. Finfish net pens shall meet, at a minimum, state approved administrative  
5160 guidelines for the management of net pen cultures. In the event there is a conflict in  
5161 requirements, the more restrictive requirement shall prevail;

5162           3. Finfish net pens shall not occupy more than two surface acres of water area,  
5163 excluding booming and anchoring requirements. Anchors that minimize disturbance to

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substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

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

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

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

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

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

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5187 V. Aquaculture structures and equipment shall be of sound construction and shall  
5188 be so maintained. Abandoned or unsafe structures and equipment shall be removed or  
5189 repaired promptly by the owner. Where any structure might constitute a potential hazard  
5190 to the public in the future, the department shall require the posting of a bond  
5191 commensurate with the cost of removal or repair. The department may abate an  
5192 abandoned or unsafe structure in accordance with K.C.C. Title 23.

5193 W. Aquaculture shall not be approved where it will adversely impact eelgrass and  
5194 macroalgae.

5195 X. Commercial salmon net pens and nonnative marine finfish aquaculture are  
5196 prohibited.

5197 Y. Finfish net pens shall be consistent with the applicable aquaculture regulations  
5198 in this section and shall meet the following criteria and requirements:

5199 1. Each finfish net pen application shall provide a current, peer-reviewed  
5200 science review of environmental issues related to finfish net pen aquaculture;

5201 2. The department shall only approve a finfish net pen application if the  
5202 department determines the scientific review demonstrates:

5203 a. that the project construction and activities will achieve no net loss of  
5204 ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and  
5205 no documented adverse long-term impact to applicable elements of the environment,  
5206 including, but not limited to, habitat for native salmonids, water quality, critical saltwater  
5207 or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the  
5208 benthic community below the net pen or other environmental attributes; and

5209 b. that the finfish net pen does not involve significant risk of cumulative



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5210 adverse effects, including, but not limited to, risk of interbreeding with wild salmon or  
5211 reduction of genetic fitness of wild stocks, parasite or disease transmission, or other  
5212 adverse effects on native species or threatened or endangered species and their habitats;

5213 3. The department's review shall:

5214 a. include an assessment of the risk to endangered species, non-endangered  
5215 species, and other biota that could be affected by the finfish net pen; and

5216 b. evaluate and model water quality impacts utilizing current information,  
5217 technology, and assessment models. The project proponent shall be financially  
5218 responsible for this water quality assessment;

5219 4. Finfish net pens shall be designed, constructed and maintained to prevent  
5220 escapement of fish in all foreseeable circumstances, including, but not limited to, tide,  
5221 wind and wave events of record, floating and submerged debris, and tidal action;

5222 5. Finfish net pens shall not be located:

5223 a. within three hundred feet of an area containing eelgrass or a kelp bed;  
5224 b. within one thousand five hundred feet of an ordinary high water mark; or  
5225 c. in a designated Washington state Department of Natural Resources aquatic  
5226 reserve;

5227 6. A finfish net pen may not be used to mitigate the impact of a development  
5228 proposal; and

5229 7. For finfish net pens that are not noncommercial native salmon net pens, the  
5230 conditional use permit for the net pen shall be renewed every five years. An updated  
5231 scientific review shall be conducted as part of the renewal and shall include a new risk  
5232 assessment and evaluation of the impact of the operation of the finfish net pen during the

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5233 previous five years.

5234 Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

5235 SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C.

5236 21A.25.150 are hereby amended to read as follows:

5237 Recreational development (~~((must))~~) shall meet the following standards:

5238 A. The recreational development (~~((must be))~~) is (~~((permitted))~~) allowed in the  
5239 underlying zone;

5240 B. Recreational uses in the (~~((N))~~)natural shoreline environment (~~((must))~~) shall be  
5241 water-oriented;

5242 C. Swimming areas shall be separated from boat launch areas and marinas, to the  
5243 maximum extent practical;

5244 D. The development of underwater sites for sport diving shall not:

5245 1. Take place at depths of greater than eighty feet;

5246 2. Constitute a navigational hazard; and

5247 3. Be located in areas where the normal waterborne traffic would constitute a  
5248 hazard to those people who may use such a site;

5249 E. The construction of swimming facilities, docks, piers, moorages, buoys, floats,  
5250 and launching facilities below the ordinary high water mark shall be governed by the  
5251 regulations relating to docks, piers, moorage, buoys, floats, or launching facility  
5252 construction in K.C.C. 21A.25.180;

5253 F. Public boat launching facilities or marinas shall be governed by K.C.C.  
5254 21A.25.120;

5255 G. Campgrounds in the (~~((N))~~)natural shoreline environment shall meet the

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5256 following conditions:

5257 1. Campsites shall be located outside the shoreline jurisdiction if possible, and if

5258 not, be located outside of critical area((s)) and associated buffers;

5259 2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

5260 3. Removal of vegetation shall be limited to the maximum extent practical;

5261 H. Public contact with unique and fragile areas shall be ((permitted)) allowed

5262 where it is possible without destroying the natural character of the area;

5263 I. Water viewing, nature study, recording, and viewing shall be accommodated

5264 by open space, platforms, benches, or shelter, consistent with public safety and security;

5265 J. Public recreation shall be provided on county-owned lands consistent with this

5266 chapter unless the director determines public recreation is not compatible with other uses

5267 on the site or will create a public safety risk; and

5268 K. To the maximum extent practical, proposals for non((-))water oriented active

5269 recreation facilities shall be located outside of the shoreline jurisdiction and shall not be

5270 ((permitted)) allowed where the non((-))water oriented active recreation facility would

5271 have an adverse impact on critical saltwater or critical freshwater habitats.

5272 SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C.

5273 21A.25.160 are hereby amended to read as follows:

5274 A. The shoreline modification table in this section determines whether a specific

5275 shoreline modification is allowed within each of the shoreline environments. The

5276 shoreline environment is located on the vertical column and the specific use is located on

5277 the horizontal row of the table. The specific modifications are grouped by the shoreline

5278 modification categories in WAC 173-26-231. The table should be interpreted as follows:

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- 5279           1. If the cell is blank in the box at the intersection of the column and the row,  
5280 the modification is prohibited in that shoreline environment;
- 5281           2. If the letter "P" appears in the box at the intersection of the column and the  
5282 row, the modification may be allowed within the shoreline environment;
- 5283           3. If the letter "C" appears in the box at the intersection of the column and the  
5284 row, the modification may be allowed within the shoreline environment subject to the  
5285 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;
- 5286           4. If a number appears in the box at the intersection of the column and the row,  
5287 the modification may be allowed subject to the appropriate review process indicated in  
5288 this section and the specific development conditions indicated with the corresponding  
5289 number immediately following the table, and only if the underlying zoning allows the  
5290 modification. If more than one number appears at the intersection of the column and  
5291 row, both numbers apply;
- 5292           5. If more than one letter-number combination appears in the box at the  
5293 intersection of the column and the row, the modification is allowed within that shoreline  
5294 environment subject to different sets of limitations or conditions depending on the review  
5295 process indicated by the letter, the specific development conditions indicated in the  
5296 development condition with the corresponding number immediately following the table;
- 5297           6. A shoreline modification may be allowed in the aquatic environment only if  
5298 that shoreline modification is allowed in the adjacent shoreland environment; and
- 5299           7. This section does not authorize a shoreline modification that is not allowed  
5300 by the underlying zoning, but may add additional restrictions or conditions or prohibit  
5301 specific modifications within the shoreline jurisdiction. All shoreline modifications in
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5302 the shoreline jurisdiction shall comply with all relevant county code provisions and with

5303 the King County shoreline master program.

