CRITICAL AREA ORDINANCE
SUMMARY OF KEY CHANGES IN STRIKING AMENDMENT S1 – updated July 15, 2025

This summary covers, at a high level, key areas of substantive change in the Local Services and Land Use Committee Chair's striking amendment S1. It does not detail all substantive policy changes. Refer to the effect statement for a description of all substantive changes proposed in the Chair's striking amendment.

For each key change, there is a brief summary of the existing code/policies, the Executive's proposal, and the striking amendment changes. The summary of existing and Executive-proposed language is not exhaustive; it only references these insofar as they relate to changes in the striking amendment. See the Executive's I-208 Analysis and Plain Language Summary, dated December 2024, for a full accounting of the Executive's proposed changes.

SHORELINE MASTER PROGRAM – K.C.C. 20.20.200		
Existing	**Executive Proposal**	**Striking Amendment S1**
Identifies specific development standards in effect on December 23, 2024, are incorporated into the Shoreline Master Program.	Removes K.C.C. 21A.24.055, concerning rural stewardship plans, from the Shoreline Master Program.	Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program. The effective date of the development standards is replaced with a placeholder for ordinance adoption.
PUBLIC BENEFIT RATING SYSTEM – K.C.C. 20.36.100		
Existing	**Executive Proposal**	**Striking Amendment S1**
Under the farm and agricultural conservation land category, requires a farm management plan to be in accordance with K.C.C. 21A.24.051.	No changes.	Requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
To qualify for the rural open space category from a site must have a minimum of 10-acre contiguous open space area.	No changes.	Lowers the threshold from 10 acres to 5 acres.
STATE ENVIRONMENTAL POLICY ACT (SEPA) – K.C.C. 20.44.040		
Existing	**Executive Proposal**	**Striking Amendment S1**
Exemption threshold levels are specified for certain construction types and sizes.	No changes.	Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.

		Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
Grading up to 100 cubic yards is exempt in aquatic areas, wetlands, steep slopes or landslide hazard areas. Grading up to 500 cubic yards is exempt to correct for code violations in aquatic areas, wetlands, steep slopes or landslide hazard areas. Grading up to 500 cubic yards is exempt in all other areas.	Removes aquatic areas and wetlands and adds alluvial fans to the 100 cubic yard exemption. Removes aquatic areas and wetlands and adds alluvial fans to the exemption for code violations.	Adds an exemption for any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law. Lowers the exemption for code violations from 500 cubic yards to the standard exemption of 100 cubic yards.
DEFINITIONS – K.C.C. 21A.06		
Existing	**Executive Proposal**	**Striking Amendment S1**
Buffer	Removes language specific to steep slopes and landslide hazard areas. Revises the definition to be an area adjacent and contiguous to a critical area that is intended to protect the functions and values of critical area and reduce impacts from adjacent land uses.	Maintains language removal. Reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
n/a	Adds a definition for commercial production of agricultural products.	Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.
Critical aquifer recharge area	No changes.	Modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
Fish habitat	No changes.	Broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises examples of fish habitat.
CRITICAL AREAS ALLOWED ALTERATIONS - K.C.C. 21A.24.045		
Existing	**Executive Proposal**	**Striking Amendment S1**
Maintenance or repair of existing structures: In landslide hazard area, only where there is little to no risk of injury, risk of landsliding is low and there is no expansion.	Maintains the existing code with the following changes: - Adds steep slope hazard and alluvial fan hazard areas	Maintains the Executive's proposal with the following changes: - Adds additional restrictions in severe channel migration hazard areas on footprint and

Allowed in all other critical areas. (Conditions 5, 6)	- Adds additional restrictions in alluvial fan hazard areas on footprint and substantial improvement.	substantial improvement (Condition 6).
<u>Expansion of existing structure</u>: Expansion is not allowed in a landslide hazard area or steep slope hazard area (Conditions 5 and 7) Expansion is allowed in all other critical areas, subject to conditions. (Condition 5, 6, 7) <u>Replacement of existing structure</u> Replacement of existing structures are allowed in all critical areas, subject to conditions on expansion, size, location, or risk. (Conditions 5, 6, 7, 8)	Maintains the existing code with the following changes: - Prohibits expansion in alluvial fan hazard areas. - Allows replacement in alluvial fan hazard areas, only where there is little to no risk of injury, risk of landsliding is low, there is no expansion or substantial improvement, no addition towards an alluvial fan hazard, and subject to other locational and size requirements.	Splits this alteration allowance in two, as follows: - *Expansion* of existing structures: o Maintains prohibiting the alteration in a landslide or steep slope hazard area o Allows in severe channel migration hazard areas and alluvial fan hazard areas with limitations under the same conditions as maintenance or repair (Condition 6, above). o Allows in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area. Modifies the condition to require the alteration to be on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and with limitations on original establishment, location, revegetation and/or footprint expansion (Condition 7). - *Replacement* of existing structures: o Allows in a landslide or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low (Condition 5). o Allows in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area. Modifies the condition to require the alteration on an existing footprint or has the least impact on the critical area, does not expand the footprint of all structures and impervious surfaces, is on an existing impervious area, lawn or landscaped area, farm field, or grazed area, and includes revegetation (Condition 8).
<u>Construction/maintenance/repair of a pier or dock</u>: Limited to piers or seasonal floating docks in a category II, III, or IV wetland or associated buffer, a lake shoreline, or adjacent	No changes.	For wetlands and buffers, clarifies that that the alteration is only to provide access to an aquatic area (Condition 9).

riparian area outside of a severe channel migration hazard area. No toxic substances are allowed in Type N or O aquatic areas. Allowed in Type S or F aquatic areas outside severe channel migration hazard area or in a lake in compliance with K.C.C. 21A.25.180 (Conditions 9, 10, 11, 12)		For aquatic or riparian areas, prohibits the alteration in a salmonid spawning area and prohibits hazardous substances in all aquatic areas (Condition 10).
Cutting of firewood: Allowed in all critical areas and buffers except wildlife habitat conservation area. Cutting is limited to personal use with a forest management plan or rural stewardship plan. (Condition 21)	Adds prohibition in wetlands, aquatic areas, steep slope hazard areas, or trees containing an active nest. Allows cutting for nonpersonal use. When for personal use, must be done with a forest management plan.	Along with the Executive's proposal, adds prohibition in wetland buffers, riparian areas, and severe channel migration hazard area. Reverts back to limiting the cutting of firewood for only personal use with a forest management plan.
Construction of new public road right-of-way structure on unimproved right-of-way: Allowed in wetland, wetland buffers, aquatic areas, riparian areas, and severe channel migration hazard areas, subject to conditions. (Condition 26)	No changes.	Maintains allowance for construction of new public road right-of-way structure on unimproved right-of-way. Prohibits new roads in unimproved right-of-way as allowed alteration in all critical areas.
CRITICAL AREA ALTERATION EXCEPTIONS AND REASONABLE USE EXCEPTIONS K.C.C. 21A.24.070		
Existing	**Executive Proposal**	**Striking Amendment S1**
Critical area alteration exceptions may be applied for private or public development.	No change.	Splits critical area alteration exceptions into public agency/utility and private development exceptions.
A reasonable use exception in the shoreline jurisdiction is treated as a shoreline variance.	No change.	Clarifies that all exceptions in the shoreline jurisdictions are processed as shoreline variances.
Nonlinear critical area alteration exceptions are not permitted in a critical area used as a salmonid spawning area.	Nonlinear critical area alteration exceptions are not permitted in a critical area that is potential salmonid spawning habitat.	Nonlinear critical area alteration exceptions are not permitted in a critical area that is a fish spawning area.
CRITICAL AREA DISCLOSURE – K.C.C. 21A.24.090		
Existing	**Executive Proposal**	**Striking Amendment S1**
An applicant is required to submit an affidavit which declares whether the applicant has knowledge of any illegal alteration to critical areas or buffers on the site and whether the applicant has been found to be in violation of K.C.C. chapter 21A.24.	Adds a requirement for disclosure of critical areas on the development proposal site. Requires an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.	Removes the requirement for an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.

CRITICAL AREA DESIGNATIONS – K.C.C. 21A.24.500		
Existing	**Executive Proposal**	**Striking Amendment S1**
A critical area designation may be for part or all of a site.	A critical area designation may be for a site containing part or all of a parcel. A designation does not apply to any part of a parcel than what is identified and approved.	Reverts critical area designations from a parcel to a site.
CRITICAL AREA REPORTS - K.C.C. 21A.24.110 AND SECTIONS 58 AND 59		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Requirements are added for ecological and geological critical area reports.	Identifies what type of critical area report would be required for each critical area.
n/a	A geological critical area report must contain a description of site conditions, a site plan, evaluation of geological conditions, hazard analysis, evaluation of proposed development, and a determination of whether the alterations minimize risk.	Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
n/a	An ecological critical area report must contain a critical area delineation, wildlife study and habitat assessment, description of site conditions, impact analysis, mitigation plan, monitoring plan, site plan, and any additional information.	Revises requirements for an ecological critical area report, such as monitoring plans and site plans.
CRITICAL AREA MITIGATION K.C.C. 21A.24.125 and K.C.C. 21A.24.130		
Existing	**Executive Proposal**	**Striking Amendment S1**
Impacts to a wetland, aquatic area, wildlife habitat conservation area, or wildlife habitat network, must be mitigated on or contiguous to the development site.	Adds wetland buffers and riparian areas.	Broadens the list of specific critical areas to apply to all critical areas. Prioritizes, instead of requires, mitigation to occur on-site.
If monitoring reveals deviations from the predicted impact or failure of mitigation requirements, a contingency plan is required subject to mitigation, including a monitoring plan and financial guarantees.	Clarifies that a revised monitoring plan and revised financial guarantees are needed where mitigation is not performing.	Adds an extension of the monitoring period by at least 2 years where mitigation is not performing.
REVEGETATION SECTION 63		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Establishes the use of climate-smart plants.	Changes terminology of "climate-smart plants" to "climate-adaptive plants"

	In K.C.C. chapter 21A.06, defines climate-smart plants as native plant species currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as identified by the department of natural resources and parks.	Revises the definition of climate-adaptive plants as plant species identified by DNRP as current or formerly native to the surround ecoregion and that are predicted to maintain their abundance under climate change. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.
n/a	In K.C.C. chapter 21A.06, defines revegetation as the reestablishment of vegetation within an area that reflects historic natural conditions or native vegetation types that are well suited to thrive in the area.	Revises the definition to state that it is the reestablishment of vegetation within an area that is well suited to thrive in the area.
Where mitigation involves enhancement, creation, restoration, or revegetation, requires planting of native vegetation.	Adds climate-smart plants along with native vegetation. Prohibits the use of plants not indigenous to the Puget Sound region except for climate-smart plants.	Establishes a new section for revegetation in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary. Allows modification to planting plans based on site-specific conditions.
CRITICAL AREA SETBACKS - K.C.C. 21A.24.200		
Existing	**Executive Proposal**	**Striking Amendment S1**
Buildings and other structures must be set back 15 feet from the edge of all critical areas and critical area buffers.	Structures must be set back 15 feet from the edge of all critical areas and critical area buffers.	Reduces the critical area setback from 15 feet to 10 feet.
Uncovered decks, with no height limitation, are allowed in a critical area setback area.	Limits uncovered decks to 18 inches above grade.	Reverts back to existing code and removes the 18-inch height limitation.
GEOLOGICALLY HAZARDOUS AREAS - K.C.C. 21A.24.210, 220, 280, 310		
Existing	**Executive Proposal**	**Striking Amendment S1**
Alterations in a landslide hazard area with slopes less than 40% are allowed if the proposed alteration does not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.	No changes.	Requires all alterations in landslide hazard areas to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.

Required a public rule to be adopted specifying the requirements for geologic hazard areas and geological technical reports.	n/a	Adds a factor of safety requirement for slope stability for landslide and steep slope hazard areas.
n/a	n/a	Requires alterations to comply with a geological critical area report.
ALLUVIAL FAN HAZARD AREAS SECTION 72		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	n/a	Allows for buffers from alluvial fan hazard areas, if needed.
n/a	Requires alterations in alluvial fans to not increase risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.	Requires alterations in alluvial fans to minimize and not increase risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.
n/a	n/a	Prohibits vegetation removal from an alluvial fan hazard area or associated buffer except as part of an allowed alteration.
n/a	n/a	Requires alterations to minimize disturbance to alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization.
CRITICAL AQUIFER RECHARGE AREAS - K.C.C. 21A.24.316		
Existing	**Executive Proposal**	**Striking Amendment S1**
For critical aquifer recharge areas on Vashon-Maury Island, if test results indicate saltwater intrusion is likely to occur, the County recommends appropriate measures.	No changes.	Requires a property owner to implement all recommended measures.
n/a	n/a	Adds a requirement to transmit updated critical aquifer recharge area maps by December 31, 2027.
WETLANDS – K.C.C. 21A.24.335, 340, 342		
Existing	**Executive Proposal**	**Striking Amendment S1**
All sites in the Urban Growth Area are designated as high impact for the purposes of establishing wetland buffer widths.	No changes.	Classifies moderate-intensity active recreation or open space and passive recreation inside the Urban Growth Area as moderate and low impact, respectively.
Wetland buffer averaging is allowed if certain criteria are met: - the total area is equal or greater to the standard buffer area; - the additional buffer is contiguous with the standard buffer; - the buffer is never less than 75% of the standard width or 75 feet for Category I and	Changes to remove the numeric widths (for example, 75 feet for Category I and II) and use a maximum 75% width reduction only, prohibits buffer averaging with other reductions, and requires indirect impacts to be assessed.	When buffer averaging is proposed, requires revegetation where native vegetation does not current exist and requires no net loss of wetland functions and values.

II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater; - no degrading wetland functions and values; - the buffer is increased adjacent to the higher functioning or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion		
Requires wetland complexes inside the Urban Growth Area with a "high" basin designation to include a corridor if buffers do not connect, subject to conditions.	n/a	Requires corridors for all wetland complexes inside the Urban Growth Area.
The buffer widths for any high impact land uses can be reduced to the widths for moderate impact land uses, subject to required measures. One of the required measures is using privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion.	Limits the buffer reduction to only dwelling units within the urban growth area. One of the required measures is planting an area of dense native vegetation or climate-smart plants within the remaining buffer that is equal to or greater than the area by which the buffer is reduced.	Adds mixed-use, daycares, and social services within the urban growth area to the uses that can have a reduced buffer width. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse. Adds a measure requiring noise-generating activities to be sited away from the wetland.
The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 10:1 E.	The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 16:1 E.	The wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands is 1:1 R/C and 20:1 E, consistent with Department of Ecology guidance.
The rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands is 4.5:1.	No changes.	The rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands is 6:1, consistent with Department of Ecology guidance.
AQUATIC AREAS AND RIPARIAN AREAS - K.C.C. 21A.24.355, .358, .365, .380		
Existing	**Executive Proposal**	**Striking Amendment S1**
Aquatic areas are typed as Type S, F, N, or O based on characteristics.	Revises Type F waters, which may be ephemeral, to include the presence of fish, a stream segment with a defined channel of two feet or greater at bankfull width, or any stream in a floodplain of a Type S or F water.	Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
Aquatic area widths: Inside the urban growth area: - S or F in basin or shoreline designated as	Riparian area widths: Inside the urban growth area: - S or F in basin or shoreline designated	Maintains the Executive's proposal with a change inside the urban growth area to removes the differentiation based on "high" basin conditions:

"high": 165 feet - All other S or F: 115 feet - N: 65 feet - O: 25 feet Outside the urban growth area: - S or F: 165 feet - N: 65 feet - O: 25 feet	as "high": 200 feet - All other S or F: 180 feet - N: 100 feet - O: 50 feet Outside the urban growth area: - S or F: 200 feet - N: 100 feet - O: 50 feet	- S or F: 180 feet
Aquatic area buffer averaging is allowed if certain criteria are met: - the total area is not reduced; - the additional buffer is contiguous with the standard buffer; and - the reduction does not occur for buffer area waterward of the top of an associated steep slope or for a severe channel migration hazard area	Maintains the existing code with the following changes: - the riparian area is never less than 75% of the standard width - the area is increased adjacent to the higher functioning or more sensitive portion and decreased adjacent to the lower-functioning or less-sensitive portion; - no net loss of riparian area or aquatic area functions and values occurs; - the reduction does not occur waterward of a hazard area; - if the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and - averaging is not combined with any other riparian area width modifications	Maintains the Executive's proposal with the following changes: - requires revegetation where native vegetation does not current exist
Applicants with projects with woody debris in Type S aquatic areas shall consider the potential for recreational hazards in project design.	No changes.	Requires projects to also minimize the potential for recreational hazards.
The Department of Local Services accepts the addition of buffer area or riparian area as a form of on-site mitigation that is contemplated by the code.	No changes.	Requires mitigation for riparian areas to be restoration or creation.

<table>
<tr>
<td>n/a</td>
<td>Establishes alternative mitigation ratios for riparian areas. Ratios may be reduced when compared to standard ratios when primary or second actions are completed with mitigation.
<table>
<tr><th>Adjacent Aquatic Area Type</th><th>Impacts to Woody Vegetation</th><th>Impacts to Non-Woody Vegetation or Unvegetated Areas</th></tr>
<tr><td>Shoreline (S)
Fish bearing (F)
Non-fish bearing (N)</td><td>2:1 ratio with at least one primary action or three secondary actions</td><td>1:1 ratio with at least two secondary actions</td></tr>
<tr><td>Other (O)</td><td>1:1 ratio with at least one primary action or two secondary actions</td><td>1:1 ratio with at least secondary action</td></tr>
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</td>
<td>For alternative mitigation ratios:
- Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
- Increases the ratio for Type O riparian areas with impacts to woody vegetation.
- Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas</td>
</tr>
<tr>
<td>n/a</td>
<td>Secondary actions for alternative mitigation include:
- planting native trees, climate-smart plants, and shrubs in areas of riparian area addition lacking native vegetation that are contiguous with existing riparian areas, within an area equal to one-half of the area of impact
- placing large wood in riparian areas or an adjacent floodplain
- installing wildlife snags or similar wildlife nesting or rearing habitat
- removing floodplain fill and replating with native vegetation or climate-smart plants as appropriate
- other similar actions as determined by the department</td>
<td>Revises the secondary action from replanting riparian area addition to increasing the size of the riparian area with replanting.

Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.</td>
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<tr>
<td>Mitigation for illegal alterations to an aquatic area or buffer is 1:1.</td>
<td>Revises the mitigation ratio for illegal alterations to 4:1 for aquatic area and S, F, or N riparian areas, and 3:1 for O riparian</td>
<td>Revises the mitigation ratio for illegal alterations to 3:1 for all aquatic areas and riparian areas.</td>
</tr>
</table>

	areas.	
AGRICULTURAL ACTIVITIES		
Agricultural Activities Development Standards (K.C.C. 21A.24.051)		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	Adds a definition of commercial production of agricultural products, where an operator has done one or more of the following: 3 years of IRS filings, a USDA organic certification, or enrolled in the current use classification.	Removes the definition and adds a section in the agricultural activities development standards (K.C.C. 21A.24.051) which requires 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation, to prove commercial production of agricultural products for the purposes of critical area regulations.
As part of a farm management plan, requires a plan for monitoring the effectiveness of measures taken to protect critical areas and buffers and to modify the plan if impacts occur.	Modifications to the plan should occur if impacts are identified.	Requires modifications if impacts are identified.
Farm management plans are not effective until approved by the County.	No changes.	Clarifies that farm management plans are not effective for the purposes of critical areas until approved by the County.
A public rule for farm management plans was adopted in 2005.	The Executive indicates that the farm management plan public rule will be updated after the adoption of the critical area ordinance.	Adds requirements and procedures for adopting a public rule for farm management plans, including an adoption deadline of December 31, 2026.
Horticulture activities / Commercial Fish Farm Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
In all critical areas, alterations are allowed for horticultural and commercial fish farm <u>activities in continuous existence</u> since January 1, 2005, with no expansion within the critical area or critical area buffer. (K.C.C. 21A.24.045 Condition 53)	Revises the cyclical operations and managed periods of soil restoration, enhancement, or other fallow states for "continuous existence" to be seven years.	Adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing.
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alterations are allowed for the <u>expansion of existing or new horticultural and commercial fish farm activities</u> on sites that are *predominantly involved in the practice of agriculture* - Expansion is prohibited in critical areas: o cleared under certain forest practice	Maintains the existing code with the following changes: - Sites must be *predominantly involved in the practice of agricultural activities* - Expansion is prohibited in: o Critical areas cleared under certain forest practice permits; or o Wetland, wetland buffers, or riparian areas that contains predominantly native forest overstory, shrub, or	Maintains the Executive's proposal with the following changes: - Sites must have *agriculture as the primary activity on the site* - Expansion and new activities are prohibited in: o Critical areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with

permits; or o that are more than 10,000 sf with tree cover at a uniform density more than 90 trees per acre with a predominant diameter of 4 inches at diameter at breast height, excluding those for managed as agricultural crops. - Activities are in compliance with an approved farm management plan - Best management practices associated with the activity specified in a farm management plan are installed and maintained (K.C.C. 21A.24.045 Condition 54)	herbaceous layer, excluding those managed as agricultural crops	predominantly native plants, excluding those managed as agricultural crops.
Grazing of Livestock Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
In all critical areas, alteration is allowed for activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. (K.C.C. 21A.24.045 Condition 53)	Revises the cyclical operations and managed periods of soil restoration, enhancement, or other fallow states for "continuous existence" to be seven years.	Adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing.
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alteration is allowed for the expansion of existing or new grazing of livestock activities *on sites that are predominantly involved in the practice of agriculture* - Expansion is prohibited in critical areas: o cleared under certain forest practice permits; or o that are more than 10,000 sf with tree cover at a uniform density more than 90 trees per acre with a predominant diameter of 4 inches at diameter at breast height, excluding those for managed as agricultural crops. - Activities are in compliance with an approved farm management plan - Best management practices associated with the activity specified in a farm	Maintains the existing code with the following changes: - Sites must be *predominantly involved in the practice of agricultural activities* - Expansion is prohibited in: o Areas cleared under certain forest practice permits; or o Wetland, wetland buffers, or riparian areas that contains predominantly native forest overstory, shrub, or herbaceous layer, excluding those managed as agricultural crops.	Maintains the Executive's proposal with the following changes: - Sites must have *agriculture as the primary activity on the site* - Expansion and new activities are prohibited in: o Areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with predominantly native plants, excluding those managed as agricultural crops.

management plan is installed and maintained (K.C.C. 21A.24.045 Condition 54)		
Grazing area buffers for sites with farm management plans: - Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 25 feet (K.C.C. 21A.30.045)	Grazing area buffers for sites with farm management plans: - Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 40 feet - Type N aquatic areas: 35 feet - Category IV wetlands: 20 feet	Clarifies that grazed wet meadows have no grazing area buffer. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover. Clarifies that clearing of land for new grazing areas must comply with critical area or buffer widths in K.C.C. 21A.24 based on type of adjacent aquatic area or wetland.
Grazing area buffers for sites without farm management plan: - Type S and F aquatic areas and Category I, II, and III wetlands, except grazed wet meadows: 50 feet - The grazing area buffer may be reduced to 25 feet where diverse, mature vegetation already exists. (K.C.C. 21A.30.060)	Grazing area buffers for sites without farm management plans: - Type S, F, N aquatic areas and Category I, II, III, IV wetlands, except grazed wet meadows: 50 feet - Category IV wetlands: 25 feet - The grazing area buffer may be reduced to 25 feet where diverse, mature vegetation already exists.	Removes a 50-foot grazing area buffer for Category IV wetland and maintains the 25-foot grazing area buffer. Clarifies that grazed wet meadows have no grazing area buffer. Removes a 25-foot grazing area buffer reduction where there is existing diverse, mature vegetation.
Livestock Manure Storage Facility, Livestock Heavy Use Area, Farm Pads Allowed Alterations		
In all critical areas (except landslide hazard areas and steep slope hazard areas prohibited, where this is prohibited): - Alteration for these activities is allowed in a grazed or tilled wet meadow or their buffers - Facilities are designed to the standard of an approved farm management plan - There is no other feasible alternative location on site - Facilities are located as close to the outer edge of the buffer as possible (K.C.C. 21A.24.045 Condition 55)	No changes.	Maintain the existing code with the following changes: - Sites must have a horticulture or livestock grazing activity - Allowed in existing grazed, tilled, or impervious area - Expansion and new activities are prohibited in: o Areas cleared under certain forest practice permits; o Aquatic area or wetlands that are not a grazed or tilled wet meadow; or o Wetland buffers or riparian areas with predominantly native plants, excluding those managed as agricultural crops.
On sites without a farm management plan, manure cannot be stored in an aquatic area buffer or wetland buffer except for grazed or	No changes.	Removes an allowance for manure storage on tilled wet meadows.

tilled wet meadows, unless there is no other alternative on the property. (K.C.C. 21A.30.060)		
Farm Field Access Drives Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
Farm field access drive is defined as an impervious surface constructed to provide a fixed route for moving livestock produce, equipment or supplies to and from farm fields and structures (K.C.C. 21A.06.451)	Clarifies that the drive may also be paved and narrows the definition to only be on a property in an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.	Removes the restriction that limits the definition to only farm field access drives on properties in the A zone, Agricultural Production District, or Farmland Preservation Program. Move these regulations into another section of code.
Exempt from a clearing and grading permit only if consistent with an adopted farm management plan. (K.C.C. chapter 16.82)	In addition to the existing code, adds the following conditions to the exemption: - Only on sites with agricultural activities; - Constructed using best management practices; - Access is not greater than 14 feet wide; - There is no other alternative location with less impacts to critical areas and associated buffers available; - Complies with the farmland dispersion requirements in the King County Surface Water Design Manual; - Is sited in an area least subject to channel migration; - Obtains a floodplain development permit; and - State and federal permits when required.	In addition to the Executive's proposal, adds the following conditions to the exemptions: - Adds a limitation to only properties in the A zone, Agricultural Production District, or Farmland Preservation Program; and - Creates less than 2,000 sf of new impervious surface.
For all critical areas: - Alteration is allowed only in compliance with a farm management plan. (K.C.C. 21A.24.045 Condition 29)	In addition to the existing code, adds the following conditions to the exemption: - Sites must be currently involved in the practice of agricultural activities; - In compliance with a farm management plan and constructed using best management practices approved by Permitting; - There is no other feasible location with less impacts to critical areas and associated buffers available; - Complies with the farmland dispersion	Maintains the Executive's proposal with the following changes: - Sites must have a horticulture or livestock grazing activity; and - Complies with any other applicable flow control best management practices in the Surface Water Design Manual for projects that do not qualify for farmland dispersion. (Condition 59)

	requirements in the Surface Water Design Manual; - Is sited in an area least subject to channel migration; - Obtains a floodplain development permit; and - State and federal permits when required	
Nonresidential Farm Buildings Allowed Alterations		
Existing	**Executive Proposal**	**Striking Amendment S1**
Alteration for nonresidential farm buildings is limited to grazed or tilled wet meadows, wetland buffers, or aquatic areas on sites that are *predominantly used for agriculture*, subject to other conditions. (K.C.C. 21A.24.045 Condition 3)	Limited to grazed or tilled wet meadows, wetland buffers, or riparian areas on sites that are *predominantly used for agricultural activities*, subject to other conditions.	Limited to grazed or tilled wet meadows, wetland buffers, or riparian areas on sites where the *primary use of the site qualifies as horticulture or grazing livestock activities*, subject to other conditions. (Condition 60)
COMPREHENSIVE PLAN POLICIES		
Existing	**Executive Proposal**	**Striking Amendment S1**
n/a	n/a	In Chapter 3, adds a new policy exploring implementation of a Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District. In Chapter 5, adds lead-in text regarding supporting critical area protections and the long-term viability of agriculture and Voluntary Stewardship Programs. Adds a new policy on exploring adaptive management techniques within or adjacent to agricultural activities, such as enrollment through the Voluntary Stewardship Program, collection of data, engagement with Indian tribes, the King Conservation District, farmers, and other parties.
n/a	n/a	In Chapter 5, adds a new policy recognizing Indigenous Knowledge as an important aspect in developing rules, regulations, projects, and programs for the protection of critical areas.
n/a	n/a	In Chapter 5, adds a new policy on consideration of species and habitats of cultural importance to Indian tribes in planning, development review, and capital projects.