5304 B. Shoreline modifications.

	<b>High Inten sity</b>	<b>Resident ial</b>	<b>Rur al</b>	<b>Conserv ancy</b>	<b>Resour ce</b>	<b>Fores try</b>	<b>Natu ral</b>	<b>Aqua tic</b>
<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	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

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<b>Breakwaters, jetties, groins, and weirs</b>								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
<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	P7	P7	P7	P7	P7	P7	P7
<b>Vegetation</b>								

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management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

5305 C. Development conditions.

5306 1. New and replacement shoreline stabilization, including bulkheads, shall meet

5307 the standards in K.C.C. 21A.25.170((;)).

5308 2.a. Flood protection facilities shall be consistent with the standards in K.C.C.

5309 chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King

5310 County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection

5311 Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and

5312 Transportation, ((~~2003~~)) 2002). New structural flood hazard protection measures are

5313 allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific

5314 and engineering analysis that the structural measures are necessary to protect existing

5315 development, that nonstructural measures are not feasible and that the impact on

5316 ecological functions and priority species and habitats can be successfully mitigated ((~~se~~

5317 ~~as~~)) to assure no net loss of shoreline ecological functions. New flood protection

5318 facilities designed as shoreline stabilization shall comply with the standards in K.C.C.

5319 21A.25.170.

5320 b. Relocation, replacement, or expansion of existing flood control facilities

5321 within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of

5322 the 2024 King County Flood Management Plan and consistent with the ((~~Washington~~

5323 ~~State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and

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5324 bioengineering techniques used to the maximum extent practical. New facilities would  
5325 only be allowed consistent with an approved watershed resources inventory area (WRIA)  
5326 salmon recovery plan under chapter 77.85 RCW.

5327           3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with  
5328 the standards in K.C.C. 21A.25.180((;)).

5329           4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

5330           b. A shoreline conditional use permit is required to:

5331               (1) Place fill waterward of the ordinary high water mark for any use except  
5332 ecological restoration or for the maintenance and repair of flood protection facilities; and

5333               (2) Dispose of dredged material within shorelands or wetlands within a  
5334 channel migration zone;

5335           c. ~~((F))~~fill shall not be placed in critical saltwater or critical freshwater habitats  
5336 except when all of the following conditions are met:

5337               (1) the public's need for the proposal is clearly demonstrated and the proposal  
5338 is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW  
5339 90.58.020;

5340               (2) avoidance of impacts to critical saltwater or critical freshwater habitats by  
5341 an alternative alignment or location is not feasible or would result in unreasonable and  
5342 disproportionate cost to accomplish the same general purpose;

5343               (3) the project including any required mitigation, will result in no net loss of  
5344 ecological functions associated with critical saltwater or critical freshwater habitats; and

5345               (4) the project is consistent with the state's interest in resource protection and  
5346 species recovery; and



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5347 d. In a channel migration zone, any filling shall protect shoreline ecological  
5348 functions, including channel migration.

5349 5.a. Breakwaters, jetties, groins, and weirs:

5350 (1) are only allowed where necessary to support water dependent uses, public  
5351 access, approved shoreline stabilization, or other public uses, as determined by the  
5352 director;

5353 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
5354 habitat restoration project or as an alternative to construction of a shoreline stabilization  
5355 structure;

5356 (3) shall not intrude into or over critical saltwater or critical freshwater  
5357 habitats except when all of the following conditions are met:

5358 (a) the public's need for the structure is clearly demonstrated and the  
5359 proposal is consistent with protection of the public trust, ~~((as embodied))~~ in accordance  
5360 with RCW 90.58.020;

5361 (b) avoidance of impacts to critical saltwater or critical freshwater habitats  
5362 by an alternative alignment or location is not feasible or would result in unreasonable and  
5363 disproportionate cost to accomplish the same general purpose;

5364 (c) the project including any required mitigation, will result in no net loss of  
5365 ecological functions associated with critical saltwater or critical freshwater habitats; and

5366 (d) the project is consistent with the state's interest in resource protection  
5367 and species recovery.

5368 b. Groins are only allowed as part of a restoration project sponsored or  
5369 cosponsored by a public agency that has natural resource management as a primary

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5370 function.

5371 c. A conditional shoreline use permit is required, except for structures installed  
5372 to protect or restore shoreline ecological functions.

5373 6. Excavation, dredging, and filling shall comply with the standards in K.C.C.

5374 21A.25.190. A shoreline conditional use permit is required to dispose of dredged  
5375 material within shorelands, wetlands, or side channels within a channel migration zone.

5376 7. ~~((a. If the department determines))~~ Limited to projects where the primary  
5377 purpose is ~~((restoration))~~ to restore or enhance of the natural character and ecological  
5378 functions of the shoreline, ~~((a shoreline habitat and natural systems enhancement))~~ as  
5379 follows:

5380 a. the project may include shoreline modification of vegetation, removal of  
5381 nonnative or invasive plants, and shoreline stabilization, including the installation of  
5382 large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions identified through  
5383 biological assessments required by the National Marine Fisheries Services and applied to  
5384 flood hazard mitigation projects may include shoreline modifications of vegetation,  
5385 removal of nonnative or invasive plants, and shoreline stabilization, including the  
5386 installation of large ~~((woody debris))~~ wood, dredging, and filling. Mitigation actions  
5387 identified through biological assessments required by the National Marine Fisheries  
5388 Services and applied to flood hazard mitigation projects may include shoreline  
5389 modifications of vegetation, removal of nonnative or invasive plants, and shoreline  
5390 stabilization, including the installation of large ~~((woody debris))~~ wood, dredging, and  
5391 filling~~((:))~~;

5392 b. Within the ~~((u))~~ Urban ~~((g))~~ Growth ~~((a))~~ Area, the county may grant relief

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5393 from shoreline master program development standards and use regulations resulting from  
 5394 shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-  
 5395 215((-));

5396 c. A shoreline habitat and natural systems enhancement project shall provide a  
 5397 net ecological benefit and increase in functions over the existing ecological and  
 5398 functional conditions of the habitat project area; and

5399 d. A restoration or enhancement plan shall include:

5400 (1) an evaluation of the anticipated net change in ecological functions from  
 5401 pre-project to post-project; and

5402 (2) a monitoring and reporting plan to demonstrate the gain of ecological  
 5403 function.

5404 8. Within the critical area and critical area buffer, vegetation removal is subject  
 5405 to K.C.C. chapter 21A.24.

5406 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing  
 5407 native vegetation located outside of the critical area and critical area buffer shall be  
 5408 retained to the maximum extent practical. Within the critical area and critical area buffer,  
 5409 vegetation removal is subject to K.C.C. chapter 21A.24.