S1

7-15-25
Committee Chair Striker

Sponsor: Perry

[J. Ngo plus LUT]

Proposed No.: 2024-0408

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0408, VERSION 1

On page 4, beginning on line 87, strike everything through page 246, line 4766, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

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

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881. Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

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

D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates and nonregulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk.

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

F. The proposed updates to critical areas regulations strengthen protections for critical areas functions and values while advancing the goals of GMA, including the

designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County.

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

SECTION 2.

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

B. The elements of the 2024 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The elements of the King County Shoreline Master Program in sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

definitions in K.C.C. chapter 21A.06, the definitions in K.C.C. 16.82.020 ((~~shall apply~~)) control.

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

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

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

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

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

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

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

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

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

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

	Out of Critical Area and Buffer	Coal Mine Hazard Area	Erosion Hazard Area	Flood Hazard Area	Channel Migration Hazard Area	Landslide & Steep Slope Hazard Areas and Buffer	Seismic, Volcanic, and Tsunami Hazard Area	((~~Volcanic Hazard~~))	((~~Steep Slope Hazard and Buffer~~)) Alluvial Fan Hazard Area	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and ((~~Buffer~~)) Riparian Area	Wildlife Habitat Conservation Area, Wildlife Habitat Network and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~NP 1,~~		NP 1, 2			

								~~2~~))					
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~NP 3~~))		NP 3	((~~NP 4~~))	((~~NP 4~~))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~NP 5~~))	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~NP 6~~))	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((~~NP 25~~))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~NP~~))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~NP 7~~))	NP 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((~~NP 9~~))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((~~NP 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10

Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	((~~N P 11~~))	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((~~N P 12~~))	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((~~N P 13, 14, 15~~))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((~~Construction of farm field access drive~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))
((~~Maintenance of farm field access drive~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((~~N P 19~~))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or	NP		NP				NP	((~~N		NP			

maintenance of utility corridors or facility outside of the right-of-way	1, 2, 3 NP 27		1, 2, 3				1, 2, 3	~~P 1, 2, 3~~))		1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((~~N P 20~~))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat	NP	NP	NP	NP	NP	NP	NP	((~~N~~	NP	NP	NP	NP	NP

((~~restoration~~))<u>creation or enhancement project</u>		21	21	21	21	21	21	~~P~~ ~~21~~))	21		21	21	21
Drilling and testing for critical areas((~~s~~)) report <u>or monitoring and data collection</u>	NP 1, 2, <u>22</u>	NP ((~~1, 2~~)) <u>22</u>	NP ((~~1, 2~~)) <u>22</u>	NP 22	NP 22	NP 22	NP ((~~1, 2,~~)) 22	((~~N P 1, 2~~))	NP 22	NP ((~~1, 2~~)) <u>22</u>	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>		NP ((~~16~~)) <u>17</u>	((~~N P 16~~))		NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>	NP ((~~16~~)) <u>17</u>	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~N P 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~N P 26~~))	NP 26	NP 26	NP 26	NP 26	NP 26

Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~N P 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17		NP 17	NP 17	NP 17	NP 17	NP 17
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P~~))	NP 13	NP 13	NP 13	NP 13	NP 13

E. The following conditions apply:

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

2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two

thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection E.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.

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

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

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

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

d. subject to Urban Growth Area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

4. ((~~Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.~~)) Repealed.

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

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

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

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

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

b. limited to removal with hand labor.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

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

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

a. The King Conservation District;

b. King County department of natural resources and parks;

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

d. Washington state Department of Fish and Wildlife.

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

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

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

c. access is not greater than fourteen feet wide;

d. there is no alternative location with less impact on critical areas and associated buffers;

e. in compliance with the farmland dispersion requirements in the Surface Water Design Manual;

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

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

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

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

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

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

20. When:

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

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

21. Only if:

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

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

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

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

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

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

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

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

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

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

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

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

a. understory clearing within fifteen feet of a residential structure containing habitable space or an attached deck;

b. understory clearing and tree removal and pruning within ten feet of an installed aboveground nonportable liquefied petroleum gas tank;

c. within thirty feet of a residential structure containing habitable space, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;

d. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to fifteen feet of vertical clearance over driveways and roads used for emergency vehicle access;

e. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to eighteen feet between tree crowns;

f. tree removal and pruning to provide up to ten feet between tree crowns and decks, chimneys, overhead communication cables and electrical wires, or other structures; and

g. clearing may be allowed up to one hundred feet from a residential structure containing habitable space if advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk. The removal and pruning of trees under this subsection to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees between thirty and sixty feet from a residential structure containing habitable space; and

(2) six feet between tree crowns for trees between sixty and one hundred feet from a residential structure containing habitable space.

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

b. subject to Urban Growth Area significant tree retention standards under K.C.C. 16.82.156.

26. Only if allowed under K.C.C. 21A.24.045.D.((~~69~~))58. and if the maintenance activity is inspected by the:

a. King Conservation District;

b. department of natural resources and parks;

c. department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

27. Clearing for the purposes of wildfire preparedness that does not otherwise require another permit, that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A., and that maintains any require screening consistent with K.C.C. chapter 21A.16, as follows:

a. tree pruning to provide up to ten feet of vertical clearance from overhead communication cables and electrical wire components of utility facilities, if:

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

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

(3) pruning activities do not extend fifteen feet beyond the right-of-way;

b. understory clearing within fifteen feet of a utility facility structure; and

c. within thirty feet of a utility facility structure, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;

d. within thirty feet of a utility facility structure, tree removal and pruning to provide up to fifteen feet of vertical clearance over driveways and roads used for emergency vehicle access;

e. within thirty feet of a utility facility structure, tree removal to provide up to eighteen feet between tree crowns;

f. tree removal and pruning to provide up to ten feet between tree crowns and utility and facility structures; and

g. clearing may be allowed up to one hundred feet from the utility facility structure if such clearing activity is advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risks. The removal and pruning of trees to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees located between thirty and sixty feet from a utility facility structure; and

(2) six feet between tree crowns for trees located between sixty and one hundred feet from a utility facility structure.

SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

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

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

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

1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

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

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

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

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

g. Section 63 of this ordinance;

h. K.C.C. 21A.24.200;

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

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

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

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

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

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

m. Section 72 of this ordinance;

n. Section 73 of this ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The following:

a. K.C.C. 20.18.050;

b. K.C.C. 20.18.056;

c. K.C.C. 20.18.057;

d. K.C.C. 20.18.058;

e. K.C.C. 20.22.160;

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

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

h. K.C.C. 21A.44.100; ((~~and~~))

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

5. The 2024 King County Flood Management Plan.

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

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

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

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

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

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

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.005, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not

extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

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

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

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

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

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project

and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ((~~rural stewardship land or~~)) resource restoration ((~~categories~~)) category;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways, or sidewalks open to the public for this purpose may

also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~that is acceptable to the department~~)) and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and

implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ((~~or rural stewardship land categories~~)) category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. A property shall be listed

on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for

medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

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

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

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

13. ((~~Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation, and a~~

~~plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;~~

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

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

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

c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. The site shall have ((~~a~~)) significant cultural areas and contain significant

inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction;

((~~15.~~)) 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department in order to qualify. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category;

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

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

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

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

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

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

b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.((~~16~~))15.a. of this section. To receive credit for ((~~salmonid~~)) fish habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible;

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

disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

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

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

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

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

(2) the land protects streams or water supply;

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

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

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

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

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

((~~20.~~)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((~~, or rural stewardship~~)) plan that addresses this need and is acceptable to the department.

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

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

2. Contiguous parcels under separate ownership - two points.

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

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

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

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

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

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

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

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property

designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

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

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

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

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

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

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

5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is

located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land((~~,~~)) or forest stewardship land((~~, or rural stewardship land~~)) categories.

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

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

((~~1.~~)) 2. The ((~~following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)~~)) exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level. The exemptions in subsection A.3. of this section shall not apply when the proposal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Livestock and livestock products;

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

D. Feed or forage for livestock;

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

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

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

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

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

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

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

A. Aquatic areas include:

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

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

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

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

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

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

Aquatic area functions: the physical, biological, chemical, and geologic interactions among different components of the environment that occur within aquatic areas. Aquatic area functions include, but are not limited to, functions that improve water quality, functions that provide for the availability of surface water and groundwater by

acting as recharge and discharge areas, functions to allow the conveyance of water, sediment, organisms, and other organic matter, functions that facilitate food chain production and nutrient cycling, and functions that provide habitat for plants and animals, including nesting, rearing, feeding, and resting habitat.

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

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

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

Climate-adaptive plants: plant species identified by the department of natural resources and parks currently or formerly native to the surrounding ecoregion that are predicted to maintain their abundance under climate change.

SECTION 16. Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows:

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

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

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

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

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

A. ((~~Aquatic areas;~~

~~B. Coal mine hazard areas;~~

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

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

~~E. Flood hazard areas;~~

~~F. Landslide hazard areas;~~

~~G. Seismic hazard areas;~~

~~H. Steep slope hazard areas;~~

~~I. Volcanic hazard areas;~~

~~J.~~)) B. Frequently flooded areas, regulated as flood hazard areas, including;

1. Floodplains;

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

3. Zero-rise flood fringe;

4. Zero-rise floodways;

5. FEMA floodways; and

6. Channel migration zones;

C. Fish and wildlife habitat conservation areas, including:

1. Aquatic areas;

2. Riparian areas;

3. Wildlife habitat conservation areas; and

4. Wildlife habitat networks;

D. Geologically hazardous areas, including:

1. Alluvial fan hazard areas;

2. Channel migration zones;

3. Coal mine hazard areas;

4. Erosion hazard areas;

5. Landslide hazard areas;

6. Seismic hazard areas;

7. Steep slope hazard areas;

8. Tsunami hazard areas; and

9. Volcanic hazard areas; and

E. Wetlands((~~;~~

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

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

NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

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

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

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

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

SECTION 22. Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fish and wildlife habitat conservation areas:

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

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

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

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

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

of the barriers. ((~~This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.~~))

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

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

A. Alluvial fan hazard areas;

B. Channel migration zones;

C. Coal mine hazard areas;

D. Erosion hazard areas;

E. Landslide hazard areas;

F. Seismic hazard areas;

G. Steep slope hazard areas;

H. Tsunami hazard areas; and

I. Volcanic hazard areas.

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

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

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

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

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

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

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

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

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

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

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

Landslide hazard area: an area subject to severe risk of landslide, such as:

A. An area with a combination of:

1. Slopes steeper than fifteen percent of inclination;

2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and

3. Springs or ground water seepage;

B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;

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

D. An area that shows evidence of or is at risk from snow avalanches; or

E. An area located on an alluvial fan((~~, presently or potentially subject to~~)) that is susceptible to episodic inundation ((~~by debris flows or deposition of stream-transported sediments~~)) sedimentation, and erosional impacts.

SECTION 33. Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows:

Mitigation: an action taken to compensate for ((~~adverse~~)) unavoidable impacts to the environment resulting from a development activity or alteration after avoidance and mitigation sequencing is applied.

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

Notice of map amendment:

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

1. Critical aquifer recharge areas;

2. Wildlife habitat networks;

3. Channel migration zones; or

4. Flood hazard areas.

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

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

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

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

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

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

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

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

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

C. ((~~Brown trout;~~

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

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

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

F. Mountain whitefish.

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

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

NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 40. Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows:

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

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

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

NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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

SECTION 42. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows:

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

SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are hereby amended to read as follows:

Wetland:

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

B. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

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

1. Surface water conveyances for drainage or irrigation;

2. Grass-lined swales;

3. Canals;

4. Detention facilities such as flow control facilities or wetponds;

5. Wastewater treatment facilities;

6. Farm ponds;

7. Landscape amenities; or

((~~9.~~)) 8. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

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

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

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

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

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

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

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

The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 36.70A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

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

B. Protecting members of the general public and public resources and facilities from injury, loss of life, property damage, or financial loss due to flooding, erosion, avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil subsidence, or steep slope failures;

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

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

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

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

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

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

I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas;

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

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

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

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

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

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

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

E. This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC.

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

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

1. Critical aquifer recharge areas;

2. Coal mine hazard areas;

3. Erosion hazard areas;

4. Flood hazard areas except in the severe channel migration hazard areas;

5. Landslide hazard areas under forty percent slope;

6. Moderate channel migration hazard area;

7. Seismic hazard areas; ((~~and~~

~~7.~~)) 8. Tsunami hazard areas; and

9. Volcanic hazard areas.

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

1. ((~~Severe channel migration hazard area~~)) Alluvial fan hazard areas;

2. ((~~Landslide hazard area over forty percent slope~~)) Aquatic areas;

3. ((~~Steep slope hazard area~~)) Landslide hazard areas over forty percent slope;

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

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

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

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

8. Wildlife habitat conservation areas; and

9. Wildlife habitat networks.

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

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

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

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

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

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

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

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

((~~A= alternation~~ Alteration ~~is allowed. Numbers indicate applicable development condition in subsection D. of this section.~~))	Landslide Hazard Areas Over 40%, Steep Slope Hazard Areas, and	Alluvial Fan Hazard Areas	((~~Steep Slope Hazard and Buffer~~)) Severe Channel Migration Hazard	Wetland and Buffer	Aquatic Areas ((~~and Buffer~~)), Riparian Areas ((~~and Severe Channel Migration~~	Wildlife Habitat Conservation Areas and Wildlife Habitat Networks

	Buffers		Area		))	
Structures						
Construction of new single detached dwelling unit				A 1	((~~A 2~~))	
Construction of a new tree-supported structure				A ((~~64~~)) 2	A ((~~64~~)) 2	A ((~~64~~)) 2
((~~Construction of nonresidential structure~~))				((~~A 3~~))	((~~A 3~~))	((~~A 3, 4~~))
Maintenance or repair of existing structure	A 5	A 6	A 6	A	A	A 4
Expansion ((~~or replacement~~)) of existing structure	((~~A 5, 7~~))	A 6	A ((~~5, 7~~)) 6	A 7((~~, 8~~))	A ((~~6,~~)) 7((~~, 8~~))	A 4, 7
Replacement of existing structure	A 5			A 8	A 8	A 4, 8
Interior remodeling	A	A	A	A	A	A
Construction of new dock or pier				A 9	A ((~~9,~~)) 10((~~, 11~~))	
Maintenance, repair or replacement of dock or pier				A ((~~12~~)) 9	A 10((~~, 11~~))	A 4
Grading						
Grading	A 13 A 14	A 14	A ((~~13~~)) 14	A 14	A 14	A 4, 14
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ((~~13~~)) 16, 17	A 16, 17	A 16, 17	A 4
Mineral extraction	A		((~~A~~))			

Clearing						
Clearing	A 18	A 18	A 18, 20	A 18, 20	A ((~~14,~~)) 18, 20	A 4, ((~~14,~~)) 18, 20
Cutting firewood	A 21	A 21	((~~A 21~~))	((~~A 21~~))	((~~A 21~~))	A 4, 21
Vegetation removal with a vegetation management plan	A 19	A 19	A 19	A 19	A 19	A 4, 19
((~~Removal of vegetation for fire safety~~)) Clearing for the purposes of wildfire preparedness	A 22	A 22	((~~A 22~~))	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A ((~~23~~)) 57	A 57	A ((~~23~~)) 57	A ((~~23~~)) 57	A ((~~23~~)) 57	A 4, ((~~23~~)) 57
Forest Practices						
Forest management activity	A	A	A	A	A	A 25
Roads						
Construction of new road within unimproved right-of-way						
Construction of ((~~new~~)) public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a ((~~plat~~)) land division				A 26	A 26	
Maintenance of public road	A 16	A 16	A 16	A 16	A 16	A 16,

right-of-way structure						27
Expansion beyond public road right-of way structure	A	A 26	A 26	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 14, 28	A 28	A 28	A 28	A 28
((~~Construction of farm field access drive~~))	((~~A 29~~))		((~~A 29~~))	((~~A 29~~))	((~~A 29~~))	((~~A 29~~))
Maintenance of driveway, private access road, ((~~farm field access drive~~)) or parking lot	A	A 17	A 17	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 14, 39	A 39	A 39	A 39	A 39
Bridges or culverts						
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16, 30	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A ((4))27
Utilities and other						

infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33, 34	A 32, ((33)) 34	A 32, 34	A 32, 34	A 4, ((27,)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) generation facility	A 67	A 66, 67	A ((67)) 66	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 29, 32, 33	A 29, 32((, 33))	A 29, 32((, 60))	A 29, 32((, 60))	A 27, 29, 32((, 60))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, ((33)), 34, 36	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((A 24))		((A 24))	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 37	A 4, 37
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24, 37	A 24, 37	A 24, 37	A 4, 24, 37
Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, ((33)) 38	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat				A 68	A 68	

exchanger						
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 16, 32, ((~~33~~)) 38, 40, 41	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37
Construction of new surface water flow control or surface water quality treatment facility		A 32	A 32	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16
Construction of new flood protection facility		A 16, 42	A 42	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A ((~~33,~~)) 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16, 44, 45	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((~~16~~))	A	A	A	A	A 4
Recreation						
Construction of new trail	A 46	A 46	A ((~~46~~)) 47	A 47	A 47	A 4, 47

Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		A 50	A 50	A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51((, 52))	A 51((, 52))	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62
((Agriculture)) Agricultural Activities						
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance			A 55	A ((53,	A ((53,	A ((53,

of livestock manure storage facility				~~54,~~)) 55	~~54,~~)) 55((~~,~~ ~~56~~))	~~54~~)) 55
Construction of a livestock heavy use area			A 55	A ((~~53, 54,~~)) 55	A ((~~53, 54,~~)) 55((~~,~~ ~~56~~))	A ((~~53, 54~~)) 55
Construction or maintenance of a farm pad			A 55	A ((~~56~~)) 55	A ((~~56~~)) 55	
Construction of agricultural drainage			A 56	A ((~~57~~)) 56	A ((~~57~~)) 56	A 4((~~,~~ ~~57~~)) 56
Maintenance or replacement of existing agricultural drainage	A ((~~23, 58~~)) 57	A 57	A ((~~23, 58~~)) 57	A ((23~~,~~ ~~53, 54, 58~~)) 57	A ((~~23, 53, 54, 58~~)) 57	A 4, ((~~23, 53, 54, 58~~)) 57
Maintenance of agricultural waterway		A 58	A 58	A ((~~69~~)) 58	A ((~~69~~)) 58	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((~~A 53~~))	A 53, 54	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or expansion of farm field access drive	A 59	A 59	A 59	A 59	A 59	A 59
Construction of nonresidential farm structure		A 60	A 60	A 60	A 60	A 4, 60
Other						
Shoreline water dependent or					A 65	

shoreline water oriented use						
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((~~59~~)) 64	A 64	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

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

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

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

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

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

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

~~e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;~~

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

~~(1) on a site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;~~

~~(2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~

~~(3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~

~~g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.~~))

Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

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

b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;

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

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

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

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

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

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

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

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

h. exterior lighting shall meet the following criteria:

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

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

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

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

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

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

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

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

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

~~c. the structure is either:~~

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

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

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

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

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

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

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

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

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

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

4. No clearing, grading, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for existing legally established structures when:

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

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

~~c. there is not an expansion of the structure~~)).

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

a. existing legally established primary structures if:

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

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

b. existing legally established accessory structures if:

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

(2) there is no((~~t an~~)) expansion of the footprint towards any source of alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) the expansion is within thirty-five feet of the ordinary high water mark; or~~

~~(2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet~~)).

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

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

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

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

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

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

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

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

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

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

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

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

a. hazardous substances or toxic materials are not used;

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

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

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

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

13. Limited to steep slope hazard areas and associated buffers only, for the purposes of regrading and stabilizing of a slope formed as a result of a legal grading activity.

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

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

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

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

b. to prevent an imminent threat to:

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

(2) sole access driveways and roads;

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

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

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

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

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

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

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

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

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

(1) mitigate any adverse ecological impacts of the emergency actions;

(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and

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

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

15. Only where erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, ((~~aquatic area or wetland if,~~)) and to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

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

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

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

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

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

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

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

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

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

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

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

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

~~a. within~~)) Allowed only for personal use in a buffer or wildlife habitat ((~~conservation area, cutting firewood is not allowed;~~)) network if:

b. done in accordance with an approved forest management plan;

c. no tree containing an active nest is cut; and

d. within a wildlife habitat network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386((~~; and~~

~~c. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan~~)).

22. ((~~Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal~~)) Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.

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

~~a. if conducted in accordance with an approved forest management plan, farm management plan, or rural stewardship plan; or~~

~~b. without an approved forest management plan, farm management plan, or rural stewardship plan, only if:~~

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

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

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

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

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

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

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

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

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

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

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources ((~~M~~))management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

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

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

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

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

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

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

e. construction occurs during approved periods for instream work.

29. ((~~Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.~~)) Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

a. there is no alternative location with less impact on the critical area or the critical area buffer;

b. the residential utility service distribution lines meet ((~~all of~~)) the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is minimized;

(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled, or other trenchless crossings are encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and

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

30. Allowed only if:

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

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

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

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

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

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

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

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

b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and

c. significant risk of personal injury is eliminated or minimized in the landslide or alluvial fan hazard area.

34. Limited to the pipelines, cables, wires, and support structures of utility facilities within utility corridors if:

a. there is no alternative location with less ((~~adverse~~)) impact on the critical area and critical area buffer;

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

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) the mean annual flow rate is less than twenty cubic feet per second; and

(3) paralleling the channel or following a down-valley route near the channel is avoided;

c. to the maximum extent practical utility corridors are located so that:

(1) the width is the minimized;

(2) the removal of trees greater than twelve inches diameter at breast height is minimized;

(3) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;

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

(1) to the maximum extent practical, the width of the maintenance road is minimized and in no event greater than fifteen feet; and

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

e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;

f. the construction occurs during approved periods for instream work;

g. the utility corridor serves multiple purposes and properties to the maximum extent practical;

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

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

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and ((~~equivalent or greater~~)) equal or better environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

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

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

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

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

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

38. Allowed if:

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

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

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

e. the outfall is designed to minimize ((~~adverse~~)) impacts to critical areas.

39. Allowed only if:

a. there is no feasible alternative with less impact on the critical area and ((~~its~~)) associated buffer;

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and ((~~its~~)) associated buffer;

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site;

d. construction occurs during approved periods for in-stream work; and

e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area, or waterward of the ordinary high water mark.

40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if:

a. fish habitat features necessary for feeding, cover, and reproduction are included when appropriate;

b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments, or shade the water; and

c. bioengineering techniques are used to the maximum extent practical.

41. Allowed for a closed, tightlined conveyance system and outfall structure if:

a. necessary to avoid erosion of slopes; and

b. bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area, riparian area, or an ((~~aquatic area buffer~~)) alluvial fan hazard area to prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical area((~~s~~)) report, the department determines that the new flood protection facility will not cause ((~~significant~~)) impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

(1) public roadways;

(2) sole access routes in existence before February 16, 1995;

(3) new primary dwelling units, accessory dwelling units, or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before

February 16, 1995. The buildings, sole access routes, or bank stabilization ((~~must~~)) shall be located no more than six hundred feet apart as measured parallel to the migrating channel; and

(b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures on abutting or adjacent properties; or

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

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

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

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

(d) nonstructural measures are not feasible.

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

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

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

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

d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;

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

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

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

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

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

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

c. in compliance with the criteria of subsection D.49. of this section.

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

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

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

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

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

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

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

f. the construction occurs during approved periods for instream work; ((~~and~~))

g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity((~~.~~));

h. the trail shall minimize impacts within a wetland buffer, riparian area, or wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to the maximum extent practical;

i. trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands, or associated buffers;

j. the trail may be ((~~located across a critical area buffer~~)) allowed to cross a riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform or to a permitted dock or pier; and

((~~i. A~~)) k. a private viewing platform may be allowed if it is:

(1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;

(2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or ((~~its~~)) associated buffer;

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

(5) on footings located outside of the wetland or aquatic area.

48. Only if the maintenance:

a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;

b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and

c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope, or other improved area being maintained.

49. Limited to alterations to create, restore, or enhance habitat forming processes or ((~~directly restore~~)) habitat functions and values, including ((~~access for~~)) construction access necessary for the project, as follows:

a. ((~~projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;~~

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

~~c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan~~)) projects shall provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the critical area; and

b. an ecological critical area report shall include:

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

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

50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

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

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

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

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

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

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

52. Repealed.

53. ((~~Limited to~~)) a. Allowed for agricultural activities in the same footprint if:

(1) in continuous existence ((~~since~~)) as of January 1, 2005((~~, with no expansion within the critical area or critical area buffer~~)); or

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

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

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

a. Limited to the following activities:

(1) expansion of existing agricultural activities qualifying under subsection D.53. of this subsection;

(2) conversion of one type of agricultural activity to another, including changing the types of crops harvesting method or changing from crops to livestock, qualifying under subsection D.53. of this section; or

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

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

b. agriculture is the primary activity on the site;

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

(1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; ((~~or~~))

(2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including~~)) an aquatic area or a wetland, except grazed or tilled wet meadows; or

(3) is a wetland buffer or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer. Native forest overstory, shrub, or

herbaceous layer excludes areas ((~~that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock~~)) where native species are commercially planted and harvested as crops; and

((~~c.~~)) d. the activities are ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity((~~; and~~

~~d. all best management practices associated with the activities specified in the farm management plan are installed and maintained~~)).

55. Only allowed if:

a. associated with an activity that qualifies under subsection D.53. or D.54. of this section;

b. located in an existing grazed, ((~~or~~)) tilled ((~~wet meadows or their buffers if:~~

~~a. the facilities are designed to the standards of an approved farm management plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with K.C.C. chapter 21A.30~~)), or impervious area;

c. there is no expansion or new activity in areas identified in subsection D.54.c. of this section;

((~~b.~~)) d. there is ((~~not a~~)) no other feasible alternative location available on the site that is located outside of the critical area or associated buffer; ((~~and~~

~~c.~~)) e. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity; and

f. the ((~~facilities are~~)) alteration is located as close to the outside edge of the critical area or critical area buffer to the maximum extent practical; and

g. within a severe channel migration hazard area, the alteration is located:

(1) outside of the shoreline jurisdiction; and

(2) in an area with the least risk from channel migration.

56. ((~~Only allowed in:~~

~~a.(1) a severe channel migration hazard area located outside of the shorelines jurisdiction area;~~

~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~

~~(3) aquatic area buffer; and only if:~~

~~b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;~~

~~(2) there is not another feasible location available on the site that is located outside of the critical area or critical area buffer;~~

~~(3) the farm pad is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and~~

~~(4) for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.~~

~~57.~~)) Allowed for new agricultural drainage ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~and all~~)), including any best management practices ((~~associated with~~)) applicable to the ((~~activities specified in the farm management plan are installed and maintained~~)) activity.

((~~58. If~~)) 57. Allowed as follows:

a. if conducted in accordance with an approved forest management plan or farm management plan in accordance with K.C.C. 21A.24.051; or

b. without an approved forest management plan or farm management plan, only if:

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

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

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

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

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

58. Only for maintenance of agricultural waterways if:

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

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

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

d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;

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

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

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

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

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

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

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

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

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

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

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

60. ((~~Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:~~

~~a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;~~

~~b. the residential utility service distribution lines meet all of the following, to the maximum extent practical:~~

~~(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;~~

~~(2) not located over a type S aquatic area;~~

~~(3) paralleling the channel or following a down-valley route near the channel is avoided;~~

~~(4) the width of clearing is minimized;~~

~~(5) the removal of trees greater than twelve inches diameter at breast height is minimized;~~

~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;~~

~~(7) access for maintenance is at limited access points into the critical area buffer.~~

~~(8) the construction occurs during approved periods for instream work;~~

~~(9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and~~

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

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

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

c. the structure is either:

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

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

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

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

e. in an alluvial fan hazard area or a severe channel migration hazard area if:

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

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

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

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

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

a. is the best flood risk reduction alternative ((~~practicable~~)) practical;

b. is part of a comprehensive, long-term flood management strategy;

c. is consistent with the King County Flood Management Plan policies;

d. will have the least ((~~adverse~~)) impact on the ecological functions of the critical area or ((~~its~~)) associated buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

e. has been subject to public notice in accordance with K.C.C. 20.44.060.

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

b. Only allowed if:

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

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

(3) there is not a feasible alternative location available on the site with less impact to the critical area or ((~~its~~)) associated buffer;

(4) the aquatic area or wetland is not for salmonid rearing or spawning;

(5) the project minimizes the footprint of structures and the number of access points to any critical areas; and

(6) the project meets the following design criteria:

(a) to the maximum extent practical size of platform shall not exceed one hundred square feet;

(b) all construction materials for any structures, including the platform, pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an ((~~adverse~~)) impact on water quality;

(c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;

(d) structures shall be located outside of the wetland or aquatic area landward of the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark or open water component, ((~~(~~))if applicable((~~)~~)), to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark;

(f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons;

(g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;

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

(i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the ((~~proposal~~)) project. Only minimal hand clearing of vegetation is allowed; and

(j) disturbed bare ground areas around the structure ((~~must~~)) shall be ((~~replanted~~)) revegetated with native vegetation or climate-adaptive plants approved by the department.

63. ((~~Not a~~))Allowed ((~~in the severe channel migration zone,~~)) if there is no alternative location with less ((~~adverse~~)) impact on the critical area and buffer, and clearing is minimized to the maximum extent practical.

64. ((~~Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:~~

~~a. not allowed in wildlife habitat conservation areas or severe channel migration hazard areas;~~

~~b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;~~

~~c. the structure shall be located as far from the critical area as practical, but in no case closer than seventy-five feet from the critical area;~~

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

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

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

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

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

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

~~(3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;~~

~~h. exterior lighting shall meet the following criteria:~~

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

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

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

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

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

~~l. vegetated areas within the critical area buffer that are temporarily impacted by construction of the structure shall be restored by planting native vegetation according to a vegetation management plan approved by the department.~~)) Allowed within existing landscaped areas or other previously disturbed areas.

65. Shoreline water dependent and shoreline water oriented uses are allowed in ((~~the aquatic area and aquatic area buffer of a T~~))type S aquatic area and adjacent riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ((~~King County~~)) Comprehensive Plan.

66. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14., and only as follows:

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

b. the facility and corridor ((~~is~~)) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ((~~8~~)) eight points or greater;

d. the corridor width is minimized to the maximum extent practical;

e. paralleling the channel or following a down-valley route within ((~~an aquatic area buffer~~)) a riparian area is avoided to the maximum extent practical;

f. the construction occurs during approved periods for instream work;

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. ((~~the facility and corridor is not~~)) no new facilities are located within a severe channel migration hazard area;

i. to the maximum extent practical, buildings will be located outside the wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~));

j. to the maximum extent practical, access for maintenance is at limited access points into the critical area or associated buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

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

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

k. the facility does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility, or other infrastructure owned or operated by a public utility.

67. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows:

a. there is no((~~t an~~))other feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the alterations will not subject the critical area to an increased risk of landslide or erosion;

c. the corridor width is minimized to the maximum extent practical;

d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. the facility and corridor do not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and ((~~is~~)) are consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury ((~~is~~)) are eliminated or minimized in the landslide hazard area; and

f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger ((~~must~~)) shall be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. ((~~Only for maintenance of agricultural waterways if:~~

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

~~b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife pursuant to chapter 77.55 RCW;~~

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

~~d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and~~

~~e. the maintenance project complies with K.C.C. chapter 16.82~~)) Repealed.

SECTION 50. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows:

A. ((~~The alterations identified in K.C.C. 21A.24.045 for a~~))Agricultural activities ((~~are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance~~ with an approved farm management plan ~~in accordance with~~)) allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

B. For the purposes of this chapter, proof of agricultural activities and commercial production of agricultural products may be demonstrated through one or more of the following:

1. filing of an IRS schedule F for the preceding year;

2. currently holds a USDA organic certification producer certification;

3. enrolled in the current use classification "farm and agricultural land" under chapter 84.34 RCW;

4. meets the eligibility for current use classification "farm and agricultural land" under chapter 84.34 RCW with proof of enrollment within two years; or

5. other comparable documentation of commercial farming activity accepted by the department.

C. Farm management plans shall be consistent with this section and, for livestock activities, ((~~a farm management plan in accordance~~)) also consistent with K.C.C. chapter 21A.30.

((~~B.~~)) D. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

((~~C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.~~

~~D.~~)) E. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;

2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;

3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site;

4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

((~~E.~~)) F. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;

2. Consider the priorities of the King County shoreline protection and restoration plan; and

3. Ensure no net loss of shoreline ecological functions and critical area functions and values.

((~~F. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~)) G. The plan shall include, but is not limited to, the following elements:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

2. Site-specific performance standards and best management practices to maintain, restore, or enhance critical areas and ((~~their~~)) associated buffers, and maintain and enhance native vegetation on the site, including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((~~their~~)) associated buffers ((~~and to modify~~)). Modification to the farm management plan shall occur if ((~~adverse~~)) impacts ((~~occur~~)) to critical areas or associated buffers are identified.

((~~G.~~)) H. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

((~~H. A~~)) I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((~~which may be through a program offered or~~

~~approved by King County,~~)) to verify that the plan is ((~~reasonably~~)) likely to accomplish the goals in subsection ((~~D.~~)) E. of this section and consistent with subsection ((~~E.~~)) F. of this section.

((~~I.~~)) J. ((~~Once approved, a~~))Activities carried out ((~~in compliance~~)) consistent with ((~~the~~)) an approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 51. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows:

A. The King County council recognizes that ((~~rural stewardship plans and~~)) farm management plans ((~~are key elements of this chapter that~~)) provide flexibility to natural resource land and rural area residents to establish and maintain a rural lifestyle that includes activities such as farming ((~~and forestry~~)), while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks shall be responsible for farm management plans that are filed with the county and serve as the primary county agency point of contact. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out the responsibilities under this chapter relating to farm management plans. King County and the King

Conservation District may enter into agreements to carry out the provisions of this title relating to farm management plans.

C.1. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 ((~~and~~)), 21A.24.051 ((~~relating to rural stewardship plans and farm management plans~~)), and K.C.C. 21A.30.045, consistent with the provisions of this section. The rules shall ((~~not compromise~~)) be consistent with the King Conservation District's mandates or standards for farm management planning. The rules may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the rule making under this section required by this ordinance and each subsequent update to the public rule, the director of natural resources and parks shall:

a. Request comment from Indian tribes no less than sixty days before the adoption of the final rule;

b. Meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. Provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the proposed rule, and a response with how the final rule addresses the comments.

3. The public rule required as a result of this ordinance shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including, but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

((~~C.~~)) D. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ((~~the assistance shall be provided at little or no cost to landowners~~)) the cost of such assistance shall be minimal to the landowner. ((~~In addition, t~~))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ((~~and make available to the public,~~)) model farm management((~~, forest management and rural stewardship~~)) plans illustrating examples of plan application content, drawings, and site plans, ((~~to assist landowners in their development of site-specific plans for their property~~)) and make them available to the public.

((~~D. The department of natural resources and parks is the primary county agency responsible for rural stewardship plans and farm management plans that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out its responsibilities under this chapter relating to rural stewardship plans and farm~~

~~management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to rural stewardship plans and farm management plans.~~))

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural stewardship and~~)) farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 52. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. ((~~The director may approve alterations to~~)) If application of this chapter denies all reasonable use or prohibits a development proposal, an applicant may apply for an exception in accordance with this section. Except in flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, an exception under this section may be allowed in critical areas, critical area buffers, and critical area setbacks((~~, except for flood hazard areas, not otherwise allowed by this chapter as follows:~~

~~1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when~~)).

B. A request for an exception in the shoreline jurisdiction shall be processed as a shoreline variance under K.C.C. 21A.44.090.

C. A public agency or utility may apply for a critical area alteration exception if application of this chapter denies a development proposal. A public agency or utility critical area alteration exception shall meet all of the following criteria ((~~are met~~)):

((~~a.~~))1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

((~~b.~~)) 2. ((~~t~~))The development proposal minimizes ((~~the adverse~~)) impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~c.~~)) 3. ((~~t~~))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

~~d.~~)) 4. ((~~t~~))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~e. the~~)) 5. For linear alterations:

(((~~(1)~~))) a. the alteration connects to or is ((~~an alteration to~~)) a public roadway, regional light rail transit line, public trail, ((~~a~~)) utility corridor or utility facility, railroad, hydroelectric generation facility, or other public infrastructure owned or operated by a public utility; or

(((~~(2)~~))) b. the alteration is required to overcome limitations due to gravity;

((~~2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may~~

~~impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer~~;)) and

((~~3. F~~)) 6. For nonlinear alterations ((~~the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met~~)):

a. a regional light rail transit facility under RCW 36.70A.200 may be allowed in any critical area, critical area buffer, or critical area setback, except those identified in subsection A. of this section;

b. a public school in a category II, III, and IV wetland may be allowed; and

c. all other nonlinear alterations shall not be located in an aquatic area, wildlife habitat conservation area, wetland, or fish spawning area;

D. A property owner may apply for a private development critical area alteration exception if application of this chapter denies a development proposal in a steep slope hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat network, critical area buffer, or critical area setback. A private development critical area alteration exception shall meet all of the following criteria:

1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~b.~~)) 3. ((~~t~~))The alteration is the minimum necessary to accommodate the development proposal;

((~~c.~~)) 4. ((~~t~~))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

((~~d.~~)) 5. ((~~t~~))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~e.~~)) 6. ((~~f~~))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations ((~~and landscaping~~)), but not including the area used for a driveway or for an on-site sewage disposal system((~~. When the site disturbance is within a critical area buffer, the building setback line shall be measured from the building footprint to the edge of the approved site disturbance;~~

~~f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer~~)); and

~~g.~~)) 7. ((~~t~~))The critical area is not ((~~used as~~)) a ((~~salmonid~~)) fish spawning area((~~; and~~

~~h. the director may approve an alteration in a category II, III, and IV wetland for development of a public school facility.~~

~~B. The director may approve alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas,~~)).

E. An applicant may apply for a reasonable use exception if the application of this chapter would deny all reasonable use of the property ((~~as follow~~)). A reasonable use exception shall meet all of the following:

1. ((~~If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all of the following criteria are met:~~

~~a. t~~))There is no other reasonable use with less ((~~adverse~~)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

3. The alteration is the minimum necessary to allow for reasonable use of the property; and

((~~b.~~)) 4. The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property;~~)) and

((~~d.~~)) 5. ((~~f~~))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~))

critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system((~~; and~~

~~2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090~~)).

((~~C.~~)) F. For the purpose of this section:

1. ((~~"Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities~~)) When a site disturbance is within a critical area or associated buffer, the critical area setback line shall be measured from the edge of a structure to the edge of the approved site disturbance; and

2. ((~~For purposes of subsections A. and B. of this section, a~~))Areas located ((~~within the shoreline jurisdiction that are~~)) below the ordinary high water mark shall not be included in calculating the site area.

((~~D. Alteration~~)) G. ((~~e~~))Exceptions approved under this section shall meet the mitigation requirements of this chapter.

((~~E.~~)) H. An ((~~applicant~~)) application for an ((~~alteration~~)) exception shall ((~~submit~~)) provide a critical area report((~~, as required by~~)) consistent with K.C.C. 21A.24.110.

I. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.

SECTION 53. Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows:

((~~If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether~~)) An applicant for a development permit or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide:

A. A disclosure of critical areas on the development proposal site, including mapped or identifiable critical areas within the largest potential critical area buffer; and

B. An affidavit indicating whether ((~~T~~))the applicant has knowledge of any illegal alteration to ((~~any or all~~)) critical areas or associated buffers on the development proposal site((~~; and~~

~~B. The applicant previously has been found in violation of this chapter, in accordance with K.C.C. Title 23. If the applicant previously has been found in violation, the applicant shall declare whether the violation has been corrected to the satisfaction of King County~~)).

SECTION 54. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

SECTION 55. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows:

A.((~~1.~~)) A property owner or ((~~the property owner's agent~~)) applicant may ((~~request~~)) apply for a critical area designation for part or all of a site ((~~, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department~~)).

1. ((~~If the request is for review of a portion of a site, t~~))The application shall include a map identifying ((~~the portion of~~)) the ((~~site for which the designation is sought~~)) parcel.

2. ((~~The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.~~)) Supporting critical area reports consistent with K.C.C. 21A.24.110 may be required by the department.

B. ((~~In preparing the critical area designation, the department shall perform a critical area review to:~~

~~1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;~~

~~2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;~~

~~3. Evaluate the critical area report, if required; and~~

~~4. Document the existence, location and classification of any critical area.~~

~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or~~

~~aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~

~~D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period. If the determination applies to less than an entire site, the determination~~)) The department shall evaluate and determine the existence, location, and classification of any critical areas within the area indicated on the application. The designation shall clearly identify the portion of the ((~~site~~)) parcel to which the determination applies.

((~~E.1.~~)) C. The written determination made under this section is final and effective for five years from the date of issuance as to the existence, location, classification of any critical area ((~~and critical area buffers~~)) on the site, unless:

((~~a.~~)) 1. ((~~t~~))There is a change in site conditions;

((~~b.~~)) 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration or the adoption of revised methods for critical area classification; or

3. A county, state, or federal agency adopts one of the following critical area maps that conflict with the department's ((~~written~~)) determination((~~.~~)):

a. Critical aquifer recharge areas;

b. Wildlife habitat network;

c. Channel migration zones;

d. Flood hazard areas.

((~~2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.~~

~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.~~))

SECTION 56. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ((~~Before any clearing, grading or site preparation, t~~))The department shall perform a critical area review ((~~for any~~)) of development ((~~proposal~~)) permit applications or other request ((~~for permission~~)) to alter a site to determine ((~~whether there is~~)):

1. The existence, location, and classification of ((~~A~~)) critical areas and active breeding sites of protected species:

a. on the ((~~development proposal~~)) site; and

((~~2. An active breeding site of a protected species on the development proposal site; or~~

~~3. A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible from the boundaries of the site~~)) b. within three hundred feet of the site that can be identified by use of available data and methods, including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, and other critical area determinations and critical area reports;

2. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and

3. Compliance with all other standards and regulations of this chapter.

B. As part of the critical area review, the department shall review ((~~the critical area reports and determine~~)) whether:

1. ((~~There has been an accurate identification of all critical areas~~)) Critical area designations under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

2. ((~~An alteration will occur to a critical area or a critical area buffer~~)) Critical area reports are required;

3. ((~~The development proposal is consistent with this chapter~~)) Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified in the application;

4. ((~~The sequence~~)) Proposed alterations comply with avoidance and mitigation sequencing in K.C.C. 21A.24.125 ((~~has been followed to avoid impacts to critical areas and critical area buffers~~)); ((~~and~~))

5. Proposed ((~~M~~))mitigation measures to compensate for ((~~adverse~~)) impacts to critical areas ((~~is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,~~)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable requirements of this chapter; and

6. Proposed alterations are consistent with the goals, purposes, objectives, and requirements of this chapter.

C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a:

1. Flood hazard area;

2. Critical aquifer recharge area; or

3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure.

D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an standalone decision under K.C.C. 20.20.020.

SECTION 57. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:

A. ((~~An applicant for a development proposal that requires~~)) A critical area report may be required with a critical area review under K.C.C. 21A.24.100 ((~~shall submit~~)) or K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit the scope of a critical area report ((~~at a level determined by the department~~)) if information is not needed to adequately evaluate the proposal and all probable impacts.

B. In addition to the requirements in this section, critical area reports shall also include ecological and geological report information in sections 58 and 59 of this ordinance based on the affected critical area:

1. Geological critical area report requirements under section 58 of this ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and associated buffers; and

2. Ecological critical area report requirements under section 59 of this ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, and associated buffers.

B. ((~~The applicant may combine a c~~))Critical area reports may be combined with any additional studies required by other laws and regulations.

C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. ((~~A~~))a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. ((~~D~~))documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. ((~~D~~))documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

d. ((~~A~~))an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((~~2010~~)) April 2011. The assessment shall determine if the project ((~~would~~)) adversely affects any ((~~one or more~~)) of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

(5) water quality;

(6) water quantity, including flood and low flow depths, volumes, and velocities;

(7) the river or stream channel's natural planform pattern and migration process;

(8) spawning substrate, if applicable; and

(9) floodplain refugia, if applicable.

((~~2. The department must require a project with adverse effects to comply with the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130~~)).

NEW SECTION. SECTION 58. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. A geological critical area report shall meet the requirements of this section.

B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The geological critical area report shall be prepared, stamped, and signed by a geological professional. The geological assessment shall include a field investigation and may include the use of historical aerial photo analysis, review of public records and

documentation, and interviews with adjacent property owners or others knowledgeable about the area, as well as other methods approved by the department. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

D. The geological critical area report shall contain, at a minimum, the following information:

1. Basic information including:

a. the name and contact information of the applicant; the name, qualifications, and contact information for the primary author or authors of the report; and a description of the proposal; and

b. parcel number or numbers of the site;

2. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and above and below ground utilities;

b. the extent, quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient;

d. a description and location of the surface and subsurface hydrology, including, but not limited to, wetlands, aquatic areas, springs, seeps, or other surface expressions of groundwater. The director may require a hydrogeologic report to accompany the geotechnical assessment if impacts are anticipated;

e. identification and characterization of all critical areas and buffers and areas within the shoreline jurisdiction;

3. A site plan that includes:

a. the existing topography with vertical contour intervals of five feet or less, for the entire site and abutting public rights-of-way, private roads, or access easements;

b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site;

c. all identified geologically hazardous areas, buffers, and critical area setbacks;

d. exploration locations;

e. locations of proposed development and clearing limits, if known;

f. transects of any provided cross-sections;

g. drainage flow characteristics including pipes, drains, catch basins, drainage structures, culverts, underdrain pipes, and other structures;

4. A description of the geological conditions of the soils and bedrock that includes:

a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines;

b. data regarding underlying geology, slope gradients, soil types, and subsurface information including boring or test pit logs describing soil stratification, and results of soil tests conducted.

c. a description of the soils in accordance with the Natural Resource Conservation Service, indicating the potential for erosion;

d. review of the site history regarding landslides, erosion, and prior grading;

e. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours;

f. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region;

g. engineering properties of the subsurface soils or bedrock or both;

h. identification of all existing fill areas;

i. the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction;

5. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property, including, but not limited to:

a. slope stability;

b. potential for liquefaction hazard;

c. debris runout, including from upslope on the site or from neighboring properties and on down slope properties from the site and proposed development;

d. channel migration;

e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other

erosional forces to determine the recommended solution for bank or shoreline stabilization in conformance with K.C.C. 21A.25.170;

6. An evaluation of proposed development which includes:

a. the location and description of proposed development activity;

b. the method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the Surface Water Design Manual;

c. the locations and methods for temporary and permanent erosion control;

d. recommendations for temporary and permanent structure siting limitations, and foundation type and depth;

e. recommendations on minimum buffers and setbacks for the specific geological hazard;

f. recommendations for grading procedures, fill placement and compaction criteria, handling contaminated soils and materials, temporary and permanent slope inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

g. an estimate of bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;

h. recommendations for engineering mitigation of hazards; and

i. recommendations for vegetation management to mitigate hazards;

7. A determination stating whether the alterations minimize risks to people and development in accordance with the development standards of this chapter, and rationale

to support the determination based on the presented data, analysis, and scientific and engineering practice;

8. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

9. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

10. Any other information determined by the department to be necessary to determine compliance with this chapter, including, but not limited to, the use of LIDAR, technical reports, soil field or laboratory testing, studies or documents related to geologic hazards, or models for estimating how far landslide materials will travel.

NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An ecological critical area report shall meet the requirements of this section.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. Wetland, aquatic area, and riparian area delineation that includes:

a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional

supplement as set forth in WAC 173-22-035, including completed data forms and data point locations;

b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms;

c. identification of aquatic area locations, typing, and ordinary high water mark;

d. identification of severe channel migration hazard areas and floodplains; and

e. determination of applicable wetland buffers and riparian areas;

2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks;

3. A description of existing on-site and adjacent site conditions that includes:

a. existing development, including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established;

b. the extent and dominant species composition of existing vegetative cover;

c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology;

d. functions and values of all critical areas present; and

e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development activity. The department may require tree locations to be surveyed;

4. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

5. If impacts to critical areas or buffers are proposed, an analysis that includes:

a. calculation of square footage of direct permanent impacts to each critical area and buffer;

b. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

c. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021;

d. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

e. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the Surface Water Design Manual; and

f. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers;

6. A mitigation plan that includes:

a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required;

b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year;

e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable;

f. plan for installation of wildlife lighting;

g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

h. rationale for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that equal or better ecological functions will be achieved;

7. A monitoring plan that includes:

a. a monitoring schedule of at least five years, unless otherwise directed by the department to address site-specific conditions such as inclination over twenty percent, excessively drained soils, or mitigation occurs in wetland;

b. success criteria for mitigation activities to meet at the end of each monitoring year;

c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area;

d. a maintenance plan to ensure success criteria are met; and

e. a contingency plan if it is determined that mitigation fails to meet success criteria;

8. A site plan depicting:

a. critical areas on the site and within three hundred feet of the site;

b. buffer widths;

c. critical area setbacks;

d. existing and proposed alterations, including, but not limited to, structures, impervious surfaces, utilities, clearing, landscaping, and grading; and

e. property lines, setbacks, and easements; and

9. Additional information determined by the department to be necessary to comply with this chapter.

SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C. 21A.24.125 are hereby amended to read as follows:

((~~A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority,~~)) When an alteration to a critical area is proposed, the following avoidance and mitigation sequencing shall be applied in the following order of priority to avoid and minimize impacts to critical areas and critical area buffers:

((~~1.~~)) A. Avoiding the impact or hazard by not taking a certain action;

((~~2.~~)) B. Minimizing the impact or hazard by:

((~~a.~~)) 1. limiting the degree or magnitude of the action with appropriate technology; or

((~~b.~~)) 2. taking affirmative steps to avoid or reduce impacts, such as project redesign, relocation, or timing;

((~~3.~~)) C. Rectifying the impact ((~~to critical areas~~)) by repairing, rehabilitating, or restoring the affected critical area or its buffer;

((~~4.~~)) D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

((~~5.~~)) E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the ((~~development proposal or~~)) alteration;

((~~6.~~)) F. Compensating for the ((~~adverse~~)) impact by replacing or enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and

((~~7.~~)) G. Monitoring the impact, hazard, or success of required mitigation and taking ((~~remedial~~)) corrective action.