5410 SECTION 99. Ordinance 3688, Section 414, as amended, and K.C.C.  
 5411 21A.25.190 are hereby amended to read as follows:

5412 Excavation, dredging, dredge material disposal, and filling may be permitted only  
 5413 as follows:

5414 A. Fill or excavation landward of the ordinary high water mark shall be subject to  
 5415 K.C.C. chapters 16.82 and 21A.24;

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- 5416           B. Fill may be permitted below the ordinary high water mark only:
- 5417           1. When necessary to support a water dependent use;
- 5418           2. To provide for public access;
- 5419           3. When necessary to mitigate conditions that endanger public safety, including
- 5420 flood risk reduction projects;
- 5421           4. To allow for cleanup and disposal of contaminated sediments as part of an
- 5422 interagency environmental cleanup plan;
- 5423           5. To allow for the disposal of dredged material considered suitable under, and
- 5424 conducted in accordance with, the dredged material management program of the
- 5425 Washington state Department of Natural Resources;
- 5426           6. For expansion or alteration of transportation or utility facilities currently
- 5427 located on the shoreline and then only upon demonstration that alternatives to fill are not
- 5428 feasible; or
- 5429           7. As part of mitigation actions, environmental restoration projects and habitat
- 5430 enhancement projects;
- 5431           C. Fill or excavations shall be permitted only when technical information
- 5432 demonstrates water circulation, littoral drift, aquatic life and water quality will not be
- 5433 substantially impaired and that the fill or excavation will not obstruct the flow of the
- 5434 ordinary high water, flood waters or cutoff or isolate hydraulic features from each other;
- 5435           D. Dredging and dredged material disposal below the ordinary high water mark
- 5436 shall be permitted only:
- 5437           1. When necessary for the operation of a water dependent use;
- 5438           2. When necessary to mitigate conditions that endanger public safety or

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5439 fisheries resources;

5440 3. As part of and necessary to roadside ~~((or agricultural))~~ ditch maintenance that

5441 is performed consistent with ~~((best management practices promulgated through~~

5442 ~~administrative rules under the critical areas provisions of))~~ King County Regional Road

5443 Maintenance Guidelines and K.C.C. chapter 21A.24 or consistent with the King County

5444 agricultural assistance drainage program and if:

5445 a. the maintenance does not involve any expansion of the ditch beyond its

5446 previously excavated size. This limitation shall not restrict the county's ability to require

5447 mitigation~~((;))~~ under K.C.C. chapter 21A.24~~((;))~~ or other applicable laws;

5448 b. the ditch was not constructed or created in violation of law;

5449 c. the maintenance is accomplished with the least amount of disturbance to the

5450 stream or ditch as possible;

5451 d. the maintenance occurs during the summer low flow period and is timed to

5452 avoid disturbance to the stream or ditch during periods critical to salmonids; and

5453 e. the maintenance complies with standards designed to protect salmonids and

5454 salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection D.3.e.

5455 shall not be construed to permit the mining or quarrying of any substance below the

5456 ordinary high water mark;

5457 4. For establishing, maintaining, expanding, relocating, or reconfiguring

5458 navigation channels and basins when necessary to ensure safe and efficient

5459 accommodation of existing navigation uses when:

5460 a. significant ecological impacts are minimized;

5461 b. mitigation is provided;

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5462 c. maintained to the existing authorized location, depth, and width;

5463 5. For restoration projects when((;

5464 ((a-)) the site where the fill is placed is located waterward of the ordinary high

5465 water mark((;)) and;

5466 ((b-)) a. the project is associated with a habitat project under the Model Toxics

5467 Control Act or the Comprehensive Environmental Response, Compensation, and

5468 Liability Act; or

5469 ((c-)) b. any habitat enhancement or restoration project; and

5470 6. For flood risk reduction projects conducted in accordance with Policy 9 of the

5471 2024 King County Flood Management Plan;

5472 E. Dredging is not allowed waterward of the ordinary high water mark for the

5473 primary purpose of obtaining fill material or creating a new marina;

5474 F. Disposal of dredged material shall be done only in approved deep water

5475 disposal sites or approved upland disposal sites and is not allowed within wetlands or

5476 channel migration zones;

5477 G. Stockpiling of dredged material in or under water is prohibited; and

5478 H. ~~((In order to insure that operations involving dredged material disposal and~~

5479 ~~maintenance dredging are consistent with the King County shoreline master program as~~

5480 ~~required by RCW 90.58.140(1), n))~~No dredging may commence in any shoreline

5481 environment without ~~((the responsible person having first obtained either))~~ a substantial

5482 development permit or a statement of exemption when required under K.C.C.

5483 21A.25.290. A statement of exemption or shoreline permit is not required before

5484 emergency dredging needed to protect property from imminent damage by the elements,

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5485 if statement of exemption or substantial development permit is subsequently obtained  
 5486 following the procedures in K.C.C. 16.82.065.

5487 SECTION 100. Ordinance 16985, Section 46, as amended, and K.C.C.  
 5488 21A.25.210 are hereby amended to read as follows:

5489 A. The expansion of a dwelling unit or residential accessory structure located in  
 5490 the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ~~((is subject to the~~  
 5491 ~~following:~~

5492 ~~A.))~~ shall require a shoreline variance ~~((if the proposed expansion ((will):~~

5493 1. ~~((Results~~ in a total cumulative expansion of the dwelling unit and  
 5494 accessory structures ~~((of))~~ by more than one thousand square feet ~~((, a shoreline variance~~  
 5495 ~~is required; and~~

5496 ~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,~~  
 5497 ~~the expansion is not allowed));~~

5498 2. Is within thirty-five feet of the ordinary high water mark; or

5499 3. Is between thirty-five feet and fifty feet of the ordinary high water mark and  
 5500 the expansion extending towards the ordinary high water mark is more than three  
 5501 hundred square feet.

5502 SECTION 101. Ordinance 11168, Section 3, as amended, and K.C.C.  
 5503 21A.30.045 are hereby amended to read as follows:

5504 ~~A. ((To achieve the maximum density allowances using))~~ The livestock densities  
 5505 in K.C.C. 21A.30.040 may be achieved through a livestock management plan component  
 5506 of a farm management plan ~~((, the)).~~ A livestock management plan ~~((must meet the~~  
 5507 ~~following criteria))~~ component shall:

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5508 1. ~~((The plan is))~~ Comply with the requirements of K.C.C. 21A.24.051 for farm  
 5509 management plans;

5510 2. Be developed as part of a program authorized or approved by King County.  
 5511 Certified Washington state Department of Ecology nutrient management plans that are  
 5512 consistent with all of the criteria of this section may substitute for a livestock  
 5513 ~~((management component of a farm))~~ management plan component for commercial dairy  
 5514 farms. Commercial dairy farms that do not have approved nutrient management plans  
 5515 ~~((must))~~ shall meet the requirements of K.C.C 21A.30.060;