((~~B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.~~))

SECTION 61. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. ((~~If m~~))Mitigation ((~~is~~)) required under this chapter ((~~to compensate for adverse impacts, unless otherwise provided, an applicant~~)) shall:

1. ((~~Mitigate adverse impacts to:~~

~~a. critical areas and their buffers; and~~

~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~

~~2. Monitor the performance of any required mitigation~~)) Only occur after avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

2. Achieve no net loss of critical area functions;

3. Prevent risk from hazards posed by the critical area; and

4. Not create impacts on other critical area functions.

B. ((~~The department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers~~)) Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

C. ((~~Whenever mitigation is required, an applicant shall submit a critical area report that includes:~~

~~1. An analysis of potential impacts;~~

~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~

~~3. A monitoring plan that includes:~~

~~a. a demonstration of compliance with this title;~~

~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~

~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or~~

~~(2) the mitigation involves the creation of a wetland; and~~

~~c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.~~)) A critical area report and mitigation and monitoring plan is required for any development proposal that includes mitigation.

D. The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area functions as conditions of approval for mitigation measures, including, but not limited to, conservation easements, financial guarantees in accordance with K.C.C. Title 27A, and performance monitoring.

E. Mitigation shall ((~~not~~)) be implemented ((~~until~~)) after the department approves ((~~the~~)) mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ((~~is~~)) has commenced and shall provide King County with reasonable access to the ((~~mitigation~~)) site for the purpose of inspections during ((~~any~~)) the monitoring period.

((~~E.~~)) F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan, ((~~and~~)) revised financial guarantees, ((~~requirements~~)) and an extension of the monitoring period by at least two years.

SECTION 62. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. ((~~To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, aquatic area wildlife habitat conservation area or wildlife habitat network~~)) Mitigation shall be prioritized on or contiguous to the development site. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

B. The department may approve mitigation that is off-site ((~~the development site~~)) if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal site; ((~~and~~))

2. The off-site mitigation will achieve ((~~equivalent or greater~~)) equal or better hydrological, water quality, and ((~~wetland or aquatic area~~)) habitat functions((~~.~~)); and

3. The off-site mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact.

B. ((~~When off-site mitigation is authorized, t~~))The department shall give priority to locations within the same drainage subbasin as the development proposal site and that meet the following:

1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;

2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ((~~and~~)) or

3. Public mitigation sites that have been ranked in a process ((~~that has been~~)) supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ((~~basin plans or other~~)) watershed plans.

C. The department ((~~may~~)) shall require ((~~documentation~~)) that the mitigation site ((~~has been~~)) be permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The applicant shall provide documentation ((~~may include, but is not limited to,~~)) such as a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

D. The department shall maintain a list of sites available for use for off-site mitigation projects.

E.1. The department ((~~and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.~~)) may approve mitigation through the King County mitigation reserve program. The program addresses:

a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and

b. the use of the fees for mitigation on public or private sites that have been ((~~ranked according to ecological criteria through one or more programs that have included a public process~~)) selected using a watershed approach, in accordance with the approved in-lieu fee program instrument.

2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ((~~a paper original and~~)) an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:

a. information on the amount and source of revenues received by the program;

b. a description and rationale for projects selected for funding;

c. an accounting of budgeted and actual expenditures made; and

d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. Revegetation in critical areas and critical area buffers shall:

1. Meet the mitigation requirements under this chapter;

2. Provide equal or better ecological function compared to existing conditions;

3. Replicate the structure and function of the historic natural plant community, except when restoring temporary impacts to a legally altered plant community;

4. Use only native or climate-adaptive plant species that are well suited to thrive in the current and future site conditions;

5. Prioritize the selection of native vegetation, with the use of climate-adaptive plants only when appropriate for site conditions; and

6. Include measures to restore soil and hydrologic functions when necessary.

B. The department shall consider site-specific conditions and may allow modifications to planting plans for planting success.

C.1. The department of natural resources and parks shall adopt a public rule establishing a list of climate-adaptive plants after consultation with Indian tribes and the department of local services.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the initial rule making under this section and each subsequent update to the public rule, the director of natural resources and parks shall:

a. request comment from Indian tribes no less than 60 days before the adoption of the final rule;

b. meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the list of climate-adaptive plants, and a response to each of the comments with how the final rule addresses the comments.

3. The initial public rule shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

SECTION 64. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows:

A. Except as otherwise provided in subsection ((~~of~~)) C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established ((~~as a result of development~~)) shall file a notice on title ((~~approved by King County~~)) with the records and licensing services division. The notice on title shall be on a form approved by the department and inform the public of:

1. The presence of critical areas ((~~or~~)), buffers, or mitigation sites on the property;

2. The application of this chapter to the property; ((~~and~~))

3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and

4. The existence of approved wetland buffer or riparian area averaging or reductions on the property.

B. ((~~The applicant for a development proposal shall submit p~~))Proof that the notice ((~~required by this section~~)) on title has been filed ((~~for public record~~)) shall be submitted before ((~~King County~~)) the department approves any development proposal for

the property or((,)) before recording in the case of subdivisions, short subdivisions, and binding site plans((, at or before recording of the subdivision, short subdivision, or binding site plan)).

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility;

2. The development proposal does not require ((sensitive)) critical area review under K.C.C. 21A.24.100.C.; or

3. The property only contains a critical aquifer recharge area or an erosion hazard area.

D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances:

1. The department, as part of a critical area review of a permit application or a critical area designation, determines the information contained in an existing notice on title is no longer accurate, such as in its type or location; or

2. An adopted critical areas map was updated indicating a reclassification or declassification of one of the following critical areas on the subject property:

a. critical aquifer recharge areas;

b. wildlife habitat network;

c. channel migration zones;

d. flood hazard areas.

SECTION 65. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:

A. ((~~The applicant~~)) Critical area tracts protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. Subdivisions, short subdivisions, or binding site plans shall establish critical area tracts to delineate and protect ((~~those~~)) the following critical areas and associated buffers ((~~listed below in development proposals for subdivisions, short subdivisions or binding site plans and shall record the tracts on all documents of title of record for all affected lots~~)):

1. ((~~All l~~))Landslide hazard areas and buffers that are one acre or more in size;

2. ((~~All s~~))Steep slope hazard areas and buffers that are one acre or more in size;

3. ((~~All w~~))Wetlands and buffers; ((~~and~~))

4. ((~~All a~~))Aquatic areas ((~~and buffers~~));

5. Riparian areas;

6. Alluvial fan hazard areas that are one acre or more in size; and

7. Wildlife habitat networks.

B. A critical area tract established under subsection A. of this section shall be held either:

1. ((~~held~~)) in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot((~~,~~));; or

2. ((~~shall be held~~)) by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract.

C. ((~~The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.~~)) The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan.

D. For an off-site mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.

E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

((~~E.~~)) F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate:

1. ((~~All f~~))Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;

2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas;

3. Aquatic areas, riparian areas, and wetlands;

4. Wildlife habitat conservation areas and ((~~the~~)) wildlife habitat networks;

5. Critical area ((~~B~~))buffers; and

6. ((~~Building~~)) Critical area setbacks as required by K.C.C. 21A.24.200.

((~~F.~~)) G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

SECTION 66. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows:

Unless otherwise provided, ((~~an applicant shall set buildings and other~~)) structures shall be set back a minimum distance of ((~~fifteen~~)) ten feet from the outside edges of all critical areas and critical area buffers ((~~or from the edges of all critical areas, if no buffers are required~~)). ((~~When the~~)) If site disturbance is within a critical area or an associated buffer, the ((~~building~~)) critical area setback ((~~line~~)) shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance. The following are allowed in the ((~~building~~)) critical area setback area:

A. Landscaping;

B. Uncovered decks;

C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area;

D. Impervious ground surfaces, such as driveways and patios((~~, but the~~)); however, improvements are required to meet any special drainage provisions specified in public rules adopted for ((~~the various~~)) critical areas and the Surface Water Design Manual;

E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and

F. Minor encroachments if adequate protection of the buffer will be maintained.

SECTION 67. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

A. The development standards that apply to the ((~~aquatic area buffers~~)) riparian areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((~~zone~~)) hazard areas and the portion of the moderate channel migration ((~~zone~~)) hazard areas that is within the ((~~aquatic area buffer~~)) riparian areas. The more-restrictive standards apply where there is a conflict;

B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and

C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area:

1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2. New primary dwelling units, accessory dwelling units, or accessory living quarters, and required infrastructure, are allowed if:

a. the structure is located on a ((~~separate~~)) legally established lot in existence on or before February 16, 1995;

b. a feasible alternative location outside of the channel migration hazard area is not available on((-)) the site; and

c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:

(1) the least subject to risk; or

(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:

a. a feasible alternative location is not available on-site; and

b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside ((~~an aquatic area buffer~~)) a riparian area if:

a. All lots contain five-thousand square feet or more of net buildable ((~~land~~)) area outside of the moderate channel migration hazard area;

b. Access to all lots does not cross the moderate channel migration hazard area; and

c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

SECTION 68. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area ((~~with a slope of forty percent or greater~~)) or associated buffer;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist.~~));

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ((~~is~~)) shall be fifty feet((~~.~~));

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ((~~building~~)) critical area setback in K. C. C. 21A.24.200 to one-hundred feet; and

4. For alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the landslide hazard area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or associated buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; ((~~and~~))

E. Alterations ((~~in a landslide hazard area located on a slope less than forty percent are allowed if:~~

~~1. The proposed alteration will~~)) shall not decrease slope stability on contiguous properties; ((~~and~~

~~2.~~)) F. The risk of property damage or injury resulting from landsliding ((~~is~~)) shall be eliminated or minimized;

G. The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

H. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

SECTION 70. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. ((~~Except as provided in subsection D. of this section, u~~))Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the following alterations ((~~identified in K.C.C. 21A.24.045~~)) are allowed within a steep slope hazard area or associated buffer((~~,~~)):

1. Alterations identified in K.C.C. 21A.24.045;

2. Alterations to steep slopes with a vertical elevation change of up to twenty feet where no impact will result. The department may approve this exemption based on a review of and concurrence with a geological critical area report; and

3. Regrading of any slope that was created through previous legal grading activities. Any slope that remains forty percent or steeper after alterations are completed are subject to requirements for steep slope hazard areas.

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a critical area report~~)).

1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer;

b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1. of this section:

a. If a geological critical area report is not submitted to or required by the department, the minimum buffer shall be fifty feet; and

b. For ((~~building permits for~~)) alterations associated with single detached dwelling units only, the department may waive the ((~~special study~~)) geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the ((~~critical area~~)) steep slope hazard area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; ((~~and~~))

D. ((~~All alterations are allowed in the following circumstance:~~

~~1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King~~

~~County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and~~

~~2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes~~)) The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 71. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ((~~containing seismic hazard areas~~)) where potential seismic hazard areas are mapped:

A. The department may approve alterations ((~~to seismic hazard areas~~)) only if:

1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ((~~proposed~~)) development proposal site is not ((~~located in~~)) a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. ((~~Mobile~~)) Manufactured homes;

2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and

3. One-story buildings with less than two-thousand-five hundred((~~s~~)) square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A buffer may be required from the edge of the alluvial fan hazard area. To eliminate or minimize the risk of property damage or injury resulting from inundation, sedimentation, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report.

C. A geological critical area report is required for alterations that are on an alluvial fan or within fifty feet of an alluvial fan;

D. Alterations shall minimize and not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties;

E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from an alluvial fan hazard area or associated buffer is prohibited;

F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization; and

G. The alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.

NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. This section applies to development proposals on sites that are within tsunami hazard areas.

B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent practical, which may include, but is not limited to, preparation of a tsunami evacuation plan.

SECTION 74. K.C.C. 21A.24.205, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.300.

SECTION 75. Ordinance 15051, Section 158, and K.C.C. 21A.24.205 are hereby amended to read as follows:

Based upon a geological critical area report containing a coal mine hazard assessment ((~~prepared in accordance with this chapter~~)), the department shall classify coal mine hazard areas as follows:

A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited

to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((,)) overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow section that77, as recodified by this ordinance.

SECTION 78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, as modified by notices of map amendment in K.C.C. 21A.24.312.

SECTION 79. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((~~s~~)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area ((~~that is or is not classified as a~~)) on the critical aquifer recharge area ((~~on the~~)) map adopted under K.C.C. 21A.24.311:

((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks to the property owner, applicant, if applicable, and the county assessor.

SECTION 80. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined ((~~are~~)):

1. Are ((~~H~~))highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. Are ((~~I~~))in an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system;

B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:

1. Have a medium susceptibility to ground((-))water contamination and are located in a sole source aquifer or a wellhead protection area; or

2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island.

SECTION 81. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;

2. Sand and gravel, and hard rock mining unless:

a. the site has mineral zoning as of January 1, 2005; or

b. ((~~mining~~)) mineral extraction is an ((~~permitted~~)) allowed use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. ((~~Mining of any type~~)) Mineral extraction below the upper surface of the saturated ground((-))water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17;

8. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

9. Golf courses;

10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington ((~~S~~))state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground((-))water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Underground storage tanks with hazardous substances, as defined in chapter 70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and K.C.C. Title 17, ((~~E~~))except for a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater, underground storage~~

~~tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17~~)) Vashon-Maury Island; and

b. For a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17;

6. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter ((~~43.200~~)) 70A.384 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the

standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the ((~~King County~~)) Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are ((~~permitted~~)) allowed within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((~~family~~)) detached residence if the requirements of ((~~K.C.C.~~)) King County Board of Health Code BOH 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. a. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health.

b. The owner shall report the results of the test to ((~~Seattle-King County department of~~)) public health – Seattle & King County and to the department of natural resources and parks.

c. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ((~~Seattle-King County department of~~)) public health - Seattle & King County, shall recommend appropriate measures.

d. The owner shall implement all recommended measures in addition to the minimum requirements of this title to prevent saltwater intrusion

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause an ((~~significant~~)) adverse ((~~environmental~~)) impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state ((~~d~~))Department of ((~~e~~))Ecology, in accordance with ((~~90.76.040~~)) RCW 70A.355.030 and WAC ((~~173-360-530~~)) 173-360A-0130.

SECTION 82. Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows:

A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035.

B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((~~14-06-029~~)) 23-06-009, published October 2014 and updated July 2023.

C. Wetland rating categories shall not recognize illegal modifications.

SECTION 83. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	((~~250~~)) 300 feet	((~~190~~)) 225 feet	((~~125~~)) 150 feet

Bog	((~~250~~)) <u>300</u> feet	((~~190~~)) <u>225</u> feet	((~~125~~)) <u>150</u> feet
Estuarine	((~~200~~)) <u>300</u> feet	((~~150~~)) <u>225</u> feet	((~~100~~)) <u>150</u> feet
Coastal Lagoon	((~~200~~)) <u>300</u> feet	((~~150~~)) <u>225</u> feet	((~~100~~)) <u>150</u> feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet

Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((~~50~~)) 60 feet	((~~40~~)) 45 feet	((~~25~~)) 35 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;

(2) commercial, institutional, or industrial use on a site regardless of the zoning classification;

(3) nonresidential use on a site zoned ((~~for residential use~~)) RA, UR, or R, such as telecommunication towers and associated equipment;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ((~~ball~~)) sports fields, and similar use;

(5) all sites within the Urban Growth Area, except recreational uses in subsection A.2.b.(6) and A.2.c.(2) of this section; ((~~or~~))

(6) Residential zoning greater than one dwelling unit per acre;

(7) railroads; or

(8) federal and state highways, including on-ramps and exits, state routes, and other roads associated with high impact land uses;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned ((~~rural area, agriculture or forestry~~)) RA, A, or F;

(3) agricultural uses without an approved farm management plan;

(4) forest service roads and roads associated with moderate impact land uses;

(5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(((~~5~~))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and

c. Low impact includes:

(1) forestry uses on a site regardless of zoning classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures((~~,~~)) on a site regardless of zoning;

(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045((~~.D.53. and K.C.C. 21A.24.045.D.54.~~)); or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. ((~~The department may approve a modification of the minimum~~)) Wetland buffer width ((~~required by this section by averaging the buffer width~~)) averaging may be allowed if an ecological critical area report demonstrates:

1.a. ((~~The department determines that:~~

~~a. the b~~))Buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a ((")dual-rated(") wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; ((~~and~~

~~2. The resulting buffer meets the following standards:~~

~~a.~~)) 2. ((~~t~~))The total area of the buffer after averaging is ((~~equivalent~~)) equal to or greater than the area of the buffer before averaging;

((~~b.~~)) 3. ((~~t~~))The additional buffer is contiguous with the standard buffer;

((~~c.~~)) 4. ((~~t~~))The buffer at its narrowest point is ((~~never~~)) no less than ((~~either~~)) seventy-five percent of the required width ((~~or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater~~));

((~~d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by critical area report from a qualified wetland professional; and~~))

5. No net loss of wetland functions and values shall occur as a result of buffer averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

((~~e.~~)) 6. ((t))The buffer is increased adjacent to the higher functioning ((~~area of~~)) habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((~~as demonstrated by a critical area report from a qualified wetland professional~~));

7. Buffer averaging is not combined with other buffer reductions or modifications; and

8. Indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.((~~6~~))5. of this section ((~~and~~)) or the buffer averaging rules in subsection B. of this section((~~;~~)).

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((~~buffer~~)) width ((~~is~~)) shall be the greater of:

a. the wetland buffer width ((~~required by the wetland's category in this section~~)); or

b. the wetland buffer width, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex ((~~located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051~~)), the buffer widths ((~~is determined~~)) are as follows:

a. ((~~t~~))The buffer width for each individual wetland ((~~in the complex is the same width as the buffer width required for the category of wetland~~)) shall be consistent with subsection A. of this section;

b. ((~~i~~))If the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. ((~~w~~))Wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. ((~~t~~))The department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

e. ((~~t~~))The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements ((~~as wetland buffers as long as~~)) if the alteration is designed so as not to disrupt wildlife movement through the corridor;

4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the ((~~minimum~~)) required buffer width to the edge of the roadway if:

a. the part of the buffer on the other side of the roadway sought to be reduced:

((~~a.~~)) (1) does not provide additional protection of ((~~the proposed development or the~~)) wetland functions and values from the proposed alteration; and

((~~b.~~)) (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and

b. the applicant provides a written evaluation that includes:

(1) a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway;

(2) an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and

(3) an analysis of how the roadway fully disconnects the buffer from providing the assessed functions, and whether the disconnection affects the entirety of the buffer; and

5. ((~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

~~6. The buffer widths required for proposed land uses with~~)) For developments with residential uses, mixed-use, daycares, and social services within the Urban Growth Area that are categorized as high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate ((~~intensity~~)) impacts ((~~under the following conditions~~)) if:

a. all the following measures to minimize impacts of the proposed land uses are applied:

(1) revegetate with dense native vegetation or climate-adaptive plants along the edge of the buffer and in any other portion of the buffer wherever existing vegetation is sparse;

(2) install wildlife lighting and direct all light away from the wetland;

(3) locate noise-generating activities away from the wetland;

(4) install wildlife passable fencing at the edge of the wetland buffer;

(5) attach critical area signs to wildlife passable fencing every fifty to seventy-five linear feet, as determined by the department, so that a sign is visible from any point along the edge of the critical area or buffer;

(6) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

(7) demonstrate how each of the following meets the core requirements in the Surface Water Design Manual, including:

(a) stormwater runoff;

(b) change in water regime; and

(c) erosion and dust control; and

b. ((~~F~~))for wetlands that score moderate or high for habitat functions((~~, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~

~~(1) A~~))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((~~any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list~~)) a legally-protected, relatively undisturbed and vegetated area. The corridor ((~~must~~)) shall be protected for the entire distance ((~~between the wetland and the priority habitat~~)) and ((~~legally~~)) recorded via a conservation easement; and

~~(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and~~

~~b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:~~

~~**Disturbance**~~	~~**Measures to minimize impacts**~~
~~Lights~~	~~Direct lights away from wetland.~~

~~Noise~~	~~Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.~~
~~Toxic runoff~~	~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.~~
~~Stormwater runoff~~	~~Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.~~
~~Change in water regime~~	~~Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.~~
~~Pets and human disturbance~~	~~Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.~~
~~Dust~~	~~Use best management practices to control dust.~~))

c. the development proposal does not impact the reduced buffer.

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.

SECTION 84. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or ((~~their~~)) associated buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. ((~~The a~~))Applicants may include climate-adaptive plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound ((~~lowland~~)) region into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and

C. ((~~A category IV wetland less than two-thousand-five-hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and~~

~~D.~~)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045.D.20. and D.((~~52~~))51.

SECTION 85. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.125 and 21A.24.130~~)) this chapter, the following applies to wetland and wetland buffer mitigation ((~~to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer~~)):

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better wetland functions and values, including, but not limited to:

1. Habitat functions such as complexity, connectivity, and other biological and ecological functions; and

2. Hydrological functions, such as ((~~S~~))seasonal hydrological dynamics, as provided in the ((~~King County~~)) Surface Water Design Manual;

B. For permanent impacts to a wetland or wetland buffer, ((~~T~~))the following ratios of ((~~area of~~)) mitigation area to ((~~area of alteration~~)) impact area apply ((~~to mitigation measures for permanent alterations~~)):

1. For ((~~alterations~~)) impacts to a wetland buffer, a ratio of ((~~one to one; and~~)) 1:1 on-site, and 2:1 off-site;

2. For ((~~alterations~~)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

((~~Category~~ and type of wetland	**~~Wetland reestablishment or creation~~**	**~~Wetland rehabilitation~~**	**~~1:1 Wetland reestablishment or wetland creation~~**	**~~Wetland enhancement only~~**

			~~(R/C) and wetland enhancement (E)~~	
~~Category IV~~	~~1.5:1~~	~~3:1~~	~~1:1 R/C and 2:1 E~~	6:1
~~Category III~~	~~2:1~~	~~4:1~~	~~1:1 R/C and 2:1 E~~	8:1
~~Category II estuarine~~	~~Case-by-case~~	~~4:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	Case-by-case
~~All other Category II~~	~~3:1~~	~~8:1~~	~~1:1 R/C and 4:1 E~~	12:1
~~Category I forested~~	~~6:1~~	~~12:1~~	~~1:1 R/C and 10:1 E~~	Case-by-case
~~All other Category I~~	~~4:1~~	~~8:1~~	~~1:1 R/C and 6:1 E~~	Case-by-case
~~Category I wetlands of high conservation value~~	~~Not allowed~~	~~6:1 rehabilitation of a wetland of high conservation value~~	~~Case-by-case~~	Case-by-case
~~Category I coastal lagoon~~	~~Not allowed~~	~~6:1 rehabilitation of a coastal~~	~~Case-by-case~~	Case-by-case

		~~lagoon~~		
~~Category I bog~~	~~Not allowed~~	~~6:1 rehabilitation of a bog~~	~~Case-by-case~~	Case-by-case
~~Category I estuarine~~	~~Case-by-case~~	~~6:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	~~Case-by-case~~))

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Category and type of wetland	**Wetland reestablishment or creation**	**Wetland rehabilitation**	**1:1 Wetland reestablishment or creation (R/C) and wetland enhancement (E)**	**Wetland enhancement only**
Category I wetlands of high conservation value	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I bog	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I estuarine	Case-by-case	8:1	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	8:1	Not allowed	Case-by-case
Category I	6:1	12:1	1:1 R/C and 20:1 E	Case-by-case

forested				
All other Category I	4:1	8:1	1:1 R/C and 12:1 E	Case-by-case
Category II estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

3. For indirect impacts to a wetland, one half of the ratio required by subsection B.2. of this section.

C. The following ratios ((~~of area~~)) of mitigation area to ((~~area of alteration~~)) impact area apply to ((~~mitigation measures for~~)) temporary ((~~alterations~~)) impacts where wetland((~~s will~~)) functions are expected to take longer than one year to be restored. Temporary impacts do not ((~~be impacted by~~)) include permanent fill material((~~:~~)) or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023

Wetland category	**Permanent conversion of forested and shrub wetlands into emergent wetlands**			**Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities**		
	Enhancement	Rehabilitati	Reestablish	Enhanceme	Rehabilitati	Reestablis

		on	ment or ((C))creation ((or restoration))	nt	on	hment or ((C))creation ((or restoration))
Category I	((6)) 8:1	((4.5)) 6:1	3:1	((3)) 4:1	2:1	1.5:1
Category II	((3)) 6:1	((2)) 3:1	1.5:1	((1.5)) 3:1	1.5:1	.75:1
Category III	((2)) 4:1	((1.5)) 2:1	1:1	((1)) 2:1	((.75)) 1:1	.5:1
Category IV	((1.5)) 3:1	1.5:1	.75:1	((Not applicable)) 1.5:1	((Not applicable)) .75:1	((Not applicable)) .25:1

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((or))

4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the impact;

5. The proposed mitigation site differs from the development proposal site in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;

6. The development proposal site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or

7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

E. ((~~The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances~~)) Wetland mitigation bank or in lieu fee program credits may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. Instead of mitigation ratios in subsection B. or C. of this subsection, wetland mitigation bank or in lieu fee program mitigation ratios are as follows:

1. ((~~The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~

~~3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

~~b. the category of the area with a different class is lower than that of the entire wetland; and~~

~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.~~)) For wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument, with a minimum bank credit to impact acre ratio of 1:1;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts, the amount of compensatory mitigation required shall be consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be 1:1; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the ((~~altered~~)) wetland or wetland buffer; and

G. Mitigation of ((~~an alteration to a buffer of a~~)) wetland buffers ((~~that occurs along an aquatic area~~)) in a lake shoreline ((~~in accordance with an allowed alteration under this chapter~~)) shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION 86. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ((~~categorized or "~~))typed((~~"as follows~~)) using the water typing system in WAC 222-16-030 and the following criteria:

1. Type S ((~~waters include~~)) means all aquatic areas, within their bankfull width, inventoried as ((~~"~~))shorelines of the state((~~"~~)) under King County's ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program,((~~ K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW~~)) including periodically inundated areas of their associated wetlands;

2. Type F ((~~waters include all~~)) means segments of aquatic areas ((~~that are not~~)) other than type S ((~~waters~~)), which are within the bankfull widths of defined channels and

periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and that contain fish or fish habitat ((~~, including~~)) or are described by one of the following categories:

a. waters diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F upstream from the point of such diversion for one-thousand-five-hundred feet or until the drainage area is reduced by fifty percent, whichever is less;

b. waters diverted for use by a federal, state, ((~~or~~)) tribal, or private fish hatchery from the point of diversion for one((-)) thousand((-)) five((-)) hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality;

c. waters within a federal, state, local, or private campground having more than ten camping units. Water is considered to enter a campground when it reaches the boundary of the park lands available for public use and comes within one-hundred feet from a camping unit, trail, or other park improvement; or

d. riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These habitats are identified by their connection to a fish habitat stream and accessible during some period of the year and accessible to fish.

3. Type N ((~~waters include~~)) means all segments of aquatic areas that are not type S or F ((~~waters~~)) and that are physically connected to type S or F ((~~waters~~)) by ((~~an above-ground~~)) a channel or piped system, stream, or wetland; and

4. Type O ((~~waters include~~)) means all segments of aquatic areas that are not type S, F, or N ((~~waters~~)) and that are not physically connected to type S, F, or N ((~~waters~~)) by a((~~n above-ground~~)) channel or piped system, ((~~pipe or culvert,~~)) stream, or wetland, and which infiltrates water into the ground.

B. For the purposes of ((~~the water~~)) aquatic area types in subsection A. of this section((~~, an above-ground~~)):

1. A channel system is ((~~considered to be~~)) present if the ((~~one-hundred year~~)) floodplains of both the contributing and receiving waters are connected; and

2. Fish habitat may be classified by:

a. the presence of fish;

b. a stream segment, that is perennial or ephemeral, with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or

c. any stream located within the floodplain of type S or F water.

((~~C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:~~

~~1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;~~

~~2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~

~~3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~

~~4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.~~))

SECTION 87. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows:

A. ((~~Aquatic area buffers~~)) Riparian areas shall ((~~be measured as follows~~)):

1. ((~~From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;~~

~~2. If~~)) Where the adjacent aquatic area is ((~~located within~~)) in a mapped severe channel migration hazard area((~~, the aquatic area buffer width shall be the greater of the aquatic area buffer width as measured consistent with subsection A.1. of this section or~~)):

a. include the severe channel migration hazard area; and

b. extend from the outer edge of the severe channel migration hazard area;

2. Where the adjacent aquatic area is not in a mapped severe channel migration hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; and

3. ((~~If the aquatic area buffer includes a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in~~

~~this section or the top of the hazard area~~)) Extend in all directions from the point at which the adjacent aquatic area enters or exits an underground conveyance system.

B.1. ((~~Within the Urban Growth Area, aquatic area buffers~~)) Riparian area widths shall be as follows:

((~~1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;~~

~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;~~

~~3. A type N aquatic area buffer is sixty-five-feet; and~~

~~4. A type O aquatic area buffer is twenty-five-feet.~~))

Adjacent Aquatic Area Type	**Riparian Area Width**
S or F outside the Urban Growth Area	200 feet
S or F in the Urban Growth Area	180 feet
N	100 feet
O	50 feet

2. If the riparian area is in a steep slope hazard area or a landslide hazard area, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the landslide or steep slope hazard area upslope up to a maximum total width of twice the riparian area width, as measured perpendicular to the topographic contours;

3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the alluvial fan hazard area.

C. ((~~Outside the Urban Growth Area, aquatic area buffers shall be as follows:~~

~~1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;~~

~~2. A type N aquatic area buffer is sixty-five-feet; and~~

~~3. A type O aquatic area buffer is twenty-five-feet.~~

~~D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one-hundred-feet.~~

~~E. The department may approve a modification of buffer widths if~~)) Riparian area width averaging may be allowed if an ecological critical area report demonstrates:

1.((~~a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:~~

~~(1) the total area of the buffer is not reduced;~~

~~(2) the buffer area is contiguous; and~~

~~(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;~~

~~b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide;~~

~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and~~

~~shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;~~

~~d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or~~

~~e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and~~

~~2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.~~)) The total area of the riparian area after averaging is equal to or greater than the total area of the riparian area before averaging;

2. The additional riparian area is contiguous with the standard riparian area;

3. The riparian area at its narrowest point is no less than seventy-five percent of the standard width;

4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological functions and values shall occur as a result of the averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the riparian area where native vegetation does not currently exist;

5. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the aquatic area, and decreased adjacent to the lower functioning or less sensitive portion;

6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward of the hazard areas; and

7. Riparian area averaging is not combined with any other riparian area width modifications.

SECTION 88. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or ((~~their buffers~~)) riparian areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ((~~aquatic area buffers~~)) riparian areas;

B. Clearing, ((~~G~~))grading ((~~for allowed alterations in aquatic area buffers is~~)), and other site disturbances are only allowed from May 1 to October 1. ((~~This~~)) The period may be modified or restricted when the department determines it is necessary along ((~~marine shorelines~~)) aquatic areas to protect critical forage fish and salmonid migration, ((~~or~~)) as provided in K.C.C. 16.82.095, or as required by a state or federal permit;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:

1. Minimizing soil compaction, or

2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within a((~~n aquatic area buffer~~)) riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ((~~and~~))

E. To the maximum extent practical:

1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;

2. A spatial connection should be provided between vegetation within and outside the ((~~aquatic area buffer~~)) riparian area to prevent creation of wind throw hazards; and

3. Hazard trees ((~~should be retained~~)) approved for removal in ((~~aquatic area buffers~~)) riparian areas ((~~and~~)) should be either topped or pushed over toward the aquatic area, and not removed from the riparian area; ((~~and~~))

F. A project may include climate-adaptive plants, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound region into an aquatic area or riparian area unless authorized by state or federal approval; and

G. If a ((~~restoration, enhancement or mitigation~~)) project ((~~proposes to place~~)) includes large wood ((~~woody debris~~)) waterward of the ordinary high water mark of a ((~~T~~))type S aquatic area, the applicant shall ((~~consider~~)) minimize the potential for recreational hazards in project design.

SECTION 89. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate for the~~

~~adverse impacts associated with an alteration to~~)) in an aquatic area or ((~~aquatic area buffer~~)) riparian area:

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better aquatic or riparian area functions than prealteration conditions, including, but not limited to:

1. Habitat complexity, connectivity, and other biological and ecological functions;

2. Seasonal hydrological dynamics((~~,~~)) and water storage capacity ((~~and water quality~~)); ((~~and~~))

3. ((~~Geomorphic and habitat processes and functions~~)) Shade and temperature control, pollution removal, water purification, and other water quality functions; and

4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions;

B. ((~~To the maximum extent practical, permanent alterations that require restoration or enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area buffer must consider~~)) The mitigation plan shall address the following design factors, as applicable ((~~to the function being mitigated~~)):

1. The natural channel or shoreline reach dimensions including its depth, width, length, and gradient;

2. The horizontal alignment and sinuosity;

3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;

4. Bank ((~~and buffer~~)) configuration and erosion and sedimentation rates;

((~~and~~))

5. ((~~Similar~~)) Native vegetation or climate-adaptive plant species diversity, size, and densities ((~~in the channel, sea bed or lake bottom and on the~~)) comparable to a nearby relatively undisturbed riparian ((~~bank or buffer~~)) area with similar configuration, spatial arrangement, and solar aspect;

6. Similar slope and elevation; and

7. Similar soil conditions, including moisture, saturation, and organic content;

C. Mitigation ((~~to compensate~~)) for ((~~adverse impacts~~)) aquatic areas shall meet the following standards:

1. Mitigation shall ((~~N~~))not be located upstream of a barrier to fish passage;

2. ((~~Is equal or greater in biological function; and~~

~~3.~~)) To the maximum extent practical ((~~is~~)), mitigation shall be located on the development proposal site ((~~of the alteration~~)) or within one-half mile of the site and in the same aquatic area reach ((~~at a 1:1 ratio of area of mitigation to area of alteration; or~~

~~4. Is~~)). If mitigation cannot be located on the site or within one-half mile of the site, it shall be located in the same ((~~aquatic area~~)) drainage subbasin or marine shoreline ((~~and attains the following ratios of area of functional mitigation to area of alteration:~~

~~a. a 3:1 ratio for a type S or F aquatic area; and~~

~~b. a 2:1 ratio for a type N or O aquatic area~~)); and

3. Mitigation ratios for aquatic areas are as follows:

Aquatic Area and Location	**Mitigation Location**	**Mitigation Ratio (mitigation area to impact area)**
All aquatic areas	On the development proposal site	2:1
All aquatic areas	Within 1/2 mile of the development proposal site and in the same aquatic reach	2:1
Type S or F	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	3:1
Type N or O	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	2:1

D. For purposes of subsection C. of this section, ((~~a~~)) mitigation ((~~measure~~)) is in the same aquatic area reach if the length of aquatic area ((~~shoreline~~)) or riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

2. Similar processes including erosion and transport of sediment and ((~~woody debris~~)) large wood;

3. ((~~Equivalent~~)) Equal or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and

4. ((~~Equivalent~~)) Equal or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((~~or~~)) and

5. For tributary streams, a distance of no more than one-half mile from the main stem;

E. ((~~The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:~~

~~1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;~~

~~2. Financing or funding guarantees for the duration of the monitoring program;~~ and

~~3. Experienced, qualified staff to perform the monitoring;~~)) For riparian areas, on-site mitigation shall use the ratios in subsection E.1. or E.2. of this section. Mitigation shall consist of restoration or creation, including through revegetation with native vegetation or climate-adaptive plants and removing invasive species, or both.

1. Standard on-site mitigation ratios for riparian areas are as follows:

Adjacent Aquatic Area Type	**On-site Mitigation Ratio (mitigation area to impact area)**
Shoreline (S)	3:1
Fish bearing (F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

2. The department may approve alternative on-site mitigation ratios for riparian areas, if the alternative mitigation provides equal or better ecological function than the

standard mitigation requirements. Alternative mitigation is based on the type of existing vegetation impacted, as follows:

Adjacent Aquatic Area Type	**Impacts to Woody Vegetation (Trees and Shrubs)**	**Impacts to Non-Woody Vegetation or Unvegetated Areas**
Shoreline (S) Fish bearing (F) Non-fish bearing (N)	2:1 ratio with at least one primary action or three secondary actions	1.5:1 ratio with at least one primary action or two secondary actions
Other (O)	1.5:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one primary or secondary action

a. Primary actions include:

(1) placing large wood in adjacent aquatic areas, when not installed for shoreline stabilization or flood protection facilities;

(2) removing a fish passage barrier, if not required by the development permit;

(3) removing an aquatic area transportation crossing, such as a road, bridge, or trail, and revegetating with native vegetation or climate-adaptive plants as appropriate. Utility-only crossings are not included under this action;

(4) removing shoreline armoring, revetments, or levees; or

(5) other similar actions as determined by the department.

b. Secondary actions include:

(1) adding area contiguous to the existing riparian area at a ratio of 0.5:1 where otherwise not required. If the area of addition does not have an equal ecological function to the impact area, the area shall be revegetated with native vegetation or climate-adaptive plants;

(2) placing large wood in riparian areas or an adjacent floodplain;

(3) installing wildlife snags or similar wildlife nesting or rearing habitat;

(4) removing floodplain fill and replanting with native vegetation or climate-adaptive plants as appropriate; or

(5) removing a fish passage barrier if required by a development permit;

(6) other similar actions as approved by the department;

F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be allowed if the mitigation is unable to be located on or within one-half mile of the site. Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve, or conservation easement if on private property.

2. Off-site compensatory mitigation ratios riparian areas are as follows:

Adjacent Aquatic Area Type	**Off-Site Compensatory Mitigation Ratio**
Shoreline (S)	4:1
Fish bearing (F)	4:1
Non-fish bearing (N)	4:1
Other (O)	3:1

G. For rectifying an illegal alteration to ((~~any type of~~)) an aquatic area or ((~~its buffer~~)) riparian area, mitigation ((~~measures must meet the following standards~~:

~~1.~~)) shall be ((~~L~~))located on the site of the illegal alteration, at a ((~~1:1~~)) compensatory mitigation ratio of ((~~area of mitigation to area of alteration and~~

~~2. To the maximum extent practical,~~)) of 3:1, replicate((~~s~~)) the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((~~; and~~

~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~

~~H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer~~)) to the maximum extent practical.

SECTION 90. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

((~~2~~)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders, or other heavy equipment, ((~~may~~)) shall not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is ((~~an area with~~)) an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;

D. For a marbled murrelet, the wildlife habitat conservation area is ((~~an area with~~)) a one-half-mile radius around an active nest;

E. For a northern goshawk, the wildlife habitat conservation area ((~~is an area~~)) with a one-thousand-five-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area;

F. For an osprey:

1. The wildlife habitat conservation area is ((~~an area with~~)) a two-hundred-thirty-foot radius around an active nest; and

2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;

G. For a peregrine falcon:

1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff;

2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within one-half mile of the eyrie; and

3. New power lines ((~~may~~)) shall not be constructed within one-thousand feet of the eyrie;

H. For a spotted owl, the wildlife habitat conservation area is ((~~an area with~~)) a three-thousand-seven-hundred-foot radius from an active nest;

I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony;

2. Between November 1 and March 31, the wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area serving as a winter hibernacula;

3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting ((~~may~~)) shall not be altered or destroyed;

4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence ((~~is~~)) shall be protected from human entry; and

5. A gate across the entrance to a cave or mine that is protected because of bat presence ((~~must~~)) shall be designed to allow bats to enter and exit the cave or mine;

J. For a Vaux's swift:

1. The wildlife habitat conservation area is ((~~an area with~~)) a three-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Areas;

2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest;

K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((~~not listed in subsections B. through J. of this section~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385 are hereby amended to read as follows:

A. ((~~The department shall make certain that s~~))Segments of the wildlife habitat network ((~~are~~)) shall be set aside and protected along the designated wildlife habitat network adopted by the ((~~King County~~)) Comprehensive Plan ((~~as follows:~~)).

((~~A.~~)) This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network:

1. All ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions; and

2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement, or setback area, and a notice of the existence of the segment has been recorded;

B. Segments of the wildlife habitat network ((~~must~~)) shall be identified and protected in one of the following ways:

1. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous permanent open((-)) space tract with all developable lots sited on the remaining portion of the ((~~project~~)) development proposal site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or

2. For individual lots, the network is placed in a county-approved setback area. To the maximum extent practical, existing native vegetation is included in the network. The notice required by K.C.C. ((~~21A.27.170~~)) 21A.24.170 is required; and

C. All wildlife habitat network tracts or setback areas ((~~must~~)) shall meet the design standards in K.C.C. 21A.24.386.

SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386 are hereby amended to read as follows:

The following standards apply to development proposals and alterations on sites containing wildlife habitat network:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

B. The wildlife habitat network is sited to meet the following conditions:

1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary;

2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and

3. The network is contiguous with and includes critical areas and their buffers;

4. To the maximum extent practical, the network connects isolated critical areas or habitat; and

5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts, or wooded areas on adjacent properties, if present;

C. The wildlife habitat network tract ((~~must~~)) shall be permanently marked in accordance with this chapter;

D. An applicant proposing recreation, forestry, or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site ((~~must~~)) shall have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;

E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a

setback area on individual lots, unless the property owner has an approved management plan;

F. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION 93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate~~)) for ((~~the adverse impacts associated with~~)) wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to~~)) a wildlife habitat conservation area ((~~must~~)) shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site

mitigation is limited to sites that will enhance the ((~~wildlife~~)) habitat ((~~conservation area~~)) of the species impacted;

B. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to the~~)) a wildlife habitat network ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better biological functions, including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:

a. for mitigation on site:

(1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 1.5:1 ratio for enhancement or restoration; and

b. for mitigation off-site:

(1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 3:1 ratio for enhancement or restoration;

C. For temporary ((~~alterations~~)) impacts, the department may require ((~~rectification~~)) rehabilitation, restoration, or enhancement of the altered wildlife habitat network;

D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions;

E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including:

1. Soil type, conditions, and physical features;

2. Vegetation diversity and density; and

3. Biological and habitat functions; and

F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.

NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and K.C.C. Title 23.

SECTION 95. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows:

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

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

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

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

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

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with

all relevant county code provisions and with the King County ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program.

B. Shoreline uses.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-		C2	C2	C2				C2

salmonid finfish net pens								
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial Development								
Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except automotive parking, and off-	P6							

street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.055)	P9	P9	P9	P9	P9	P9	P9	C10
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							

In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13
In-stream utility facilities (K.C.C. 21A.08.055)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation facilities								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								

Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C. 21A.08.030), adult family homes and community residential facility I (K.C.C. 21A.08.045)		P	P	P	P	C22	C22	
Houseplex, townhouse, apartment,	P23	P			P			

manufactured home community, cottage housing (K.C.C. 21A.08.030)								
Congregate residence and senior assisted housing (K.C.C. 21A.08.030), community residential facility II and permanent supportive housing (K.C.C. 21A.08.045)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation	P29	P29	P29	C29	P29	P29	C29	C29

facilities								
Commuter parking lot (K.C.C. 21A.08.055)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.055)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal	P30							

water production (K.C.C. 21A.08.100)								

C. Development conditions:

1. In the ((~~N~~))natural shoreline environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

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

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

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture

activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

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

b. Marinas shall meet the standards in K.C.C. 21A.25.120.

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

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

b. Nonwater-dependent personal services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Nonwater-oriented personal services land uses shall provide a ((~~significant~~)) public benefit by ((~~helping to achieve~~)) achieving one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; ((~~and~~)) or

(5) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business service((~~s~~)) uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business service((~~s~~)) uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

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

b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Nonwater-oriented retail uses shall provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

(5) protection and restoration of historic properties.

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

a. economic development for water-dependent uses;

b. public access;

c. water-oriented recreation;

d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.055 are allowed.

b. Nonwater-dependent government services in K.C.C. 21A.08.055 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((~~N~~))natural environment.

10. The following standards apply to government services uses within the ((~~A~~))aquatic environment:

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

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

c. Desalinization facilities shall not be located near fish spawning, migratory, or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and shall adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

d. Cable crossings for telecommunications and power lines shall:

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

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

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

(4) use the best available technology;

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

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

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

f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ((~~A~~))aquatic environment adjacent to the ((~~C~~))conservancy and ((~~N~~))natural shorelines.

11. In the ((~~N~~))natural shoreline environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices shall meet the standards in K.C.C. 21A.25.130.

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

a. ((~~N~~))nonwater-oriented manufacturing uses are allowed only:

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

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

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

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

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

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

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

e. boat repair facilities are not allowed within the Maury Island Aquatic Reserve, except as follows:

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

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

(3) electronics servicing and maintenance;

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

(5) vessel rigging; and

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

13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility, and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of

ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

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

a. there is no feasible alternate location;

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

c. the use complies with the standards in K.C.C. 21A.25.260.

15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:

a. shall meet the standards in K.C.C. chapter 21A.22;

b. shall be dependent upon a shoreline location;

c. shall avoid and mitigate ((~~adverse~~)) impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological

function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;

d. shall provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;

e. may be allowed within the active channel of a river only as follows:

(1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

(2) the mining and any associated ((~~permitted~~)) allowed activities will not have ((~~significant adverse~~)) impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and

(3) if no review has been previously conducted under this subsection C.17.e., before renewing, extending, or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

f. shall comply with K.C.C. 21A.25.190.

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ((~~H~~))high ((~~I~~))intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

19. Water-dependent and water-enjoyment recreational uses are allowed in the ((~~R~~))residential, ((~~R~~))rural, and ((~~F~~))forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ((~~C~~))conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the ((~~N~~))natural shoreline environment, only passive and low-impact recreational uses are allowed.

22. Single detached residences shall be located outside of the ((~~aquatic area buffer~~)) riparian area and set back from the ordinary high water mark to the maximum extent practical.

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

24. Residential accessory uses shall meet the following standards:

a. docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180;

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

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

25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ((~~N~~))natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION 96. Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows:

An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

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

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

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

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

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

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

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are:

1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or

3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

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

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

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

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

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

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

O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

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

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict

compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

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

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

1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

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

3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use

chemicals or antibiotics;

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

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

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

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

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

V. Aquaculture structures and equipment shall be of sound construction and shall

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

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.

Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:

1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or

reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Finfish net pens shall not be located:

a. within three hundred feet of an area containing eelgrass or a kelp bed;

b. within one thousand five hundred feet of an ordinary high water mark; or

c. in a designated Washington state Department of Natural Resources aquatic reserve;

6. A finfish net pen may not be used to mitigate the impact of a development proposal; and

7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years.

Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

SECTION 97. Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows:

Recreational development ((~~must~~)) shall meet the following standards:

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

B. Recreational uses in the ((~~N~~))natural shoreline environment ((~~must~~)) shall be water-oriented;

C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;

D. The development of underwater sites for sport diving shall not:

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

2. Constitute a navigational hazard; and

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

E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180;

F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;

G. Campgrounds in the ((~~N~~))natural shoreline environment shall meet the following conditions:

1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((s)) and associated buffers;

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

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

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

I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches, or shelter, consistent with public safety and security;

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

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non((-))water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION 98. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

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

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

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

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

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

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in

the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High Intensity	**Residential**	**Rural**	**Conservancy**	**Resource**	**Forestry**	**Natural**	**Aquatic**
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters,								

jetties, groins, and weirs								
Breakwaters, jetties, groins, and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of	P8	P8	P8	P9	P8	P8	P9	P9

existing intact native vegetation								

C. Development conditions.

1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170((;)).

2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24; goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan; and the Integrated ((~~Stream~~)) Streambank Protection Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and Transportation, ((~~2003~~)) 2002). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so as~~)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King County Flood Management Plan and consistent with the ((~~Washington State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would

only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180((~~;~~)).

4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

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

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

c. ((~~F~~))fill shall not be placed in critical saltwater or critical freshwater habitats except when all of the following conditions are met:

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

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

(3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(4) the project is consistent with the state's interest in resource protection and species recovery; and

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

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

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

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

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

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

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

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

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

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

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

6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone.

7.((~~a. If the department determines~~)) Limited to projects where the primary purpose is ((~~restoration~~)) to restore or enhance of the natural character and ecological functions of the shoreline, ((~~a shoreline habitat and natural systems enhancement~~)) as follows:

a. the project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline

stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling((~~.~~));

b. Within the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-215((~~.~~));

c. A shoreline habitat and natural systems enhancement project shall provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area; and

d. A restoration or enhancement plan shall include:

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

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

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

9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

SECTION 99. Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows:

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

~~A.~~)) shall require a shoreline variance ((~~I~~))if the proposed expansion ((~~will~~)):

1. ((~~r~~))Results in a total cumulative expansion of the dwelling unit and accessory structures ((~~of~~)) by more than one thousand square feet((~~, a shoreline variance is required; and~~

~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~));

2. Is within thirty-five feet of the ordinary high water mark; or

3. Is between thirty-five feet and fifty feet of the ordinary high water mark and the expansion extending towards the ordinary high water mark is greater than three hundred square feet.

SECTION 100. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows:

A. ((~~To achieve the maximum density allowances using~~)) The livestock densities in K.C.C. 21A.30.040 may be achieved through a livestock management plan component of a farm management plan((~~, the~~)). A livestock management plan ((~~must meet the following criteria~~)) component shall:

1. ((~~The plan is~~)) Comply with the requirements of K.C.C. 21A.24.051 for farm management plans;

2. Be developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are

consistent with all of the criteria of this section may substitute for a livestock ((~~management component of a farm~~)) management plan component for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans ((~~must~~)) shall meet the requirements of K.C.C 21A.30.060;

((~~2. The plan~~)) 3. ((~~i~~))Include((~~s~~)) site-specific best management ((~~measures~~)) practices for minimizing nonpoint pollution from agricultural activities and for managing wetland ((~~and~~)), wetland buffers, aquatic areas, and riparian areas, including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows((~~.~~));

((~~3. The plan is~~)) 4. Be implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

((~~4. A~~)) 5. Include a monitoring plan ((~~may be~~)), if required ((~~as part of the livestock management component of a farm management plan~~)), to demonstrate that there is no significant impact to water quality and ((~~salmonid fisheries~~)) fish habitat. Monitoring results shall be made available to the King County agriculture program.

B. The livestock ((~~management component of a farm~~)) management plan component shall, at a minimum:

1.a. ((~~Generally seek to achieve a twenty-five-foot buffer of~~)) Establish grazing area buffers with diverse, mature vegetation between grazing areas and ((~~the ordinary high water mark of all type S and F aquatic areas and~~)) critical areas as follows:

(1) forty feet from the ((~~wetland~~)) edge of a((~~ny~~)) category I, II, or III wetland, ((~~with the~~)) except((~~ion of~~)) grazed wet meadows((~~, using buffer averaging where necessary to accommodate existing structures.~~));

(2) forty feet from a type S or F aquatic area;

(3) thirty-five feet from a type N aquatic area;

(4) twenty feet from the edge of a category IV wetland, except grazed wet meadows;

(5) no minimum from grazed wet meadows; and

(6) the clearing of lands for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly native forest overstory, shrubs, or herbaceous layer. New grazing areas shall comply with the riparian area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

b. The ((~~livestock management component of a farm management plans may vary the~~)) width of the grazing area buffer ((~~of an aquatic area or wetland,~~)) and the time and duration of animal exclusion throughout the year ((~~, according to guidelines agreed upon by King County and the King Conservation District~~)) may be modified consistent with the public rule established to implement farm management plans. The ((~~guidelines~~)) public rule may ((~~support a~~)) allow for different grazing area buffer widths based on both

the nature of the farm operation and the function and sensitivity of the aquatic area or wetland.

c. The livestock management plan ((~~must~~)) component shall include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O ((~~waters~~)) aquatic areas. ((~~Forested lands being cleared for grazing areas shall comply with the critical area buffers in K.C.C. chapter 21A.24~~));

2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty((~~-foot buffer~~)) feet of diverse, mature vegetation beyond the grazing area buffers identified in subsection B.1. of this section downslope of any confinement areas within two hundred feet of type S((~~and~~)), F ((~~waters~~)), and N aquatic areas. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved;

b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices((~~, as recommended by the King Conservation District,~~)) in an approved farm management plan are implemented((~~,~~)) and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards ((~~must~~)) shall be addressed in ((~~a~~)) the livestock ((~~management component of a farm~~)) management plan component.

D. ((~~A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.~~

~~E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.~~)) Properties operating subject to an existing livestock management plan component based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.

E. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 101. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:

((~~Property owners with farms containing either large~~)) A. The livestock ((~~at~~)) densities ((~~greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow an livestock~~)) identified in K.C.C. 21A.30.040 without a farm management plan ((~~if the owners adhere~~)) are subject to ((~~the management standards in subsections A. through G. of~~)) this

section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.

((~~A.~~)) B. To minimize livestock access to aquatic areas, property owners shall utilize the following for livestock watering ((~~options~~)):

1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from ((~~the~~)) aquatic areas so that livestock are not required to enter aquatic areas for their water supply.

2.a. Livestock access to type S((~~and~~)), F ((~~waters, including their buffers~~)), and N aquatic areas and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.

((~~a.~~)) b. Fencing shall be used as necessary to prevent livestock access to type S ((~~and~~)), F ((~~waters~~)), and N aquatic areas.

((~~b.~~)) c. Bridges may be used((~~, in accordance with K.C.C. chapter 21A.24, in lieu of~~)) in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a ((~~county~~)) building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of a ((~~county~~)) building permit ((~~requirements~~)) does not constitute a waiver from other required agency permits.

((~~B.~~)) C.1. Existing grazing areas without a farm management plan and not addressed by K.C.C. chapter 21A.24 shall maintain a ((~~vegetative~~)) grazing area buffer ((~~of~~)) as follows:

a. fifty feet from the ((~~wetland~~)) edge of a category I, II, or III wetland, except ((~~those wetlands meeting the definition of~~)) grazed wet meadows((~~, or the ordinary high water mark of~~));

b. fifty feet from a type S ((~~or~~)), F ((~~water~~)), or N aquatic area;

c. twenty-five feet from the edge of a category IV wetland, except grazed wet meadows; and

d. no minimum from grazed wet meadows.

2. ((~~Forested~~)) The clearing of lands ((~~being cleared~~)) for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian area widths, critical area buffers, and applicable regulations in K.C.C. chapter 21A.24.

3. ((~~The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when forested lands are being cleared for grazing areas.~~

~~4.~~)) Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock.

((~~5.~~)) 4. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements.

((~~6.~~)) 5. Grazing areas within two hundred feet of a wetland or type S((~~or~~)), F ((~~water or category I, II or III wetland~~)), or N aquatic area shall not be plowed during the rainy season from October 1 through April 30.

((~~7.~~)) 6. Grazing areas may extend to the property line, provided that wetlands and type S((~~or~~)), F ((~~waters and category I, II and III wetlands~~)), or N aquatic areas that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection ((~~B.1., 2. or 3.~~)) C. of this section.

((~~C.~~)) D.1. In addition to the grazing area buffers in subsection ((~~B.1. and 2.~~)) C. of this section, confinement areas located within two hundred feet of any wetland, except grazed wet meadows, or type S((~~or~~)), F, ((~~waters or category I, II or III, wetlands with the exception of grazed wet meadows~~)) or N aquatic areas shall:

a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover;

b. not be located in ((~~the buffer of~~)) a wetland buffer or a riparian area of a((~~ny~~)) type S((~~or~~)), F ((~~water or any wetland buffer required by the critical areas ordinance~~)), or N aquatic area in effect at the time the confinement area is built, or within fifty feet of ((~~the~~)) a wetland ((~~edge of any category I, II or III wetland~~)) or ((~~the ordinary high water mark of any~~)) type S((~~or~~)), F ((~~water~~)), or N aquatic area. Fencing shall be used to establish and maintain the wetland buffer ((~~except where existing natural vegetation is sufficient to exclude~~)) or riparian area unless the area is otherwise impenetrable to livestock ((~~from the buffer. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this~~

~~section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and

c. have roof drains of any buildings in the confinement area diverted away from the confinement area.

2. Confinement areas may extend to the property line((~~,~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section.

((~~D.~~)) E.1. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas;

b. All manure stockpiled within two hundred feet uphill of ((~~any the ordinary high water mark of~~)) a wetland or type S ((~~or~~)), F ((~~water or the edge of a category I, II or III wetland~~)), or N aquatic area shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; and

c.(1) Manure shall not be stored in a((~~ny aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed ((~~or tilled~~)) wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

((~~(1)~~)) (a) any wetland edge excluding grazed ((~~or tilled~~)) wet meadows;

((~~(2)~~)) (b) the ordinary high water mark of any aquatic area; or

((~~(3)~~)) (c) any ditch to which the topography would generally direct runoff from the manure((~~; and~~)).

((~~d.~~)) (3) The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

((~~E.~~))F. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm((-))water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities ((~~permitted~~)) in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

((~~F.~~)) G. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall~~

~~have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), but only if approved fencing is present for type S and F aquatic areas.

((~~G.~~)) H. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

I. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION 102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

A. A person who alters a critical area or buffer in violation of law shall undertake corrective work in compliance with this chapter and K.C.C. ((~~chapter 23.08~~)) Title 23. When feasible, corrective work shall include restoration of the critical area and associated buffer. Corrective work shall be subject to all permits or approvals required for the type of work undertaken. In addition, the violator shall be subject to all fees associated with investigation of the violation and the need for corrective work.

B. When a wetland or buffer is altered in violation of this title, restoration of the wetland and associated buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

C. When an aquatic area or ((~~buffer~~)) riparian area is altered in violation of this title, restoration of the ((~~stream and buffer~~)) aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced.

E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law.

F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130 are hereby amended to read as follows:

Fees for critical areas review, critical area designation, critical area alteration, flood hazard certification and variances for floodplain development, or sea level rise risk area shall be charged as follows:

A.	Critical areas review	
1.	Critical area notice on title only	$423.00
2.	Nonresidential review, basic, per discipline	$2,327.00
3.	Nonresidential review, complex, per discipline	$3,813.00
4.	Stewardship planning	$3,390.00

B.	Critical areas designations		
1.	Minimum fee per application		
a. For sites less than 1 acres			$1,438.00
b. For sites between 1 and 10 acres			$TBD
c. For sites over 10 acres			$TBD
2.	Fee per discipline if the parcel or parcels for which designations are requested have one or more critical area, excepting critical aquifer recharge, seismic hazard, or erosion hazard area		$1,061.00
3.	Fee for resubmittal of critical area study, per discipline		$1,061.00
C.	Critical area alteration exception		
1.	Review, per discipline		$9,323.00
2.	Base fee		$3,390.00
3.	Extension of approval		$1,906.00
4.	If applications for a shoreline permit and critical area alteration exception are reviewed concurrently, the critical area alteration exception application shall be charged fifty percent of the fees required by this section.		
D.	Floodplain development: flood hazard certificate review		
1.	Section A		$423.00
2.	Section B.1, FEMA floodway		$284.00
3.	Section B.2		$853.00
E.	Floodplain development inspection		$635.00
F.	Floodplain development review: floodway and channel migration zone		

1.	Screening and verification		$423.00
2.	Review of a request for FEMA floodway letter-of-map-amendment shall be charged at actual cost to the department including consultant costs, administrative costs and cost of review by other county departments and governmental agencies.		
G.	Floodplain development review: mapped floodplain		$212.00
H.	Floodplain development review: unmapped floodplain		
1.	Qualitative floodplain study		$212.00
2.	Minor floodplain study		$284.00
3.	Major floodplain study		$853.00

I. Review of variances for development in a floodplain or sea level rise risk area or for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be charged at actual cost to the department including consultant costs, administrative costs, and cost of review by other county departments and governmental agencies.

SECTION 104. The following are hereby repealed:

A. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;

B. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

C. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

D. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;

E. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;

F. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;

G. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and

H. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

SECTION 105. By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION 106. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION 107. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B. of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION 108. **Severability**. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment A, 2025 Update to 2024 King County Comprehensive Plan, dated August 2025. The clerk of the council is instructed to engross changes from any adopted amendments and

correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

EFFECT prepared by J. Ngo: Striking Amendment S1 would make the following changes:

General Changes

1. Updates various terminology for consistency and streamlines code language.
2. Addresses technical corrections, clarifying edits, drafting errors, code reviser notes, and engrosses changes from other ordinances.
3. Adds a cross reference to K.C.C. 21A.50.035 and K.C.C. Title 23 for violations in critical areas.
4. Removes a finding that identifies various county code sections as protection for critical aquifer recharge areas. No code sections are removed as part of this change.
5. Where required, clarifies that farm management plans must be approved.
6. Where applicable, clarifies that best management practices for farm management plans are required only for those applicable to the activity.

Clearing and Grading Exemptions (K.C.C. chapter 16.82)

7. Clearing: eliminates a clearing and grading permit exemption in wetlands, wetland buffers, aquatic areas, riparian areas and severe channel migration hazard areas. (Conditions 4, 23)
8. Emergency tree removal: limits the permit exemption in areas outside of critical areas to those to prevent imminent danger to person or structures (Condition 6)
9. Drilling and testing for critical area reports or monitoring and data collection: in critical areas, limits the permit exemption to only those done with hand equipment, minimal grading, no clearing, and equipment is removed when work is completed (Conditions 1, 2, 22)
10. Farm field access drives: limits the permit exemption to properties in the A zone, Agricultural Production District, or Farmland Preservation Program, has an approved farm management plan, meet applicable best management practices in an approved farm plan, creates less than 2,000 sf of new impervious surface, access is less than 14 feet wide, there is no other alternative location with less impacts to critical areas and associated buffers is available, complies with the

farmland dispersion requirements in the King County Surface Water Design Manual, is sited in an area least subject to channel migration, obtains a floodplain development permit and state and federal permits when required.

11. Where required, clarifies that farm management plans are to be approved.

Shoreline Master Program (K.C.C. chapter 20.12.200)

12. Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program.
13. Changes the effective date to the date of the ordinance.

Public Benefit Rating System (PBRS) (K.C.C. 20.36.100)

14. Under farm and agricultural conservation land, requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
15. Lowers the threshold for the rural open space category from a 10-acre contiguous open space area minimum to 5 acres.

State Environmental Policy Act (SEPA) (K.C.C. 20.44.040)

16. Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.
17. Clarifies the thresholds are up to a certain number (for example, “up to” twenty dwelling units), rather than exactly a certain number.
18. Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
19. Exempts any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law.
20. Lowers the SEPA exemption for code violations in steep slope, landslide, or alluvial fan hazard areas from 500 cubic yards to the standard exemption of 100 cubic yards.

Definitions (K.C.C. chapter 21A.06)

21. Agricultural products: removes specific tree types in the list of agricultural products
22. Aquatic areas: streamlines the definition of aquatic areas, integrates the definition of “impoundments” into this definition.
23. Aquatic area functions: adds a new definition and examples.
24. Buffer: reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
25. Commercial production of agricultural products: Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.

26. Critical aquifer recharge area: modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
27. Farm field access drives: removes regulatory language from the transmittal that limits farm field access drives to properties in the A zone, Agricultural Production District, or Farmland Preservation Program.
28. Fish habitat: broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises the examples of fish habitat.
29. Hazard tree: removes language that a parking area, road, or utility facility within striking distance of a structurally deficient tree must be approved to qualify.
30. Landslide hazard area: revises language that a landslide hazard area includes areas located on alluvial fan that is susceptible to episodic inundation, sedimentation, and erosional impacts.
31. Impoundments: repeals this definition and incorporates language into the definition of aquatic areas.
32. Mitigation: modifies the definition of mitigation to state that it is an action to compensate for unavoidable impacts after avoidance and mitigation sequencing is applied.
33. Notice of map amendment: identifies which maps are adopted and can be modified through a notice of map amendment.
34. Revegetation: revises the definition of climate-adaptive plants as plant species identified by DNRP as current or formerly native to the surround ecoregion and that are predicted to maintain their abundance under climate change.
35. Riparian area: identifies that riparian areas protect the functions and values of aquatic areas.
36. Tsunami hazard area: updates the Washington Geological Survey to the current available edition and names the areas on the map.
37. Wetlands: corrects a past code revising error.
38. Wetland values: adds language describing wetland values as estimates of the worth, merit, quality, or importance of wetlands, identifies that values vary by watershed or community, and provides examples.
39. Wildlife lighting: clarifies that it is exterior lighting, rather than applied measures to the exterior lighting, that are designed and installed to reduce impacts to wildlife.

Purpose (K.C.C. 21A.24.010)

40. Clarifies that avoidance and mitigation sequencing includes mitigation of impacts.
41. Clarifies that no net loss, rather than preventing overall loss, is the measure for wetlands, aquatic areas, and riparian area functions and values.
42. Adds a purpose statement for providing clear and objective development standards, application requirements, and review processes for the administration of critical areas protections.

Applicability (K.C.C. 21A.24.020)

43. Removes proposed language that if an area or site contains more than one critical area or natural resource land designation, all designations apply. All designations on a site would still apply, consistent with chapter K.C.C. 21A.24 and state law.

Critical Area Alteration (K.C.C. 21A.24.045)

44. Adds moderate channel migration hazard areas as a critical area where all alterations are allowed, with conditions.
45. Provides additional instruction on how to interpret the critical area alteration table.
46. Renumbering of certain conditions:
    a. Condition 64 is renumbered to Condition 2
    b. Condition 60 is renumbered to Condition 29
    c. Condition 57 is renumbered to Condition 56
    d. Condition 58 is renumbered to Condition 57
    e. Condition 69 is renumbered to Condition 58
    f. Condition 29 is renumbered to Condition 59
    g. Condition 3 is renumbered to Condition 60
    h. Condition 59 is renumbered to Condition 64
47. Consolidation of certain conditions:
    a. Conditions 11 and 12 are consolidated into Condition 10
    b. Condition 23 is consolidated into Condition 58 (which is renumbered to condition 57)
    c. Condition 52 is consolidated into Condition 51
    d. Condition 56 is consolidated into Condition 55
48. Repeal of certain conditions: Condition 11, 12, 23, 52, 59.
49. Remove proposed condition 70.
50. Maintenance or repair of existing structures:
    a. Applies Condition 6 in severe channel migration hazard areas and alluvial fan hazard areas. This condition would limit existing primary structures to no increase in the footprint and would not constitute substantial improvement, and limit accessory structures to a 1,000 square foot addition and no expansion towards an alluvial fan or channel migration hazard.
51. Expansion or replacement of existing structure: Splits this alteration in two, with the following:
    a. Expansion of existing structures:
        - Prohibits this alteration in a landslide hazard area or steep slope hazard area (no change from existing code)
        - Allows this alteration in severe channel migration hazard areas and alluvial fan hazard areas with limitations under Condition 6 (see above for description).
        - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 7. Condition 7 is modified so the alteration must be on an existing impervious surface, lawn or landscaping area, farm field, or grazed area with limitations on

original establishment, location, revegetation and/or footprint expansion.

b. Replacement of existing structures:
   - Allows this alteration in a landslide hazard area or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low under Condition 5.
   - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 8. Condition 8 is modified so the alteration is within an existing footprint or has the least impact on the critical area, does not expand the total footprint of all structures and impervious surfaces, is on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and includes revegetation.

52. Construction/maintenance/repair of a pier or dock:
    a. Allows this alteration in a Category II, III, or IV wetland or wetland buffer, subject to Condition 9. Condition 9 is clarified to state that that the alteration is only to provide access to an aquatic area and to remove a condition specific only to aquatic areas.
    b. Allows this alteration in an aquatic area or riparian area, subject to Condition 10. Condition 10 is modified prohibit the alteration in a salmonid spawning area and requires compliance with K.C.C. 21A.25.180 in type S or F aquatic areas.
53. Grading: allows grading in critical areas when addressing an emergency in an alluvial fan hazard area, subject to Condition 14.
54. Cutting of firewood: prohibits cutting of firewood in severe channel migration hazard area, aquatic area, riparian area, wetland, and wetland buffer. Reverts back to limiting the cutting of firewood for only personal use.
55. New road in unimproved right-of-way: prohibits new roads in unimproved right-of-way as allowed alteration.
56. Horticulture activities, grazing of livestock, and commercial fish farms:
    a. For existing activities, adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing (Condition 53).
    b. Allows for the conversion of existing land to other agricultural products, expansion of existing activities and establishment of new agricultural activities on sites where ethe primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants (Condition 54).
57. Livestock manure storage facility, livestock heavy use area, farm pads: allowed if associated with a horticulture or livestock grazing activity, in an existing grazed, tilled or impervious area, consistent with a farm management plan, subject to conditions, and outside of areas cleared under a forest practice permit, an aquatic

area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants.

58. Nonresidential buildings: allows nonresidential buildings only on sites where the primary use of the site is one that qualifies as horticulture or grazing livestock activities, subject to other conditions.
59. Farm field access drives: allows farm field access drives on sites with horticulture or grazing livestock activity, complies with the Surface Water Design Manual, and subject to other conditions.

Agricultural activities development standards (K.C.C. 21A.24.051)

60. Establishes criteria for proof of agricultural activities or commercial production of agricultural products, including 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation. These criteria would only apply to the critical area regulations, not other parts of the Code where agricultural activities are regulated.
61. Requires modifications to farm management plans if impacts to critical areas or associated buffers are identified with monitoring.
62. Clarifies that farm management plans are not effective for the purposes of critical areas until approved by the County.
63. Deletes language that a property owner or applicant may develop a farm management plan as part of a program offered or approved by King County.

Public Rules for Farm Management Plans (K.C.C. 21A.24.061)

64. Adds requirements and procedures for adopting a public rule for farm management plans, including an adoption deadline of December 31, 2026.

Critical area alteration exceptions/reasonable use exceptions (K.C.C. 21A.24.070)

65. Splits critical area alteration exceptions into public agency/utility exceptions and private development exceptions.
66. Clarifies that all exceptions in the shoreline jurisdictions are processed as shoreline variances.
67. Expands the prohibition of critical area alteration exceptions from salmonid habitat to fish habitat.
68. Removes language that an applicant can apply for a reasonable use exception without first having to apply for an alteration exception if relief from development standards are requested.

Disclosure (K.C.C. 21A.24.090)

69. Removes the requirement for an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.

Critical Area Designations (K.C.C. 21A.24.500)

70. Reverts critical area designations from a parcel to a site.
71. Removes review timelines, which are superseded by K.C.C. Title 20.

72. Specifies which adopted maps that may modify the effectiveness of a critical area designation.

Critical Area Review (K.C.C. 21A.24.100)

73. Development that does not involve site disturbance, clearing, or grading and only requires a permit or approval in K.C.C. chapters 16.04 or 17.04 in alluvial fans are not exempt from critical area review.

Critical Area Reports (K.C.C. 21A.24.110 and Sections 58 and 59)

74. Clarifies that the critical area report requirements may be modified or limited in scope as determined by the Department of Local Services.
75. Identifies what type of critical area report, geological or ecological, applies to each critical area.
76. Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report.
77. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
78. Revises requirements for an ecological critical area report, such as monitoring plans and site plans.

Critical Area Mitigation (K.C.C. 21A.24.125 and K.C.C. 21A.24.130)

79. Updates avoidance and mitigation sequencing to match state law.
80. Prioritizes, instead of requires, mitigation to occur on-site.
81. When monitoring identifies deficiencies in predicted impact or a failure in mitigation, requires an extension of the monitoring period by at least 2 years
82. Requires all development proposals, rather than only access for developments, to minimize impacts and comply with avoidance and mitigation sequencing.

Revegetation (Section 63)

83. Changes terminology of "climate-smart plants" to "climate-adaptive plants"
84. Establishes a new section for revegetation requirements in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary.
85. Allows modification to planting plans based on site-specific conditions.
86. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.

Notice on Title (K.C.C. 21A.24.170)

87. Adds buffer reductions to the notice on title.
88. Clarifies that a notice on title may be removed or amended as part of a critical area designation or a critical areas map update including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, or flood hazard areas.

Critical Area Setbacks (K.C.C. 21A.24.200)

89. Reduces the critical area setback from 15 feet to 10 feet.
90. Removes a proposed 18" height limitation for uncovered decks in critical area setbacks.

Channel Migration Zones (K.C.C. 21A.24.275)

91. Clarifies that new primary dwelling units, accessory dwelling units or living quarters, and required infrastructure are allowed if located on a legally established lot in existence on or before February 16, 1995.

Geologically Hazardous Areas

Landslide and Steep Slope Hazard Areas (K.C.C. 21A.24.280 and K.C.C. 21A.24.310)

92. Requires alterations on slopes greater than 40% to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.
93. Adds a factor of safety requirement for slope stability for landslide hazard areas and steep slope hazard areas.
94. Requires alterations to comply with a geological critical area report.
95. Recodifies K.C.C. 21A.24.310.

Alluvial Fan Hazard Areas (Section 72)

96. Allows for buffers from alluvial fan hazard areas if needed.
97. Requires alterations in alluvial fans to minimize risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.
98. Prohibits vegetation removal from an alluvial fan hazard area or associated buffer except as part of an allowed alteration.
99. Requires alterations to minimize disturbance to alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization.

Critical Aquifer Recharge Areas (K.C.C. 21A.24.316)

100. Updates mining to mineral extraction to reflect land uses in K.C.C. chapter 21A.08.
101. Requires a property owner to implement all recommended measures to prevent saltwater intrusion into a well.
102. Adds a requirement to transmit updated critical aquifer recharge area maps by December 31, 2027.

Wetlands (K.C.C. 21A.24.335, 340, 342)

103. Reclassifies moderate-intensity active recreation or open space and passive recreation inside the Urban Growth Area as moderate and low impact land uses, respectively.
104. When buffer averaging is proposed, requires revegetation where native vegetation does not current exist and requires no net loss of wetland functions and values.
105. Requires all wetland complexes inside the Urban Growth Area to include a corridor if buffers do not connect.

106. Allows mixed-use, daycares, and social services within the Urban Growth Area, which have a high intensity impact designation, to be lowered to moderate impacts if certain conditions are met. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse and requires noise-generating activities to be sited away from the wetland.
107. Increases the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands from 1:1 R/C and 16:1 E to 1:1 R/C and 20:1 E consistent with Department of Ecology guidance.
108. Increases the rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands from 4.5:1 to 6:1.

Aquatic Areas and Riparian Areas (K.C.C. 21A.24.355, .358, .365, .380)

109. Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
110. Standardizes the riparian area width for all Type S and F riparian areas in the Urban Growth Area to 180 feet.
111. Requires revegetation where native vegetation does not current exist when buffer averaging is proposed.
112. Prohibits clearing and other site disturbances from May 1 to October 1 in aquatic areas or riparian areas. Allows modifications or restrictions when required by a state or federal period.
113. Requires projects to minimize the potential for recreational hazards when large wood is proposed in a Type S aquatic area.
114. Requires mitigation plans to include native or climate-adaptive plant species comparable to a nearby relatively undisturbed riparian area.
115. Requires mitigation for riparian areas to include restoration or creation.
116. For alternative mitigation ratios:
    a. Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
    b. Increases the ratio for Type O riparian areas with impacts to woody vegetation.
    c. Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas
    d. Revises a secondary action for replanting a riparian area addition to adding more riparian area with replanting.
    e. Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.
117. Revises the mitigation ratio for illegal alterations to 3:1.

Wildlife Habitat Networks (K.C.C. 21A.24.385)

118. Removes references to urban planned developments and fully contained communities.

Grazing livestock (K.C.C. 21A.30)

119. For sites with farm management plans:

a. Requires the livestock management component to comply with the farm management plan requirements in K.C.C. 21A.24.051.
b. Clarifies that grazed wet meadows have no grazing area buffer.
c. Clarifies that grazing area buffers may be modified consistent with the farm management plan public rule.
d. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
e. Clarifies that clearing of land for new grazing areas must comply with critical area widths or buffer widths.
f. Removes special requirements to submit a final farm management plan with a livestock component to the County.
g. Removes a hearing examiner appeal process of farm management plans to reflect current practice.
h. Identifies measurement methods for grazing area widths.

120. For sites without farm management plan:
a. Revisions to the section to be applicable to any site with livestock without a farm management plan;
b. Removes a 50-foot grazing area buffer for Category IV wetland and maintains the 25-foot grazing area buffer.
c. Clarifies that grazed wet meadows have no grazing area buffer.
d. Removes a 25-foot grazing area buffer reduction where there is existing diverse, mature vegetation.
e. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
f. Removes an allowance for manure storage on tilled wet meadows.
g. Identifies measurement methods for grazing area widths.

Development Permit Fees (K.C.C. 27.10.130)

121. Modifies fees for critical area designations based on site size.

Comprehensive Plan (Attachment A)

122. In Chapter 3, adds a policy exploring implementation of a Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District.
123. In Chapter 5, adds a policy recognizing Indigenous Knowledge as an important aspect in developing rules, regulations, projects, and programs for the protection of critical areas.
124. In Chapter 5, adds lead-in text regarding supporting critical area protections and the long-term viability of agriculture and Voluntary Stewardship Programs. Adds a policy on exploring adaptive management techniques within or adjacent to agricultural activities, such as enrollment through the Voluntary Stewardship Program, collection of data, engagement with Indian tribes, the King Conservation District, farmers, and other interested parties.
125. In Chapter 5, adds a policy on consideration of species and habitats of cultural importance to Indian tribes in planning, development review, and capital projects.
126. In the Glossary, modifies the definition of habitat, wetland functions and wetland values for consistency with K.C.C. chapter 21A.06.

King County

2025 Update to 2024 King County Comprehensive Plan

August 2025

In Chapter 3, Rural & Natural Resources, on page 3-36, after Policy R-755, amend as follows:

R-755a King County should explore implementing the Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District through engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.

In Chapter 5, Environment, on page 5-3, after Policy E-106, amend as follows:

E-106a King County shall recognize Indigenous Knowledge, also known as traditional ecological knowledge, as an important aspect in informing the development of rules, regulations, projects, and programs for the protection of critical areas.

In Chapter 5, Environment, on page 5-51, amend as follows:

((~~E-412 A small Category IV wetland that is less than 2,500 square feet and that is not part of a wetland complex may be altered to move functions to another wetland as part of an approved mitigation plan that is consistent with E-413 and E-414.~~))

In Chapter 5, Environment, on page 5-56, after Policy E-904, amend as follows:

The Voluntary Stewardship Program (RCW 36.70A.705) was created under GMA in 2011 to balance the protection and enhancement of critical areas on agricultural lands with the long-term support of viable agriculture in selected watersheds. It is an alternative approach to critical areas protection for agricultural activities. The Voluntary Stewardship Program requires the development of a watershed work plan by a local work group with diverse and broad representation from the agricultural industry, Indian tribes, King Conservation District, Agriculture Commission, and other interested parties. A state approved work plan must address specific Voluntary Stewardship Program criteria and becomes the critical areas regulatory tool for agriculture in selected watersheds in place of traditional critical areas regulations for a ten-year period. A monitoring and adaptive management plan is also required as part of the Voluntary Stewardship Program. While King County has not opted into the Voluntary Stewardship Program, the County should continue to evaluate whether participation in the Voluntary Stewardship Program would be a better tool to address protection of critical areas and agricultural lands.