5516 ~~((2. The plan))~~ 3. ~~((i))~~ Include ~~((s))~~ site-specific best management ~~((measures))~~  
 5517 practices for minimizing nonpoint pollution from agricultural activities and for managing  
 5518 wetland ~~((and))~~, wetland buffers, aquatic areas, and riparian areas, including, but not  
 5519 limited to:

- 5520 a. livestock watering;
- 5521 b. grazing and pasture management;
- 5522 c. confinement area management;
- 5523 d. manure management; and
- 5524 e. exclusion of animals from aquatic areas ~~((and their buffers))~~, riparian areas,  
 5525 and wetlands and ~~((their))~~ associated buffers with the exception of grazed wet  
 5526 meadows~~((-))~~;

5527 ~~((3. The plan is))~~ 4. Be implemented within a timeframe established in the plan  
 5528 and maintained so that nonpoint pollution attributable to livestock-keeping is minimized;  
 5529 and

5530 ~~((4. A))~~ 5. Include a monitoring plan ~~((may be))~~, if required ~~((as part of the~~



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livestock management component of a farm management plan), to demonstrate that there is no significant impact to water quality and ~~((salmonid fisheries))~~ fish habitat.

Monitoring results shall be made available to the King County agriculture program.

B. The livestock ~~((management component of a farm))~~ management plan component shall, at a minimum:

1.a. ~~((Generally seek to achieve a twenty-five foot buffer of))~~ Establish grazing area buffers with diverse, mature vegetation between grazing areas and ~~((the ordinary high water mark of all type S and F aquatic areas and))~~ critical areas as follows:

(1) forty feet from the ~~((wetland))~~ edge of a ~~((ny))~~ category I, II, or III wetland, ~~((with the))~~ except ~~((ion of))~~ grazed wet meadows ~~((, using buffer averaging where necessary to accommodate existing structures.))~~;

(2) forty feet from a type S or F aquatic area;

(3) thirty-five feet from a type N aquatic area;

(4) twenty feet from the edge of a category IV wetland, except grazed wet meadows;

(5) no minimum from grazed wet meadows; and

(6) the clearing of lands for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly native forest overstory, shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

b. The ~~((livestock management component of a farm management plans may vary the))~~ width of the grazing area buffer ~~((of an aquatic area or wetland,))~~ and the time and duration of animal exclusion throughout the year ~~((, according to guidelines agreed~~

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5554 ~~upon by King County and the King Conservation District))~~ may be modified consistent  
 5555 with the public rule established to implement farm management plans. The ~~((guidelines))~~  
 5556 public rule may ~~((support a))~~ allow for different grazing area buffer widths and limited  
 5557 vegetation management for sight lines, ditch maintenance, crossing points, and noxious  
 5558 weed control consistent with this chapter and based on both the nature of the farm  
 5559 operation and the function and sensitivity of the aquatic area or wetland.

5560 c. The livestock management plan ~~((must))~~ component shall include best  
 5561 management practices that avoid having manure accumulate in or within ten feet of type  
 5562 ~~((N or))~~ O ~~((waters))~~ aquatic areas. ~~((Forested lands being cleared for grazing areas shall~~  
 5563 ~~comply with the critical area buffers in K.C.C. chapter 21A.24))~~);

5564 2. ~~((Assure))~~ Ensure that drainage ditches on the site do not channel animal  
 5565 waste to aquatic areas and wetlands;

5566 3. Achieve an additional twenty~~((foot buffer))~~ feet of diverse, mature  
 5567 vegetation beyond the grazing area buffers identified in subsection B.1. of this section  
 5568 downslope of any confinement areas within two hundred feet of type S~~((and))~~, F  
 5569 ~~((waters))~~, and N aquatic areas. This requirement may be waived for existing  
 5570 confinement areas on lots of two and one-half acres or less in size if:

5571 a. a minimum buffer of ~~((twenty-five))~~ forty feet of diverse, mature vegetation  
 5572 is achieved;

5573 b. manure within the confinement area is removed daily during the winter  
 5574 season from October 15 to April 15, and stored in accordance with K.C.C.  
 5575 21A.30.060.D.; and

5576 c. additional best management practices~~((, as recommended by the King~~

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5577 ~~Conservation District,))~~ in an approved farm management plan are implemented((;)) and  
 5578 maintained; and

5579 4. Include a schedule for implementation.

5580 C. Any deviation from the manure management standards ((~~must~~)) shall be  
 5581 addressed in ((~~a~~)) the livestock ((~~management component of a farm~~)) management plan  
 5582 component.

5583 D. ((~~A copy of the final plans shall be submitted to the department of natural~~  
 5584 ~~resources and parks within sixty days of completion.~~

5585 ~~E. The farm management plan approved by the department of natural resources~~  
 5586 ~~and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040~~  
 5587 ~~and 20.22.080. Appeals may be filed only by the property owner or four members of the~~  
 5588 ~~King County agriculture commission. Any farm management plan not appealed shall~~  
 5589 ~~constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.~~  
 5590 ~~9.12.035.)) Properties operating under an existing livestock management plan component~~  
 5591 based on the standards in effect before the effective date of this section shall be deemed  
 5592 to have satisfied the standards of this section.

5593 E. For the purposes of this section, in aquatic areas and riparian areas, distances  
 5594 shall be measured from the ordinary high water mark of the adjacent aquatic area or from  
 5595 the top of the bank if the ordinary high water mark cannot be identified.

5596 SECTION 102. Ordinance 10870, Section 534, as amended, and K.C.C.  
 5597 21A.30.060 are hereby amended to read as follows:

5598 ((~~Property owners with farms containing either large~~)) A. The livestock ((~~at~~))  
 5599 densities ((~~greater than one animal unit per two acres, or small livestock at densities~~

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5600 ~~greater than five animals per acre, or both, are not required to follow an livestock))~~  
 5601 identified in K.C.C. 21A.30.040 without a farm management plan ~~((if the owners~~  
 5602 ~~adhere))~~ are subject to ~~((the management standards in subsections A. through G. of))~~ this  
 5603 section. This section applies only if farm practices do not result in violation of any  
 5604 federal, state, or local water quality standards.

5605 ~~((A-))~~ B. To minimize livestock access to aquatic areas, property owners shall  
 5606 utilize the following for livestock watering ~~((options))~~:

5607 1. The preferred option, which is a domestic water supply, stock watering pond,  
 5608 roof runoff collection system, or approved pumped supply from ~~((the))~~ aquatic areas so  
 5609 that livestock are not required to enter aquatic areas for their water supply.

5610 2.a. Livestock access to type S~~((and))~~, F ~~((waters, including their buffers))~~, and  
 5611 N aquatic areas and riparian areas shall be limited to crossing and watering points that  
 5612 have been addressed by a crossing or watering point plan designed to Natural Resource  
 5613 Conservation Services or King Conservation District specifications that prevent free  
 5614 access along the length of the aquatic areas.

5615 ~~((a-))~~ b. Fencing shall be used as necessary to prevent livestock access to type  
 5616 S ~~((and))~~, F ~~((waters))~~, and N aquatic areas.

5617 ~~((b-))~~ c. Bridges may be used~~((, in accordance with K.C.C. chapter 21A.24, in~~  
 5618 ~~lieu of))~~ in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and  
 5619 abutments shall not be placed within the ordinary high water mark or top-of-bank,  
 5620 whichever is greater. Bridges shall be designed to allow free flow of flood waters and  
 5621 shall not diminish flood carrying capacity. These bridges may be placed without a  
 5622 ~~((county))~~ building permit, but the permit waiver shall not constitute any assumption of

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5623 liability by the county with regard to such bridge or its placement. The waiver of a  
 5624 ~~((county))~~ building permit ~~((requirements))~~ does not constitute a waiver from other  
 5625 required agency permits.

5626 ~~((B-))~~ C.1. Existing grazing areas without a farm management plan and not  
 5627 addressed by K.C.C. chapter 21A.24 shall maintain a ~~((vegetative))~~ grazing area buffer  
 5628 ~~((of))~~ as follows:

5629 a. fifty feet from the ~~((wetland))~~ edge of a category I, II, or III wetland, except  
 5630 ~~((those wetlands meeting the definition of))~~ grazed wet meadows~~((, or the ordinary high~~  
 5631 ~~water mark of))~~;

5632 b. fifty feet from a type S ~~((or))~~, F ~~((water))~~, or N aquatic area;

5633 c. twenty-five feet from the edge of a category IV wetland, except grazed wet  
 5634 meadows; and

5635 d. no minimum from grazed wet meadows.

5636 2. ~~((Forested))~~ The clearing of lands ~~((being cleared))~~ for new grazing areas  
 5637 shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly  
 5638 native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian  
 5639 area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

5640 3. ~~((The grazing area buffer may be reduced to twenty-five feet where a twenty-~~  
 5641 ~~five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may~~  
 5642 ~~not be used when forested lands are being cleared for grazing areas.~~

5643 4.)) Fencing shall be used to establish and maintain the grazing area buffer  
 5644 unless the buffer is otherwise impenetrable to livestock.

5645 ~~((5-))~~ 4. Fencing installed in accordance with the ~~((1990 Sensitive Area~~

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5646 ~~Ordinance before February 14, 1994))~~ standards in effect before the effective date of this  
 5647 ordinance, at ~~((setbacks))~~ distances other than those specified in subsection ~~((B.1. and 2.))~~  
 5648 C. of this section shall be deemed to constitute compliance with those requirements.

5649 ~~((6.))~~ 5. Grazing areas within two hundred feet of a wetland or type S~~((or))~~, F  
 5650 ~~((water or category I, II or III wetland))~~, or N aquatic area shall not be plowed during the  
 5651 rainy season from October 1 through April 30.

5652 ~~((7.))~~ 6. Grazing areas may extend to the property line, provided that wetlands  
 5653 and type S~~((or))~~, F ~~((waters and category I, II and III wetlands))~~, or N aquatic areas that  
 5654 are located adjacent to the property line are ~~((buffered))~~ protected in accordance with  
 5655 subsection ~~((B.1., 2. or 3.))~~ C. of this section.

5656 ~~((C.))~~ D.1. In addition to the grazing area buffers in subsection ~~((B.1. and 2.))~~ C.  
 5657 of this section, confinement areas located within two hundred feet of any wetland, except  
 5658 grazed wet meadows, or type S~~((or))~~, F, ~~((waters or category I, II or III, wetlands with the~~  
 5659 ~~exception of grazed wet meadows))~~ or N aquatic areas shall:

5660 a. have a twenty-foot-wide vegetative filter strip downhill from the  
 5661 confinement area, consisting of heavy grasses or other ground cover with high stem  
 5662 density and that may also include tree cover;

5663 b. not be located in ~~((the buffer of))~~ a wetland buffer or a riparian area of  
 5664 a~~((ny))~~ type S~~((or))~~, F ~~((water or any wetland buffer required by the critical areas~~  
 5665 ~~ordinance))~~, or N aquatic area in effect at the time the confinement area is built, or within  
 5666 fifty feet of ~~((the))~~ a wetland ~~((edge of any category I, II or III wetland))~~ or ~~((the ordinary~~  
 5667 ~~high water mark of any))~~ type S~~((or))~~, F ~~((water))~~, or N aquatic area. Fencing shall be  
 5668 used to establish and maintain the wetland buffer ~~((except where existing natural~~

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5669 ~~vegetation is sufficient to exclude)) or riparian area unless the area is otherwise~~  
 5670 ~~impenetrable to livestock ((from the buffer. Existing confinement areas that do not meet~~  
 5671 ~~these requirements shall be modified as necessary to provide the buffers specified in this~~  
 5672 ~~section within five years of January 1, 2005, though the footprint of existing buildings~~  
 5673 ~~need not be so modified)); and~~

5674 c. have roof drains of any buildings in the confinement area diverted away  
 5675 from the confinement area.

5676 2. Confinement areas may extend to the property line((;)) if aquatic areas and  
 5677 wetlands adjacent to the property line are buffered in accordance with ((K.C.C. this))  
 5678 subsection C. of this section.

5679 ((D;)) E.1. Manure storage areas shall be managed as follows:

5680 a. Surface flows and roof runoff shall be diverted away from manure storage  
 5681 areas;

5682 b. All manure stockpiled within two hundred feet uphill of ((any the ordinary  
 5683 high water mark of)) a wetland or type S ((or)), F ((water or the edge of a category I, II or  
 5684 III wetland)), or N aquatic area shall either be covered in a manner that excludes  
 5685 precipitation and allows free flow of air to minimize fire danger or be placed in an  
 5686 uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or  
 5687 other facility designed to prevent leachate from reaching any aquatic area or wetland.  
 5688 Concrete bunkers shall be monitored quarterly for the first two years after installation,  
 5689 then annually unless problems were identified in the first two years, in which case  
 5690 quarterly monitoring shall continue and appropriate adjustments shall be made; and

5691 c.(1) Manure shall not be stored in a((ny aquatic area buffer)) riparian area or

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wetland buffer, with the exception of grazed ~~((or tilled))~~ wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

~~((1))~~ (a) any wetland edge excluding grazed ~~((or tilled))~~ wet meadows;

~~((2))~~ (b) the ordinary high water mark of any aquatic area; or

~~((3))~~ (c) any ditch to which the topography would generally direct runoff

from the manure~~((; and))~~.

~~((4))~~ (3) The location may be reduced to no closer than fifty feet if the

manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

~~((E. For purposes of this section, "buffer maintenance" means allowing vegetation in the buffer that provides shade for the aquatic area or acts as a filter for storm water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading))~~ F.

Alterations in ~~((the))~~ a buffer or riparian area ~~((is))~~ are allowed only ~~((for establishment of watering and crossing points, or for other activities permitted))~~ in accordance with K.C.C. chapter 21A.24~~((, with the appropriate permits))~~.

~~((F. Properties that have existing fencing already installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in~~



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~~compliance with the fencing requirements of these standards. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005.))~~

G. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

H. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 103. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ~~((chapter 23.08))~~ Title 23. When feasible, corrective work shall include restoration of the critical area and associated buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and associated buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ~~((buffer))~~ riparian area is altered in violation of this title, restoration of the ~~((stream and buffer))~~ aquatic area or riparian area shall comply

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5738 with the restoration standards in K.C.C. 21A.24.380.