E-905 King County should explore adaptive management techniques to protect and enhance critical areas within or adjacent to agricultural activities, such as through enrollment in the Voluntary Stewardship Program, collection of data, and engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.

In Chapter 5, Environment, on page 5-24, after Policy E-334, amend as follows:

E-334a King County should consider species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.

In the Glossary, on page G-10, amend as follows:

Habitat

Habitat is the ((~~area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space~~)) the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.

In the Glossary, on page G-25, amend as follows:

Wetland Functions

The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland((~~s perform~~)) functions ((~~that are grouped into three categories:~~)) include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5, Environment)

Wetland Values

Values are estimates((~~, usually subjective,~~)) of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to ((~~valuable and beneficial to~~)) benefit society. Values vary by watershed or ((~~human~~)) community. Examples of wetland values include ((~~E~~))education, research, aesthetics, and recreation ((~~are examples of other wetland attributes that may be considered values in that they are beneficial to society~~)).

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7-15-25
Committee Chair Striker

[J. Ngo plus LUT]

Sponsor: Perry

Proposed No.: 2024-0408

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0408, VERSION 1

On page 4, beginning on line 87, strike everything through page 246, line 4766, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

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

B. King County completed its statutorily required comprehensive plan update in December 2024 via Ordinance 19881 ~~XXXX (Proposed Ordinance 2023-0440)~~. Under the reasonable progress exception in RCW 36.70.130(7)(b), the county has until December 2025 to complete the associated updates to critical areas regulations.

Commented [EA1]: Additional findings will be developed for full Council striking amendment, depending on the regulations in the adopted ordinance.

Commented [JN2]: Update 2024 KCCP ordinance number

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

D. The October 2024 Best Available Science Review and Updates to Critical Areas Protections report summarizes GMA requirements for review and inclusion of BAS in updates to Comprehensive Plan policies and critical areas regulations, describes tribal consultation and community engagement, details the approach and scope for BAS review, reviews Comprehensive Plan considerations, and identifies regulatory updates and non-regulatory actions to strengthen protection and ensure no net loss of critical areas functions and values. As required by GMA, where policies and development regulations depart from BAS, the report provides information and rationale to support departures, assesses potential risks to critical areas functions and values, and describes regulatory and nonregulatory actions to mitigate risk.

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

F. The proposed updates to critical areas regulations ~~have the effect of~~ strengthen~~ing~~ protections for critical areas functions and values while advancing the

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goals of GMA, including the designation and protection of resource lands and industries, housing accommodation, protection of property rights, and prevention of urban sprawl, all within the unique land use and development context of unincorporated King County.

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

Commented [JN4]: Removes outdated information.

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

SECTION ~~2~~87.

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A. Attachment A to this ordinance is adopted as amendments to the 2024 King County Comprehensive Plan, as adopted in Ordinance ~~XXXXX (Proposed Ordinance 2024-0440)~~19881.

B. The elements of the 2024 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The elements of the King County Shoreline Master Program in sections ~~41~~49, ~~42~~50, ~~44~~52.A., B.2., C.2., D., and E., 60, ~~52~~61, ~~53~~62, 63, ~~56~~66, ~~58~~67, ~~59~~68, 70, ~~60~~71, 72, 73, ~~63, 67~~81, ~~68~~82, ~~69~~83, ~~70~~84, ~~71~~85, ~~72~~86, ~~73~~87, ~~74~~88, ~~75~~89, ~~76~~90, 92, ~~77~~93, ~~78~~95, ~~79~~96, ~~80~~97, ~~81~~98, ~~82~~99, and ~~86~~104.B. of this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

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

B. The activities in subsection D. of this section are exempted from the requirement of obtaining a clearing or grading permit ~~((before undertaking forest practices or clearing or grading activities, as long as))~~, if 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 ~~((not requiring))~~ exempt from obtaining a clearing and grading permit are not exempt from other code requirements and may require other permits, including, but not limited to, a floodplain development permit.

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

1. The use of "NP" in a cell means that ~~no~~ a clearing or grading permit is not required if the listed conditions and any applicable conditions in K.C.C. chapter 21A.24 are met;

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Commented [JN7]: Engrosses Ordinance 19881.
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2. A number in a cell means the numbered condition in subsection E. of this section applies, and:

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

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

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

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

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

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

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

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						Buffer	rd Area		Alluvial Fan Hazard Area			Area	Habitat Conservation Area, ~~and~~ Wildlife Habitat Network and
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	((~~NP 1, 2~~))		NP 1, 2			
Clearing	NP 3 NP 23 NP 24	NP 3	NP 3	NP 3			NP 3	((~~NP 3~~))		NP 3	((~~NP 4~~)) ((~~NP 23~~))	((~~NP 4~~)) ((~~NP 23~~))	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	((~~NP~~	NP 5	NP 5	NP 5	NP 5	NP 5

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Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	((~~N P 6~~))	NP 6	NP 6	NP 6	NP 6	NP
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	((~~N P 25~~))		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	((~~N P 7~~))	NP 8	NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	((~~N P 9~~))	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	((~~N P 10~~))	NP 10	NP 10	NP 10	NP 10	NP 10
Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	((~~N P 11~~))	NP 11			11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	((~~N P 12~~))	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P~~	NP 13	NP 13	NP 13	NP 13	NP 13

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access road								~~13~~))					
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	((~~N P 13, 14, 15~~))	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
((~~Construction of farm field access drive~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))	((~~N P 16~~))
((~~Maintenance of farm field access drive~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))	((~~N P 17~~))
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	((~~N P 19~~))	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3 NP 27 ~~NP 28~~		NP 1, 2, 3				NP 1, 2, 3	((~~N P 1, 2, 3~~))		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11

Commented [JN23]: Drafting correction.

Redline provided for illustrative purposes only

Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	((~~N P 11~~))	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	((~~N P 20~~))	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P 13~~))	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat ((~~restoration~~))creation or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	((~~N P 21~~))	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas((~~s~~)) report or monitoring and data collection	NP 1, 2, 22	NP ((~~1, 2~~)), 22	NP ((~~1, 2~~)), 22	NP 22	NP 22	NP 22	NP ((~~1, 2,~~)) 22	((~~N P 1, 2~~))	NP 22	NP ((~~1, 2~~)), 22	NP 22	NP 22	

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Commented [JN24]: K.C.C. 21A.24.045 limits this activity to "minimal clearing and grading". Changes to this row (the deletion of Conditions 1 and 2 for this alteration) and to Note 22 is reflect that.

If grading is proposed for this activity that is not minimal, the activity could qualify as "grading".

Redline provided for illustrative purposes only

Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17		NP ((~~16~~)) 17	((~~N P 16~~))		NP ((~~16~~)) 17	NP ((~~16~~)) 17	NP ((~~16~~)) 17	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~N P 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	((~~N P 26~~))	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	((~~N P 15~~))	NP 15	NP 15	NP 15	NP 15	NP 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	~~NP 16~~	NP 16	NP 16	NP 16	NP 16	NP
Maintenance of farm	NP	NP	NP	NP	NP	NP	NP	~~NP~~	NP	NP	NP	NP	NP

Commented [EA25]: Drafting correction.

field access drive	17	17	17	17	17	17	17	~~17~~	17	17	17	17	
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	((~~N P~~))	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping, and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	((~~N P~~))	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	((~~N P~~))	NP 13	NP 13	NP 13	NP 13	NP 13

Commented [EA26]: Drafting correction.

E. The following conditions apply:

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

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

3. Cumulative clearing ~~of~~on a single site since January 1, 2005 shall be limited to less than seven thousand square feet ~~on a single site since January 1, 2005~~, including,

Commented [JN27]: Engrosses Ordinance 19881.

but not limited to, collection of firewood and removal of vegetation for fire safety. This ~~exception~~ exemption shall not apply to development proposals:

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

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

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

d. subject to U~~u~~rban ~~g~~Growth ~~a~~Area significant tree retention standards under K.C.C. 16.82.156 and K.C.C. Title 21A.

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

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

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

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

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

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

b. limited to removal with hand labor.

Commented [JN28]: Engrosses Ordinance 19881.

Commented [JN29]: Engrosses Ordinance 19881.

Commented [JN30]: Change in the table above to not allow a permit exemption for cutting of firewood in a wetland, wetland buffer, aquatic area or riparian area in addition to a wetland, aquatic area or tree with an active nest. This note is no longer applicable because it is removed from those cells.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

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

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

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

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

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

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

Commented [JN31]: Drafting correction.

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

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

a. The King Conservation District;

b. King County department of natural resources and parks;

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

d. Washington state Department of Fish and Wildlife.

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

a. consistent with an ((~~adopted~~)) approved farm management plan in accordance with K.C.C. Title 21A~~((.))~~, including any~~:~~

~~b. constructed using~~ best management practices applicable to the activity ~~approved by the permitting division~~;

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

c. access is not greater than fourteen feet wide;

Commented [JN32]: Consistency edits.

Changes "adopted" to "approved" to reflect current practice.

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Commented [JN33]: Consistency edits.

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Commented [JN34]: Change to match Executive's intent

Commented [JN35]: Moves the farm field access drive area limitation regulation from the definition into the clearing and grading exemption

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Commented [JN36]: Consistency edits.

Changes "adopted" to "approved" to reflect current practice.

Commented [JN37]: Narrows the required BMPs to only those that apply to the activity, rather than others that may apply elsewhere on the site.

Commented [JN38]: Consistency edit. Permitting's role can be found in the farm management plan requirements in K.C.C. 21A.24.051 and 060.

Commented [JN39]: This provision is added for clarity. This is an existing requirement in the King County Surface Water Design Manual.

d. ~~an~~ there is no alternative location ~~is not available to provide~~with less ~~adverse~~ impact on critical areas and associated buffers;

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

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

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

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

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

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

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

20. When:

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

Commented [JN40]: Consistency edits and streamlining of text.

Commented [JN41]: Consistency edits.

Commented [JN42]: Consistency edits.

Changes "adopted" to "approved" to reflect current practice.

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

21. Only if:

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

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

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

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

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

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

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

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

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

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Commented [JN43]: Consistency edit to reflect terminology change.

Commented [JN44]: Consistency edits to reflect terminology change.

Commented [JN45]: Moved this to a new sub-bullet

Commented [JN46]: Change from salmonid to fish to address all fish habitat. Removes "other specific" to "similar" for clarity

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

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

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

a. understory clearing within fifteen feet of a residential structure containing habitable space or an attached deck;

b. understory clearing and tree removal and pruning within ten feet of an installed aboveground nonportable liquefied petroleum gas tank;

c. within thirty feet of a residential structure containing habitable space, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;

d. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to fifteen feet of vertical clearance over driveways and roads used for emergency vehicle access;

e. within thirty feet of a residential structure containing habitable space, tree removal and pruning to provide up to eighteen feet between tree crowns;

Commented [JN47]: Edits to align with the critical area alteration allowance in K.C.C. 21A.24.045. Any limitations listed in that section also apply to this section, as it limits activities (whether or not a permit is required).

Commented [JN48]: Streamlining of text.

Commented [JN49]: Engrosses Ordinance 19881.

f. tree removal and pruning to provide up to ten feet between tree crowns and decks, chimneys, overhead communication cables and electrical wires, or other structures; and

g. clearing may be allowed up to one hundred feet from a residential structure containing habitable space if advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risk. The removal and pruning of trees under this subsection to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees between thirty and sixty feet from a residential structure containing habitable space; and

(2) six feet between tree crowns for trees between sixty and one hundred feet from a residential structure containing habitable space.

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

~~(1) vegetation removal:~~

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

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

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

~~(2) removal and pruning of trees to provide:~~

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

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

~~(c) eighteen feet between tree crowns; and~~

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

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

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

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

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

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

b. subject to ~~u~~Urban ~~g~~Growth ~~a~~Area significant tree retention standards under K.C.C. 16.82.156.

26. Only if allowed under K.C.C. 21A.24.045.D.(((~~69~~)))58. and if the maintenance activity is inspected by the:

a. King Conservation District;

b. department of natural resources and parks;

c. department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

27. Clearing for the purposes of wildfire preparedness that does not otherwise require another permit, that is not subject to K.C.C. 16.82.156 or K.C.C. Title 21A., and that maintains any require screening consistent with K.C.C. chapter 21A.16, as follows:

a. tree pruning to provide up to ten feet of vertical clearance from overhead communication cables and electrical wire components of utility facilities, if:

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

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

(3) pruning activities do not extend fifteen feet beyond the right-of-way;

b. understory clearing within fifteen feet of a utility facility structure; and

c. within thirty feet of a utility facility structure, understory clearing and tree pruning underneath a tree crown to provide up to ten feet of vertical clearance from the ground to remove ladder fuels. Tree pruning shall not exceed one-third of the tree height;

Commented [JN50]: Engrosses Ordinance 19881.

Commented [JN51]: Updates code reference.

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Commented [JN52]: Engrosses Ordinance 19881.

d. within thirty feet of a utility facility structure, tree removal and pruning to provide up to fifteen feet of vertical clearance over driveways and roads used for emergency vehicle access;

e. within thirty feet of a utility facility structure, tree removal to provide up to eighteen feet between tree crowns;

f. tree removal and pruning to provide up to ten feet between tree crowns and utility and facility structures; and

g. clearing may be allowed up to one hundred feet from the utility facility structure if such clearing activity is advised by a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification or a forest stewardship plan approved by the department of natural resources and parks that includes best management practices to reduce wildfire risks. The removal and pruning of trees to provide clearance between tree crowns is limited to:

(1) twelve feet between tree crowns for trees located between thirty and sixty feet from a utility facility structure; and

(2) six feet between tree crowns for trees located between sixty and one hundred feet from a utility facility structure.

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

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

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

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

~~d. any work is approved by the property owner.~~

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

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

~~(1) vegetation removal:~~

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

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

~~(2) removal and pruning of trees to provide:~~

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

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

~~(c) eighteen feet between tree crowns; and~~

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

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

~~b. All of the activities in subsection E.28.a. of this section are also allowed up to one hundred feet measured horizontally from the utility facility structure if such clearing activity is advised in a wildfire risk assessment conducted by a professional holding a wildfire risk assessment certification, or the activity is advised in a forest~~

Commented [JN53]: Engrosses Ordinance 19881.

~~stewardship plan approved by the department of natural resources and parks and that includes best management practices to reduce wildfire risks, except that removal and pruning of trees to provide clearance between tree crowns is limited to providing:~~

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

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

SECTION ~~488.~~ Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

Commented [JN54]: This was at the bottom of the ordinance. It was moved (not shown in track changes) to the correct location.

Under the King County Charter, the state Constitution, and the Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed, or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2024 King County Comprehensive Plan, as adopted in Ordinance 19881 ~~XXXXX (Proposed Ordinance 2023-0440)~~, and as amended by this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

SECTION ~~53.~~ Ordinance 3692, Section 2, as amended, and K.C.C. 20.12.200 are hereby amended to read as follows:

A. The King County shoreline master program consists of the following elements, enacted on or before ((December 23, 2024)) the date of enactment of ((Ordinance XXXX (Proposed Ordinance 2023-0440))) this ordinance:

1. The King County Comprehensive Plan chapter six;

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

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

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

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

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

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

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

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

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

g. Section 63 of this ordinance;

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

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

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

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

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

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

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

~~xxx~~m. Section 72 of this ordinance;

~~xxx~~n. Section 73 of this ordinance;

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Commented [JN55]: Technical change to reflect enactment date of Ordinance 19881

Commented [EA56]: New section on revegetation, in the striker after 21A.24.133.

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Commented [EA57]: New section on alluvial fan hazard areas

Commented [EA58]: New section on tsunami hazard areas

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The following:

a. K.C.C. 20.18.050;

b. K.C.C. 20.18.056;

c. K.C.C. 20.18.057;

d. K.C.C. 20.18.058;

e. K.C.C. 20.22.160;

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

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

h. K.C.C. 21A.44.100; ((~~and~~))

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

5. The 2024 King County Flood Management Plan.

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

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

SECTION 64. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are hereby amended to read as follows:

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

B. To be eligible for open space classification under the public benefit rating system, a property shall contain one or more qualifying open space resources and have at

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least five points as determined under this section. The department shall review each application and recommend award of credit for current use of the property. In making the recommendation, the department shall utilize the point system described in subsections C. and D. of this section.

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

1. Active trail linkage - fifteen or twenty-five points. "Active trail linkage" means land in private ownership through which the owner agrees to allow public passage for active transportation, as defined in K.C.C. 14.01.005~~xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s)))Section 21 ((of this ordinance)))~~, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists, and other users. "Local or regional attractions or points of interest" include other trails, parks, waterways, or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations, or similar destinations. The linkage shall be open to passage by the general public and the property owner shall enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner shall enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner shall agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners;

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

3. Buffer to public or current use classified land - three points. "Buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is abutting and provides a buffer to a publicly owned park, trail, or forest, to land legally required to remain in a natural state, to a state or federal highway, or to a property participating in a current use taxation program under chapters 84.33 or 84.34 RCW. The buffer shall be at least fifty feet long and fifty feet ((~~in~~)) wide. Public roads may separate the public land, or land in private ownership classified under chapters 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation may not separate the public land or land enrolled under chapters 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not

extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements, or other local regulations;

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

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

b. The ecological enhancement project shall include removing significant human-made structures, alterations, or impediments such as shoreline armoring, roads, culverts, and wetland fill that are detrimental to significant wildlife or salmonid habitat. The intent of the removal shall be to reestablish natural function or processes to the project area;

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

d. The owner shall annually provide to the department a monitoring report detailing the enhancement efforts' success for five years following enrollment. The owner shall also provide any additional monitoring reports required by K.C.C. 20.36.190. The monitoring report shall describe the progress and success of the enhancement project

and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ((~~rural stewardship land or~~)) resource restoration ((~~categories~~)) category;

5. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. "Equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian, or other active transportation, as defined in K.C.C. 14.01.005~~xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2023-0440), ((s)))Section 21 ((of this ordinance)))~~, uses, or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety, or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the King County recorder's office or its successor. In addition to the area covered by the trail easement, adjacent land used as pasture, barn, or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private

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roads, driveways, or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

6. Farm and agricultural conservation land - five points. "Farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. The property shall be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner shall commit to returning the property to farm or agricultural activities by implementing a farm management plan. An applicant shall have an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~that is acceptable to the department~~)) and K.C.C. 21A.30.045, if livestock is present, that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities shall occur on at least one acre of the property. Eligible land shall be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category may not receive credit for the contiguous parcels under separate ownership category;

7. Forest stewardship land - five points. "Forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the designated forestland program under chapter 84.33 RCW. The property shall contain at least four acres of contiguous forestland, which may include land

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Commented [JN63]: Consistency edits. Farm management plans on sites where the PBRS program applies already are reviewed and approved by the department. This is duplicative language.

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undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting, or a combination of both. Land receiving credit for this category may not receive credit for the resource restoration ((~~or rural stewardship land categories~~)) category;

8. Historic landmark or archeological site: buffer to a designated site - three points. "Historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by King County's historic preservation officer or by a manager of a certified local government program in the jurisdiction in which the property is located. A property shall have a plant community in which native plants are dominant and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of historic places or landmarks. "Significant buffer" means land and plant communities that provide physical, visual, noise, or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site – five points. "Historic landmark or archaeological site: designated site" means land that constitutes or contains a historic landmark designated by King County or other certified local government program in the jurisdiction in which the property is located. Historic landmarks include buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and

historic archaeological sites, or traditional cultural properties. A property shall be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. "Historic landmark or archaeological site: eligible site" means land that constitutes or contains a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts, or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites, or traditional cultural properties. To be eligible, the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located shall determine the property meets the jurisdiction's criteria for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory protection. Eligible property may include contributing property within designated historic districts. Property listed in the state or national Registers of Historic Places may qualify under this category;

11. Public recreation area - five points. "Public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized

vehicles is prohibited, except for golf carts on golf courses, for maintenance, or for medical, public safety, or police emergencies. The facilities shall be open to the general public or to specific public user groups, such as youth, seniors, or people with disabilities. A property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. The property owner shall use any best practices defined in K.C.C. chapter 21A.06. If a fee is charged for use, it shall be comparable to the fee charged by a similar public facility;

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

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

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

13. ((~~Rural stewardship land - five points. "Rural stewardship land" means land zoned RA (rural area), A (agricultural), or F (forest), that has an implemented rural stewardship plan under K.C.C. chapter 21A.24 acceptable to the department. On RA-zoned properties, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. On A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant~~

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~~features, site-specific best management practices, a schedule for implementation, and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space shall be at least one acre and feature a plant community in which native plants are dominant or be in the process of native vegetation restoration, reforestation, or enhancement. Land receiving credit for this category may not receive credit for the ecological enhancement land, resource restoration, or forest stewardship land categories;~~

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

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

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

c. A "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. The site shall contain at least one acre of open space that contributes to a view corridor visible to the public and that provides views of a scenic natural resource area or recognized cultural resource significant to the

local area. The site shall have ((~~a~~)) significant cultural areas and contain significant inventoried or designated historic properties, as determined by the King County historic preservation officer or officer of another certified local government program in the jurisdiction in which the property is located in. Eligibility is subject to determination by the department or applicable jurisdiction;

((~~15.~~)) 14. Significant plant or ecological site - five points. "Significant plant or ecological site" means an area that meets the criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site shall be listed as an Element Occurrence by the Washington Natural Heritage Program or be identified as a property that meets the criteria for an Element Occurrence. The identification shall be confirmed by a qualified expert acceptable to the department in order to qualify. The department shall notify the Washington Natural Heritage Program of any verified Element Occurrence on an enrolling property. Commercial nurseries, arboretums, or other maintained garden sites with native or nonnative plantings are ineligible for this category;

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

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

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

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

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

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

b. To be eligible, the department, by its own determination or by expert determination acceptable to the department, shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.((~~16~~))15.a. of this section. To receive credit for ((~~salmonid~~)) fish habitat, the owner shall provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible;

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

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disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

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

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

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

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

(2) the land protects streams or water supply;

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

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

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

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

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

((~~20.~~)) 19. Watershed protection area - five points. "Watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. The property shall consist of contiguous native forest or be in the process of reforestation. The enrolling forested area shall consist of additional forest cover beyond that required by county or applicable local government regulation and shall be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement an ecological enhancement, a forest stewardship, or resource restoration((~~, or rural stewardship~~)) plan that addresses this need and is acceptable to the department.

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

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

2. Contiguous parcels under separate ownership - two points.

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

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

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

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

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

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

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

3. Easement and access – thirty-five points. "Easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. A property shall only be eligible in this category if it receives credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner shall agree to allow public access to the portion of the property

designated for public access in the easement. An easement required by zoning, subdivision conditions, or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category may not overlap with the equestrian-pedestrian-bicycle trail linkage;

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

Commented [JN70]: Technical clean-up

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

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

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

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

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

5. Resource restoration – five points. "Resource restoration" means restoration of an enrolling area of property benefiting an area in an open space resource category. Emphasis is placed on the restoration of native vegetation associated with anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, forest, stream, and wetland habitats. The owner shall provide and implement a restoration plan approved by the department. The plan may be developed in cooperation with a natural resource expert or agency. The approved restoration plan shall, at a minimum, include a purpose statement, a description of restoration work to be done, a detailed site map of the area to be restored, a specific timeline for the restoration activities to be completed and a monitoring schedule for the restoration project's first five years. Historic resource restoration is subject to approval by the King County historic preservation officer or officer of another certified local government in the jurisdiction in which the property is

located and shall be accompanied by a long-term maintenance plan. The owner shall also provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category may not receive credit for the ecological enhancement land((~~,~~)) or forest stewardship land((~~, or rural stewardship land~~)) categories.

SECTION 7~~5~~. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are hereby amended to read as follows:

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

((~~1.~~)) 2. The ((~~following exempt threshold levels are hereby established in accordance with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b)~~)) exemptions in this section apply to all licenses and permits required to undertake a proposal. To be exempt, the proposal shall be equal or smaller to the exemption level. The exemptions in subsection A.3. of this section shall not apply when the proposal:

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

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

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

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

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

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

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering up to thirty thousand square feet on land zoned agricultural, or up to fifteen thousand square feet in all other zones, and to be used only by the property owner or agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service, or storage building with up to twelve thousand square feet of gross floor area, and with associated parking facilities designed for up to forty automobiles;

d. The construction of a parking lot designed for up to forty automobiles; and

e. ((~~Any f~~))Fill or excavation ((~~of~~)) as follows:

(1) up to five hundred cubic yards throughout the total lifetime of the fill or excavation ((~~and~~)) for activities not otherwise specified in this section;

(2) any fill or excavation necessary for the projects in subsections A.3.a. through A.3.d. of this section;

(3) any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder((~~: The categorical exemption threshold shall be~~)); and

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(4) up to one hundred cubic yards for any fill or excavation that is in ((~~an aquatic area, wetland,~~)) a steep slope, ((~~or~~)) landslide, or alluvial fan ((~~hazard area)), or alluvial fan hazard area~~. ((~~If the proposed action is to remove from or replace fill in ((an aquatic area, wetland,))a steep slope, ((or)) landslide ((hazard area)), or alluvial fan hazard area to correct a violation, the threshold shall be five hundred cubic yards.~~))

~~2.~~)) 4. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

NEW SECTION. SECTION ~~8~~6. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Active nest: a nest or breeding site that is actively being used, built, or repaired by birds.