5739 D. All corrective work shall be completed within the time specified in the  
5740 corrective work plan, but in no case later than one year from the date the corrective work  
5741 plan is approved by the department, unless the director authorizes a longer period. The  
5742 violator shall notify the department when restoration measures are installed and  
5743 monitoring is commenced.

5744 E. Any failure to satisfy corrective work requirements established by law or  
5745 condition including, but not limited to, the failure to provide a monitoring report within  
5746 thirty days after it is due or comply with other provisions of an approved corrective work  
5747 plan shall constitute a default, and the department may demand payment of any financial  
5748 guarantees or require other action authorized by K.C.C. Title 27A or other applicable  
5749 law.

5750 F. Reasonable access to the corrective work site shall be provided to King  
5751 County for the purpose of inspections during any monitoring period.

5752 SECTION 104. Ordinance 17485, Section 50 is hereby amended to read as  
5753 follows:

5754 The council hereby adopts the following work program items as part of the King  
5755 County Comprehensive Plan 2012:

5756 A. The executive shall evaluate the benefits, costs and implementation strategies  
5757 of requiring disclosure of Environmental Protection Agency Energy Star-type scores for  
5758 commercial and public buildings to prospective buyers, lessees and lenders with the goal  
5759 of improving energy efficiency. The executive shall prepare a report setting forth  
5760 recommendations for modifications to policies, procedures and ordinances to implement

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the requirement of energy use disclosure by building owners. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

B. The executive shall evaluate the benefits, costs and implementation strategies of requiring solar access for the production of solar energy. For the purposes of this subsection B, "solar access" encompasses both the ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage, or other impediment), as well as the ability to install solar energy systems on residential and commercial property that is subject to private restrictions; that is, covenants, conditions, restrictions, bylaws and condominium declarations, as well as local government ordinances and building codes. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

C.1. The executive shall complete a report on the effectiveness of county efforts to support the needs of agriculture pursuant to King County comprehensive plan policy R-667.

2. The report shall include:

- a. a timeline for the implementation of expedited reviews and reduced fees;
- b. the number and types of agricultural building permits reviewed;

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5784 c. an estimate of cost savings for applicants for agricultural building permits;

5785 d. an estimate of the number of agricultural building permits that were

5786 reviewed under more stringent commercial building standards; and

5787 e. a comparison between fire and building standards applied to permits for

5788 agricultural structures by King County and those of Pierce, Snohomish, Skagit and

5789 Whatcom counties.

5790 3. The report shall be transmitted to the council by September 1, 2013. The

5791 executive shall file one paper copy and one electronic copy of this plan with the clerk of

5792 the council, for distribution to all councilmembers and the lead staff of the transportation,

5793 economy and environment committee, or its successor;

5794 D.1. In addition to other formats, the executive shall produce a single, web-based

5795 document that consolidates all the chapters of the Comprehensive Plan, including the

5796 introduction and glossary.

5797 2. The consolidated document shall:

5798 a. be searchable, include hyperlinks to all cited web addresses; and

5799 b. use a non-PDF format in order to allow editing.

5800 3. Access to this consolidated document shall be made available on the

5801 executive web page no later than thirty days after the adoption of updates to the

5802 Comprehensive Plan;

5803 E. The executive shall complete a report on the effectiveness of county efforts to

5804 implement the guiding principle of equity and social justice in its planning and actions.

5805 This report shall identify any deficiencies in the implementation of this guiding principle

5806 applied to the policies contained in Comprehensive Plan. The report shall identify

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5807 actions necessary to correct these deficiencies. The analysis should be done by subparts  
5808 of each chapter ; that is, by each lettered section of each chapter . The report shall also  
5809 recommend if the addition of a policy calling for the consideration of equity and social  
5810 justice in implementation of the subpart of each chapter should be added to the  
5811 Comprehensive Plan and the recommended language for all such additional policies. The  
5812 report should be transmitted to the council by March 1, 2013, in order that the council  
5813 may consider any recommended policy changes in accordance with K.C.C.

5814 20.18.030.B.6. The executive shall file one paper copy and one electronic copy of this  
5815 plan with the clerk of the council, for distribution to all councilmembers and the lead staff  
5816 of the transportation, economy and environment committee, or its successor;

5817 F.1. The executive shall complete a report on the effectiveness of county  
5818 incentives to foster and support the annexation efforts of cities as well as potential  
5819 barriers and their impacts.

5820 2. The report shall include:

5821 a. a needs analysis of county actions, such as the construction of improvements  
5822 to infrastructure within each city potential annexation area that would be necessary to  
5823 encourage annexation by a city;

5824 b. a financial analysis of potential options for funding of these county actions;  
5825 and

5826 c. any state legislative action needed to facilitate annexations.

5827 3. The report shall be transmitted to the council by September 1, 2013. The  
5828 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
5829 the council, for distribution to all councilmembers and the lead staffs for the

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5830 transportation, economy and environment and budget and fiscal management, or their  
5831 successor.

5832 G.1. The executive shall convene discussions between the county and its cities  
5833 for the purpose of developing joint planning agreements relative to the use of transfer of  
5834 development rights ("TDRs").

5835 2. The joint planning agreements should:

5836 a. identify potential preferred receiving sites both within the current boundaries  
5837 of a city and its potential annexation areas; and

5838 b. include measures that would encourage the increased use of TDRs.

5839 3. The executive shall provide a report that:

5840 a. describes which cities are participating in the development of joint planning  
5841 agreement; and

5842 b. outlines the process and timeline for the development of these joint planning  
5843 agreements.

5844 4. The report required under subsection G.3. of this section shall be transmitted  
5845 to the council by September 1, 2013. The executive shall file one paper copy and one  
5846 electronic copy of the report with the clerk of the council, for distribution to all  
5847 councilmembers and the lead staff of the transportation, economy and environment  
5848 committee, or its successor.

5849 H.1. The executive shall complete a report on the effect of the recession on  
5850 market demand for transfer of development rights.

5851 2. The report shall:

5852 a. enumerate the number of transfer of development rights ("TDRs") both sold

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5853 and used for development;

5854 b. identify any difference in the demand of privately-marketed TDRs versus

5855 those TDRs sold to and obtained from the county TDR bank; and

5856 c. evaluate any impacts on TDR market demand resulting from economic

5857 conditions or from price differentials, if any, between privately marketed TDRs and those

5858 obtained from the TDR bank.

5859 3. The report shall be transmitted to the council by September 1, 2013. The

5860 executive shall file one paper copy and one electronic copy of this plan with the clerk of

5861 the council, for distribution to all councilmembers and the lead staff of the transportation,

5862 economy and environment committee, or its successor.

5863 I.1. The executive shall conduct a review of, and report on, septic systems on

5864 unincorporated properties either in or directly abutting the Sammamish Valley

5865 agricultural production district ("APD").

5866 2. The report shall:

5867 a. identify and map all such properties;

5868 b. indicate where septic system failures have occurred, or have the high

5869 potential of occurring due to age or soil conditions;

5870 c. evaluate the potential health impact of such failures on lands within the

5871 APD, especially in regard to lands used for food crops; and

5872 d. identify possible methods of sewage treatment as allowed under the

5873 Comprehensive Plan policies, and including a range of costs, for the identified methods,

5874 that may be utilized to provide for safe treatment of sewage.

5875 3. The report shall be transmitted to the council by September 1, 2013. The

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executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

J.1. The executive shall complete a report relating to an increased potential for safety conflicts between motorized and non-motorized uses on roadways in the Rural Area, as a result of reduced investments in or maintenance of roadways.

2. To address the potential increase of these conflicts, the report shall:

a. review the county's road design and construction standards for roadways in the Rural Area for ways to provide safer multimodal use of these roadways; and

b. for areas where there is not sufficient roadway infrastructure for safe multimodal uses, evaluate whether off-roadway trails and bike paths for nonmotorized uses should be encouraged or facilitated.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

K.1. The executive shall complete the update to the Rural Economic Strategies ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted in the 2008 Comprehensive Plan.

2. The RES plan update shall reflect:

a. policy direction of the 2012 Comprehensive Plan;

b. the effect of annexations towards focusing the county's local government role as primarily that of a rural area service provider; and



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5899           c. that while cities in the Rural Area fill a crucial need for supporting the retail  
5900 and service needs of the population of the surrounding Rural Area, such cities are  
5901 autonomous, which means they may plan and implement their own economic strategies,  
5902 and are therefore not subject to the county's development and/or economic regulations.  
5903 The updated plan and ordinance adopting the updated plan shall be transmitted to the  
5904 council by September 1, 2013.

5905           L. The executive shall add to the Growth Management Planning Council's 2013  
5906 work plan, the issue of multi-jurisdictional responsibility for funding of improvements to  
5907 the county's rural regional corridors that are used, in large measure, to move traffic  
5908 between incorporated areas.

5909           M.1. The executive shall complete a report outlining the work plan for the  
5910 watershed planning process to be established for an agricultural production district  
5911 ("APD") as contemplated in Comprehensive Plan Policy R-650.

5912           2. The report shall:

5913           a. establish the criteria for creating a watershed planning process;  
5914           b. the general work plan for any established watershed planning process; and  
5915           c. the categories of stakeholders proposed to be included for any established  
5916 watershed planning process and the proposed number of participants from each category.  
5917 The categories shall be but are not limited to: farmer(s) and/or resident(s) affected by the  
5918 proposed project(s) in the APD; a representative from the WRIA in which the affected  
5919 APD is located; a representative from the King County Agriculture Commission from the  
5920 affected APD; a representative from the King Conservation District; and subject matter  
5921 experts.

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5922           3. The report shall be transmitted to the council by March 1, 2013. The  
5923 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
5924 the council, for distribution to all councilmembers and the lead staff of the transportation,  
5925 economy and environment committee, or its successor.

5926           N. The executive shall develop and transmit for council consideration and  
5927 adoption, the appropriate regulations to necessary to implement policies U-188 and U-  
5928 189, which relate to the Four-to-One Program. No new applications for Four-to-One  
5929 proposals based on these policies shall be accepted by the executive until such time as  
5930 such regulations are adopted by council. The executive-proposed regulations shall be  
5931 transmitted to the council by March 1, 2013.

5932           O. ~~((By June 1, 2013, the executive shall provide a report detailing the progress~~  
5933 ~~of the rule making process, as required by this ordinance, which will develop the criteria~~  
5934 ~~for the designation and mapping of the channel migration zone areas in unincorporated~~  
5935 ~~King County. Additional reports to provide updates on the progress on the rule making~~  
5936 ~~process and implementation of the designation and mapping of channel migration zones~~  
5937 ~~shall be provided each January 1 and June 1, until the mapping is completed. The reports~~  
5938 ~~required by this subsection shall be transmitted to the council in the form of a paper~~  
5939 ~~original and an electronic copy with the clerk of the council, who shall retain the original~~  
5940 ~~and provide an electronic copy to all councilmembers and to the lead staff for the~~  
5941 ~~transportation, economy and environment committee, or its successor.)) By January 31st~~  
5942 ~~of each year beginning in 2026, the executive shall notify the clerk of the council and~~  
5943 ~~councilmembers representing districts where channel migration hazard mapping is~~  
5944 ~~planned to occur in the next twelve months, including a geographic scope, planned~~

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5945 schedule, and public rule development and adoption. The executive shall maintain a  
 5946 publicly accessible website with information on completed and pending channel  
 5947 migration hazard public rules, studies, and map updates.

5948 P.1. The executive shall work collaboratively with the city of Woodinville to  
 5949 develop joint recommendations for promoting the wine and agriculture industries.

5950 2. In developing these recommendations, the county shall work with the city to  
 5951 analyze and consider the following:

5952 a. Identification of existing and needed transportation infrastructure including  
 5953 traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and  
 5954 way finding;

5955 b. The finite nature and value of agricultural soil resources and the agricultural  
 5956 potential of the APD;

5957 c. The character of the surrounding rural area;

5958 d. Vacant, buildable, and redevelopable land within the existing urban growth  
 5959 area;

5960 e. The adopted Countywide Planning Policies and King County  
 5961 Comprehensive Plan;

5962 f. Input from the public and interested stakeholders, including local businesses  
 5963 and surrounding city and unincorporated area communities;

5964 g. Failing septic systems and pollution in the valley, in conjunction with the  
 5965 report set forth in subsection I of this section; and

5966 h. Nonconforming uses on the unincorporated lands in King County and on the  
 5967 agricultural lands.

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5968           Q. Recognizing that structures, such as farm pads, are vital to agriculture  
5969 activities and are allowed in the channel migration zones in accordance with K.C.C.  
5970 21A.24.045A, the executive shall work with the state Department of Ecology to develop  
5971 a revised K.C.C. 21A.24.045D.56. to more accurately reflect the restrictions on placing  
5972 such structures in severe channel migration zones.

5973           SECTION 105. The following are hereby repealed:

- 5974           A. Ordinance 15713, Section 2, as amended, and K.C.C. 2.36.080;  
5975           B. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;  
5976           C. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;  
5977           D. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;  
5978           E. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;  
5979           F. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;  
5980           G. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;  
5981           H. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342;  
5982           I. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550;  
5983           J. Ordinance 19820, Section 15; and  
5984           K. Ordinance 19820, Section 16.

5985           SECTION 106. By December 31, 2027, the executive shall transmit an ordinance  
5986 that updates mapping for critical aquifer recharge areas, based on the best available  
5987 science when it was previously adopted. The ordinance required by this section shall be  
5988 electronically filed with the clerk of the council, who shall retain an electronic copy and  
5989 provide an electronic copy to all councilmembers, the council chief of staff, and the lead  
5990 staff to the local services and land use committee or its successor.

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5991            SECTION 107. The department of local services, permitting division, shall  
5992 complete the following in order to facilitate implementation of this ordinance:

5993            A. By February 13, 2026, review and create or amend customer bulletins that  
5994 include critical area information, standards, or reporting requirements to reflect the  
5995 provisions of this ordinance;

5996            B. By December 31, 2026, review and create or amend customer bulletins that  
5997 identify application material required based on project or site complexity, including for  
5998 smaller or streamlined projects;

5999            C. Provide written notice to the clerk of the council when actions identified in  
6000 Subsection A. and B. are completed and publicly available.

6001            SECTION 108. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D.,  
6002 and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92,  
6003 93, 95, 96, 97, 98, 99, 100, and 105 of this ordinance to the state Department of Ecology  
6004 for its approval, as provided in RCW 90.58.090.

6005            SECTION 109. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66,  
6006 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99,  
6007 100, and 105 of this ordinance take effect within the shoreline jurisdiction fourteen days  
6008 after the state Department of Ecology provides written notice of final action stating that  
6009 the proposal is approved, in accordance with RCW 90.58.090. The executive shall  
6010 provide the written notice of final action to the clerk of the council.

6011            SECTION 110. Except as otherwise provided in section 109 of this ordinance,  
6012 this ordinance takes effect sixty-one days after the date of publication of notice of  
6013 adoption of this ordinance, as provided in RCW 36.70A.290.

Ordinance 20024


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6014            **SECTION 111. Severability.** If any provision of this ordinance or its application  
6015 to any person or circumstance is held invalid, the remainder of the ordinance or the  
6016 application of the provision to other persons or circumstances is not affected.


Ordinance 20024 was introduced on 1/7/2025 and passed as amended by the  
Metropolitan King County Council on 12/2/2025, by the following vote:

Yes: 7 - Balducci, Barón, Dembowski, Fain, Mosqueda, Perry and  
von Reichbauer  
Excused: 1 - Dunn

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Signed by:  
  
062AC77E76FB49B...  
Sarah Perry, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...  
Melani Hay, Clerk of the Council

APPROVED this \_\_\_\_ day of 12/15/2025, \_\_\_\_.

Signed by:  
  
B7B9CFF6992F49A...  
Girmay Zahilay, County Executive

**Attachments:** A. 2025 Update to 2024 King County Comprehensive Plan, dated December 2025

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**King County**

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# **2025 Update to 2024 King County Comprehensive Plan**

December 2025

*In Chapter 3, Rural & Natural Resources, on page 3-36, after Policy R-755, amend as follows:*

**R-755a King County should explore implementing the Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District through engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

*In Chapter 5, Environment, on page 5-3, after Policy E-106, amend as follows:*

**E-106a King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas and invite consultation with individual federally-recognized Indian tribes regarding the intended purpose, sharing, and application of Indigenous Knowledge to inform protection of critical areas.**

*In Chapter 5, Environment, on page 5-51, amend as follows:*

**((E-412 — A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.))**

*In Chapter 5, Environment, on page 5-56, after Policy E-904, amend as follows:*

The Voluntary Stewardship Program (RCW 36.70A.705) was created under GMA in 2011 to balance the protection and enhancement of critical areas on agricultural lands with the long-term support of viable agriculture in selected watersheds. It is an alternative approach to critical areas protection for agricultural activities. The Voluntary Stewardship Program requires the development of a watershed work plan by a local work group with diverse and broad representation from the agricultural industry, Indian tribes, King Conservation District, Agriculture Commission, and other interested parties. A state approved work plan must address specific Voluntary Stewardship Program criteria and becomes the critical areas regulatory tool for agriculture in selected watersheds in place of traditional critical areas regulations for a ten-year period. A monitoring and adaptive management plan is also required as part of the Voluntary Stewardship Program. While King County has not opted into the Voluntary Stewardship Program, the County should continue to evaluate whether participation in the Voluntary Stewardship Program would be a better tool to address protection of critical areas and agricultural lands.

**E-905 King County should explore adaptive management techniques to protect and enhance critical areas within or adjacent to agricultural activities, such as through enrollment in the Voluntary Stewardship Program, collection of data, and engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

*In Chapter 5, Environment, on page 5-24, after Policy E-334, amend as follows:*

**E-334a King County should actively communicate and invite consultation with federally-recognized Indian tribes regarding potential impact to species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.**

*In Chapter 12, Implementation, Amendments, & Evaluation, on page 12-19, after Action 15: Legacy Business Program, amend as follows:*

**Action 16: State Environmental Policy Act (SEPA) Categorical Exemptions**



Attachment A to 20024 (Proposed Ordinance 2024-0408)  
2025 Update to 2024 Comprehensive Plan

King County completes environmental review on project actions consistent with the State Environmental Policy Act (SEPA). As part of House Bill 5290 and efforts to streamline the permit review process, the County has made efforts to reduce permitting burdens for applicants to meet state law, support infill development, reduce permitting delays, and accelerate the construction of new housing. One consideration for streamlining permit review is reviewing exemptions for when SEPA review is required for certain small developments. Addressing exemptions for projects that are consistent with the Growth Management Act, the King County Comprehensive Plan, and development regulations may facilitate development in King County.

WAC 197-11-800 allows counties to raise their categorical exemption thresholds to a maximum level when a review process is completed. King County will conduct a review of the current thresholds adopted in King County Code against those specified in state law to determine whether exemptions should be raised through a SEPA Categorical Exemption report. The report will analyze two different categorical exemption scenarios that includes the maximum exemption level allowed under state law and a moderate exemption level that is between current adopted levels and the maximum level, and include the following:

- a. An analysis that identifies estimates the number of and types of developments and housing units, and likely location of projects that would be exempt under each scenario;
  - b. Whether elements of the environment are adequately addressed for the development proposed under each exemption scenario;
  - c. What notice and comment opportunities would be available for the public, affected tribes, and agencies for the permitting of developments included in the increased exemption levels;
  - d. Whether existing county practices, available inventories or predictive models, and county development regulations and federal and state laws provide adequate protections for cultural and historic resources when exemption levels under either scenario are raised; and
  - e. Identifying code or policy changes needed to implement raised categorical exemptions identified in a. through d.
- **Deliverables:** The Executive should file with the Council a SEPA Categorical Exemption report and a proposed ordinance implementing the recommendations in the report.
  - **Timeline:** The SEPA Categorical Exemption report and ordinance, if recommended, should be filed with the Council by June 30, 2028.
  - **Lead Agency:** Department of Local Services.

***In the Glossary, on page G-10, amend as follows:***

**Habitat**

Habitat is the ((area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space)) the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.

***In the Glossary, on page G-25, amend as follows:***

**Wetland Functions**

The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland((s-perform)) functions ((that are grouped into three categories:)) include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5, Environment)

**Wetland Values**

Values are estimates((, usually subjective,)) of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to ((valuable and beneficial to)) benefit society. Values vary by watershed or ((human)) community. Examples of wetland values include ((E))education, research,

Attachment A to 20024 (Proposed Ordinance 2024-0408)  
2025 Update to 2024 Comprehensive Plan

122 aesthetics, and recreation ((are examples of other wetland attributes that may be considered values in that  
123 they are beneficial to society)).

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