SECTION 9. Ordinance 18626, Section 11, as amended, and K.C.C. 21A.06.039 are hereby amended to read as follows:

Agricultural products: products that include, but are not limited to:

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A. Horticultural, viticultural, floricultural, and apiary products;

B. Livestock and livestock products;

C. Animal products, including, but not limited to, upland finfish, dairy products, meat, poultry, and eggs;

D. Feed or forage for livestock;

E. ((~~Christmas t~~))Trees((~~, hybrid cottonwood and similar hardwood trees~~)) grown as crops and harvested within twenty years of planting; and

F. Turf, sod, seed, and related products.

NEW SECTION. SECTION 10~~7~~. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan: a fan-shaped deposit of sediment and organic debris formed where a stream flows or has flowed out of an upland onto a flat plain or valley floor due to a sudden change in sediment transport capacity, such as a significant change in slope or confinement.

NEW SECTION. SECTION 11~~8~~. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Alluvial fan hazard area: any area on an alluvial fan that is susceptible to natural hazards such as episodic inundation, sedimentation, and erosional impacts. Alluvial fan hazard areas are a type of geological hazard area.

SECTION 12~~9~~. Ordinance 15051, Section 7, as amended, and K.C.C. 21A.06.072C are hereby amended to read as follows:

A. Aquatic areas include:

Commented [JN75]: Removes specific examples of trees grown as agricultural products.

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1. ((~~Nonwetland w~~))Water features ((~~including: all~~)), such as shorelines of the state, rivers, streams, marine waters, lakes, ponds, and other bodies of open water((~~, such as lakes, ponds, and reservoirs~~));

2. Impoundments, ((~~such as~~)) which includes bodies of water collected in reservoirs, dams, or ((~~ponds,~~)) through natural disturbance events, if any portion of the contributing water is from a ((~~nonwetland~~)) water feature listed in subsection A.1. of this section; ((~~and~~))

3. Above((-))ground open water conveyance systems, such as ditches, if any portion of the contributing water is~~:~~

~~a.~~ used by fish; and~~; or~~

~~b.~~ 4. Aboveground or underground water conveyance system, if any portion of the contributing water is from ((~~either~~)) a wetland or a ((~~nonwetland~~)) water feature listed in subsection A.1., ((~~or~~)) A.2., or A.3. of this section((~~, or both~~))~~; and~~

~~4. Portions of the water features in subsections A.1, A.2, and A.3 of this section that are conveyed underground in pipes or culverts~~.

B. "Aquatic areas" does not include water features where the source of contributing water is entirely artificial, including, but not limited to, ground((-))water wells, and any irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

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Commented [JN76]: Moves examples around. Removes reservoirs, which are kept in the impoundments examples below.

Commented [JN77]: Incorporates the definition of impoundments. 21A.06.628 is proposed for repeal.

21A.06.628 Impoundment. Impoundment: a body of water collected in a reservoir, pond or dam or collected as a consequence of natural disturbance events. (Ord. 15051 § 67, 2004).

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Commented [EA78]: Clarifies when a water conveyance system is considered an aquatic area.

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Aquatic area functions: the physical, biological, chemical, and geologic interactions among different components of the environment that occur within aquatic areas. Aquatic area functions include, but are not limited to, functions that improve water quality, functions that provide for the availability of surface water and groundwater by acting as recharge and discharge areas, functions to allow the conveyance of water, sediment, organisms, and other organic matter, functions that facilitate food chain production and nutrient cycling, and functions that provide habitat for plants and animals, including nesting, rearing, feeding, and resting habitat.

SECTION ~~10~~14. Ordinance 10870, Section 70, as amended, and K.C.C. 21A.06.122 are hereby amended to read as follows:

Buffer: a designated area ~~adjacent and~~ contiguous to a ((~~steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards or a designated area contiguous to and~~)) critical area that is intended to protect and be ((~~an~~)) integral ((~~part of an aquatic area or wetland~~)) ~~intended to protect~~ to the functions and values of the critical area and reduce impacts from adjacent land uses.

NEW SECTION. SECTION ~~11~~15. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Climate-~~smart~~ adaptive plants: ~~native~~ plant species ~~currently or prehistorically found within the surrounding ecoregion that are predicted to maintain their abundance under climate change, as~~ identified by the department of natural resources and parks currently or formerly native to the surrounding ecoregion that are predicted to maintain their abundance under climate change.

Commented [JN80]: Similar terminology to "contiguous" which is enough for this definition. Adding adjacent doesn't add clarity or substance.

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Commented [JN81]: Added to identify relationship

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Commented [JN82]: Terminology change.

Commented [JN83]: Edits to place DNRP-identification first in the definition

SECTION ~~12~~16. Ordinance 10870, Section 80, as amended, and K.C.C. 21A.06.200 are hereby amended to read as follows:

Coal mine hazard area: an area directly underlain, adjacent to, or ((~~directly~~)) affected by operative or abandoned subsurface coal mine workings such as adits, tunnels, drifts, or air shafts.

~~NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:~~

~~Commercial production of agricultural products: agriculture conducted by an operator who has done one or more of the following:~~

~~A. Filed IRS Schedule F for a minimum of three years;~~

~~B. Obtained and currently holds a United States Department of Agriculture Organic Certification producer certificate; or~~

~~C. Enrolled, and remains in good standing, in the current use classification "Farm and agricultural land", under chapter 84.34 RCW.~~

SECTION 17. Ordinance 11481, Section 1, and K.C.C. 21A.06.253C are hereby amended to read as follows:

Critical aquifer recharge area: an area with a critical recharging effect on aquifers used for potable water or areas where an aquifer is susceptible to reduced recharge, and designated on the critical aquifer recharge area map adopted by K.C.C. 21A.24.311 ((~~that has~~)). Critical aquifer recharge areas include areas with a high susceptibility to ground(( ))water contamination or an area of medium susceptibility to ground((-))water contamination that is located within a sole source aquifer or within an area approved in accordance with chapter 246-290 WAC as a wellhead protection area for a municipal or

Commented [JN84]: Moved into the regulatory section of the CAO in 21A.24.051

Commented [JN85]: Provides additional detail of what a CARA is and creates consistent with WAC 365-190-030

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district drinking water system, or an area over a sole source aquifer and located on ((~~an island surrounded by saltwater~~)) Vashon-Maury Island. Susceptibility to ground((,))water contamination occurs where there is a combination of permeable soils, permeable subsurface geology and ground((-))water close to the ground surface.

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SECTION ~~14~~18. Ordinance 15051, Section 24, and K.C.C. 21A.06.254 are hereby amended to read as follows:

Critical area: any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state. "Critical area" includes the following areas:

A. ((~~Aquatic areas;~~

~~B. Coal mine hazard areas;~~

~~C.~~)) Critical aquifer recharge areas;

((~~D. Erosion hazard areas;~~

~~E. Flood hazard areas;~~

~~F. Landslide hazard areas;~~

~~G. Seismic hazard areas;~~

~~H. Steep slope hazard areas;~~

~~I. Volcanic hazard areas;~~

~~J.~~)) B. Frequently flooded areas, regulated as f~~F~~lood h~~H~~azard a~~A~~reas, including:

1. Floodplains;

2. Special flood hazard areas, as shown on the Flood Insurance Rate Map;

3. Zero-rise flood fringe;

4. Zero-rise floodways;

5. FEMA floodways; and

6. Channel migration zones;

C. Fish and wildlife habitat conservation areas, including:

1. Aquatic areas;

2. Riparian areas;

3. Wildlife habitat conservation areas; and

4. Wildlife habitat networks;

D. Geologically hazardous areas, including:~~;~~

1. Alluvial fan hazard areas;

2. Channel migration zones;

3. Coal mine hazard areas;

4. Erosion hazard areas;

5. Landslide hazard areas;

6. Seismic hazard areas;

7. Steep slope hazard areas;

8. Tsunami hazard areas; and

9. Volcanic hazard areas; and

E. Wetlands((~~;~~

~~K. Wildlife habitat conservation areas; and~~

~~L. Wildlife habitat networks~~)).

NEW SECTION. SECTION ~~15~~19. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Critical freshwater habitat: portions of streams, rivers, wetlands, and lakes within shorelines of the state, and floodplains designated as shorelines of the state in the shoreline master program.

NEW SECTION. SECTION ~~16~~20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Debris flow: a moving mass of rock fragments, soil, and mud, ~~with~~ where more than half of the particles ~~being~~ are larger than sand size.

NEW SECTION. SECTION ~~17~~21. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Ecological professional: a person having a degree in ecology, wildlife biology, wetland biology, fisheries, botany, soil science, environmental science, natural resource management, or a closely related field, with a minimum of five years of professional experience related to the subject ecological field. Professional certification in a relevant ecological field can be substituted for two years of ~~work~~ professional experience.

SECTION ~~18~~22. Ordinance 10870, Section 123, as amended, and K.C.C. 21A.06.415 are hereby amended to read as follows:

Erosion hazard area: ((~~an~~)) a geologically hazardous area underlain by soils that ((~~is~~)) are subject to severe erosion when disturbed. ((~~These~~)) Such soils include, but are not limited to((~~:~~)):

A. ((~~t~~))Those classified as having a severe to very severe erosion hazard according to the United States Department of Agriculture ((~~Soil~~)) Natural Resources Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the 1973 King

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County Soils Survey or any subsequent revisions or addition by or to these sources ((~~such as~~));

B. ((~~a~~))Any occurrence of River Wash ("Rh") or Coastal Beaches ("Cb"); and

C. ((~~a~~))Any of the following when they occur on slopes inclined at fifteen percent or more:

((~~A. The~~)) 1. Alderwood gravely sandy loam ("AgD");

((~~B. The~~)) 2. Alderwood and Kitsap soils ("AkF");

((~~C. The~~)) 3. Beausite gravely sandy loam ("BeD" and "BeF");

((~~D. The~~)) 4. Kitsap silt loam ("KpD");

((~~E. The~~)) 5. Ovall gravely loam ("OvD" and "OvF");

((~~F. The~~)) 6. Ragnar fine sandy loam ("RaD"); and

((~~G. The~~)) 7. Ragnar-Indianola Association ("RdE").

SECTION ~~19~~23. Ordinance 15051, Section 41, and K.C.C. 21A.06.451 are hereby amended to read as follows:

Farm field access drive: a((~~n~~)) paved or impervious ((~~surface constructed to provide a fixed~~)) route or path used for moving livestock, produce, equipment, or supplies to and from farm fields, and farm structures for agricultural activities ~~on a property that is within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A~~.

NEW SECTION. SECTION ~~20~~24. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Fish and wildlife habitat conservation areas:

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Commented [JN89]: This regulation is moved out of the definition and into the regulations in K.C.C. 16.82 and 21A.

A. ~~a~~Areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and which, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements including seasonal ranges, breeding habitat, riparian areas, aquatic areas, wildlife habitat network, and areas with high population density or species richness.

B. Fish and wildlife habitat conservation areas do not include artificial water carrying features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

SECTION 25. K.C.C. 21A.06.578, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.468.

SECTION 26. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are hereby amended to read as follows:

((~~Habitat, f~~))Fish habitat: habitat that is used by native fish species, including anadromous or resident salmonids, at any life stage at any time of the year ((~~including potential habitat likely to be used by anadromous or resident salmonids~~)). "Fish habitat" includes streams, wetlands, lakes, off-channel habitat, floodplains, tidal flats, tidal channels, and potential habitat that is upstream ((~~of~~,)) or landward of((,)) human-made barriers that could be accessible to((~~, and~~)) or ((~~could be~~)) used by((,)) fish upon removal of the barriers. ((~~This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.~~))

Commented [JN90]: Edits to broaden definition of fish habitat from only those used salmonids to all native fish species.

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NEW SECTION. SECTION ~~21~~27. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Geologically hazardous areas: areas susceptible to erosion, sliding, earthquake, or other geological events. Areas classified as geologically hazardous areas include ~~one or more of the following~~:

A. Alluvial fan hazard areas;

B. Channel migration zones;

C. Coal mine hazard areas;

D. Erosion hazard areas;

E. Landslide hazard areas;

F. Seismic hazard areas;

G. Steep slope hazard areas;

H. Tsunami hazard areas; and

I. Volcanic hazard areas.

NEW SECTION. SECTION ~~22~~28. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Geological professional: a geotechnical engineer or geologist, licensed in Washington state and experienced in analyzing geologic, hydrologic, and ground-water flow systems, as well as, preparing reports for the relevant geological subdisciplines.

NEW SECTION. SECTION ~~23~~29. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Grazing area buffer: a designated area contiguous to a wetland or aquatic area from which ~~grazing~~ livestock are excluded.

Commented [JN91]: Technical correction

SECTION ~~24~~30. K.C.C. 21A.06.1331, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06 to follow K.C.C. 21A.06.585.

SECTION ~~25~~31. Ordinance 15051, Section 107, and K.C.C. 21A.06.1331 are hereby amended to read as follows:

((~~Tree, hazard~~)) Hazard tree: any tree with a structural defect, combination of defects or disease resulting in structural defect that, under the normal range of environmental conditions at the site, will result in the loss of a major structural component of that tree in a manner that will:

A. Damage a ((~~residential ((structure~~)) building, ((~~or~~)) accessory structure, or parking for a residential use, place of employment, ((~~or~~)) public assembly ((~~or approved parking for a residential structure or accessory structure or place of employment or public assembly~~));

B. Damage a((~~n approved~~)) road or utility facility; or

C. Prevent emergency access ((~~in the case of medical hardship~~)).

SECTION 32. Ordinance 10870, Section 176, as amended, and K.C.C. 21A.06.680 are hereby amended to read as follows:

Landslide hazard area: an area subject to severe risk of landslide, such as:

A. An area with a combination of:

1. Slopes steeper than fifteen percent of inclination;

2. Impermeable soils, such as silt and clay, frequently interbedded with granular soils, such as sand and gravel; and

3. Springs or ground water seepage;

Commented [JN92]: Removes "approved" for parking. Subsequent edits made for flow with the removal.

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B. An area that has shown movement during the Holocene epoch, which is from ten thousand years ago to the present, or that is underlain by mass wastage debris from that epoch;

C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;

D. An area that shows evidence of or is at risk from snow avalanches; or

E. An area located on an alluvial fan((, presently or potentially subject to)) that is susceptible to episodic inundation ((by debris flows or deposition of stream-transported sediments)) sedimentation, and erosional impacts.

SECTION 2633. Ordinance 10870, Section 190, as amended, and K.C.C. 21A.06.750 are hereby amended to read as follows:

Mitigation: an action taken to compensate for unavoidable ((adverse)) unavoidable impacts to the environment resulting from a development activity or alteration after all appropriate and practicable avoidance and minimization measures have been accounted for and implementedmitigation sequencing is applied.

NEW SECTION. SECTION 2734. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Notice of map amendment:

A. a A letter issued by the department of natural resources and parks indicating that the classification of a critical area has been changed from the classification shown on a one of the following critical areas maps adopted by King County ordinance or public rule:

1. Critical aquifer recharge areas;

2. Wildlife habitat networks;

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Commented [JN93]: Edits to when alluvial fans are part of landslide hazard areas

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Commented [JN94]: Consistency edits.

Commented [JN95]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

Commented [JN96]: Streamline language

Commented [EA97]: Clarifies what "adopted" means, and then specifies the maps that are officially adopted.

3. Channel migration zones; or

4. Flood hazard areas.

B. The notice of map amendment may indicate that an area has been reclassified, declassified, or newly classified as a critical area.

NEW SECTION. SECTION ~~28~~35. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Revegetation: the reestablishment of vegetation within an area ~~that reflects historic natural conditions or native vegetation types~~ that ~~are~~ is well suited to thrive in the area.

Commented [JN98]: Broadens the definition of revegetation to any plantings. Where specific references to native vegetation types are called out, this is done in the regulatory sections of code.

NEW SECTION. SECTION ~~29~~36. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Riparian area: a designated area contiguous to an aquatic area that provides fish and wildlife habitat, protects adjacent aquatic fish and wildlife species and habitat, and protects water quality. Riparian areas protect the functions and values of aquatic areas and reduce impacts from adjacent land uses through various physical, chemical, or biological processes.

Commented [JN99]: Added language in on protection of adjacent aquatic areas

SECTION ~~30~~37. Ordinance 10870, Section 243, as amended, and K.C.C. 21A.06.1015 are hereby amended to read as follows:

Salmonid: a fish native to the Puget Sound region that is a member of the fish family Salmonidae, including((~~, but not limited to~~)):

A. Chinook, coho, chum, sockeye, and pink salmon;

B. Rainbow, steelhead, and cutthroat ((~~salmon, which are also known as~~)) trout;

C. ((~~Brown trout;~~

~~D. Brook, b~~))Bull trout, which is ((~~also known as~~)) a type of char, and Dolly Varden char;

((~~E.~~)) D. Kokanee; ((~~and~~

~~F.~~)) E. Pygmy whitefish; and

F. Mountain whitefish.

NEW SECTION. SECTION ~~31~~38. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Special flood hazard area or area of special flood hazard: the land subject to inundation by the base flood. Special flood hazard areas ("SFHA"~~ or area of special flood hazard~~) are designated on flood insurance rate maps with the letters "A" or "V" including AE, AO, AH, A1-99, and VE.

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NEW SECTION. SECTION ~~32~~39. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Species of local importance: a species designated ~~by the county~~ in the Comprehensive Plan to be of local concern due to their population status, sensitivity to habitat alteration, or that ~~are~~ is a game species.

Commented [EA101]: Edits for readability

SECTION ~~33~~40. Ordinance 10870, Section 288, as amended, and K.C.C. 21A.06.1240 are hereby amended to read as follows:

Stream: an aquatic area where surface water produces a channel, not including a wholly artificial channel((~~,~~)) unless ((~~it~~)) the artificial channel is:

A. Used by ((~~salmonids~~)) fish; or

B. Used to convey a stream or wetland that occurred naturally before construction of the artificial channel.

NEW SECTION. SECTION ~~34~~41. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Tsunami hazard area: a geologically hazardous area susceptible to flooding, inundation, debris impact, or mass wasting as the result of a tsunami in areas, including, but not limited to, ~~those areas~~tsunami hazard areas shown on the Washington Geological Survey Digital Data Series 22, version 2.~~0~~1, ~~December 2023~~October 2024, and V1-V30, VE, or V zones shown on the Flood Insurance Rate Maps.

SECTION ~~35~~42. Ordinance 10870, Section 314, as amended, and K.C.C. 21A.06.1370 are hereby amended to read as follows:

Volcanic hazard area: ((~~an~~)) a geologically hazardous area subject to pyroclastic flows, lava flows, debris avalanche, or an inundation by debris flows, mudflows, lahars, or related flooding resulting from volcanic activity on Mount Rainier, delineated based on recurrence of an event equal in magnitude to the prehistoric Electron mudflow.

SECTION 43. Ordinance 10870, Section 323, and K.C.C. 21A.06.1391 are hereby amended to read as follows:

Wetland:

A. An area that is inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

B. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

C. Wetlands do not include those artificially created wetlands intentionally created from nonwetlands sites, including, but not limited to:

1. Surface water conveyances for drainage or irrigation;

Commented [JN102]: Clarifies what the area on the survey is

Commented [JN103]: Updates to the latest version as of May 2025.

2. Grass-lined swales;

3. Canals;

4. Detention facilities such as flow control facilities or wetponds;

5. Wastewater treatment facilities;

6. Farm ponds;

7. Landscape amenities; or

((9.)) 8. Those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.

SECTION ~~3644~~. Ordinance 10870, Section 321, and K.C.C. 21A.06.1405 are hereby amended to read as follows:

Wetland functions: ((~~natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as performing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988~~)) the physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland functions include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals.

NEW SECTION. SECTION ~~3745~~. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Commented [JN104]: Corrects drafting error in Ordinance 19034

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Wetland values: estimates of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to benefit society. Values vary by watershed or by community. Examples of wetland values include education, research, aesthetics, and recreation.

NEW SECTION. SECTION ~~38~~46. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Wildlife lighting: ~~measures applied to~~ exterior lighting designed and installed to reduce impacts to wildlife.

SECTION ~~39~~47. Ordinance 10870, Section 448, as amended, and K.C.C. 21A.24.010 are hereby amended to read as follows:

The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 36.70A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

A. Establishing development and alteration standards to protect functions and values of critical areas;

B. Protecting members of the general public and public resources and facilities from injury, loss of life, property damage, or financial loss due to flooding, erosion, avalanche, landslides, tsunamis, alluvial fan hazards, seismic and volcanic events, soil subsidence, or steep slope failures;

C. Protecting unique, fragile, and valuable elements of the environment, including, but not limited to, fish and wildlife and their habitats, ~~((~~and~~))~~ ~~while~~ maintaining and promoting countywide native biodiversity;

Commented [JN105]: Consistency edits between KCCP and 21A

Commented [JN106]: Reorient definition from a "measure" for lighting, to the lighting itself

Commented [JN107]: Reverting to existing language. The proposed language makes it appear that these two concepts are at odds with each other.

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D. Requiring ~~prioritization of~~ avoidance and ~~minimization measures~~mitigation sequencing, ~~followed by~~including mitigation of ((~~unavoidable~~)) ~~adverse~~ impacts to critical areas((~~, by regulating alterations in or near critical areas~~)) and associated buffers;

E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground((-))water, wetlands, and aquatic areas;

F. Measuring the quantity and quality of wetland and aquatic area resources and ((~~preventing overall~~)) ensuring no net loss of wetland, ((~~and~~)) aquatic area, and riparian area functions and values;

G. Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat;

H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits;

I. Alerting members of the public~~.~~ including, but not limited to, appraisers, owners, potential buyers, or lessees to the development limitations of critical areas;~~ and~~

J. Providing county officials with sufficient information ((~~to protect~~)) at the time of permit application submittal to determine whether proposed land uses, activities, or development could negatively impact critical areas; and

K. Providing clear and objective development standards, application requirements, and review processes for the administration of critical areas protection.

SECTION ~~4048~~. Ordinance 10870, Section 449, as amended, and K.C.C. 21A.24.020 are hereby amended to read as follows:

A. This chapter applies to all land uses and ~~activities~~ alterations in King County, and all persons within the county shall comply with this chapter.

Commented [JN108]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

Commented [JN109]: Consistency edits.

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Commented [JN110]: Updates to terminology

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Commented [JN111]: Adding in riparian areas as a critical area the County is required to protect against no net loss, and adding in values in addition to functions.

Commented [JN112]: Add purpose statement on code objectives

Commented [JN113]: Edit to use critical area terminology

B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter.

C. Approval of a development proposal in accordance with this chapter does not discharge the obligation of the applicant to comply with this chapter.

D. ~~If an area or site contains more than one critical area or natural resource land use designation, all designations shall apply.~~

~~E.~~ When ((~~any other chapter~~)) another provision of the King County Code conflicts with this chapter or when the provisions of this chapter are in conflict, the provision that provides ((~~more~~)) greater environmental protection to ((~~environmentally~~)) critical areas shall apply unless specifically provided otherwise in this chapter or unless the provision conflicts with federal or state laws or regulations.

~~((~~E.~~))~~ ~~F.~~ This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC.

SECTION ~~41~~49. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are hereby amended to read as follows:

A. ((~~Within the following ((seven)) critical areas and their buffers ((a))~~All)) alterations ((~~are allowed if the alteration complies~~)) that comply with the development standards, ~~and prioritizes~~ ((~~impact~~)) avoidance ~~and minimization measures,~~ ((~~and~~)) ~~followed by~~ mitigation ((~~requirements~~)) sequencing, and other applicable requirements ((~~established~~)) in this chapter are allowed within the following critical areas and their buffers:

1. Critical aquifer recharge areas;

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Commented [JN116]: Streamlining language

2. Coal mine hazard areas;

3. Erosion hazard areas;

4. Flood hazard areas except in the severe channel migration hazard areas;

5. Landslide hazard areas under forty percent slope;

6. Moderate channel migration hazard area;

7. Seismic hazard areas; ((~~and~~))

~~7.~~)) 8. Tsunami hazard areas; and

~~8~~9. Volcanic hazard areas.

B. Within the following ((~~seven~~)) critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations ((~~on~~)) in the table in subsection C. of this section are allowed if the alteration complies with conditions in subsection D. of this section, ((~~and~~)) the development standards, ~~and prioritizes ((impact)) avoidance and minimization measures, ((and)) followed by~~ mitigation ((~~requirements~~)) sequencing, and other applicable requirements established in this chapter:

1. ((~~Severe channel migration hazard area~~)) Alluvial fan hazard areas;

2. ((~~Landslide hazard area over forty percent slope~~)) Aquatic areas;

3. ((~~Steep slope hazard area~~)) Landslide hazard areas over forty percent slope;

4. ((~~Wetland~~)) Riparian areas;

5. ((~~Aquatic area~~)) Severe channel migration hazard areas;

6. ((~~Wildlife habitat conservation area; and~~)) Steep slope hazard areas;

7. ((~~Wildlife habitat network~~)) Wetlands;

8. Wildlife habitat conservation areas; and

Commented [EA117]: Adding moderate channel migration hazard areas to list of critical areas where all alterations are allowed (subject to avoidance and minimization sequencing and application of development standards).

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Commented [JN118]: Legislative mark-up correction

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Commented [JN119]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

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9. Wildlife habitat networks.

C. Alteration allowances ((I))in the following table shall be interpreted as follows:

1. If a cell is blank, the alteration is prohibited in the given critical area;

2. An "A" in a cell indicates that an alteration is allowed if the listed conditions and any applicable requirements in this chapter are met;

3. A number in a cell indicates that the numbered condition in subsection D. of this section applies;

4. Where a series of numbers separated by commas are in a cell, each of the applicable numbered conditions for that alteration applies;

5. Where more than one letter-number combination appears in a cell, the conditions of at least one letter-number combination shall be met;

6. In cases where an ((activity)) alteration is included in more than one ((activity)) category, ((the numbered conditions applicable to)) the most specific description of the ((activity)) alteration shall govern((. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies.)); and

7. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

((A = ((alternation)) Alteration is allowed. Numbers indicate applicable development condition in subsection D. of this section.))	Landslide Hazard Areas Over 40%.	Alluvial Fan Hazard Areas	((Steep Slope Hazard Areas and	Wetland and Buffer	Aquatic Areas ((and Buffer)), Riparian	Wildlife Habitat Conservation Areas

Commented [JN120]: Changes throughout this subsection for additional instruction and clarity on how to read and interpret the table (formatting is similar to the clearing and grading exemption table and shoreline modification table)

"Activities" is changed to "alterations" for consistency.

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	Steep Slope Hazard Areas, and Buffers		~~Buffer~~)) Severe Channel Migration Hazard Area		Areas~~,~~ ((~~and Severe Channel Migration~~)) ~~Hazard Areas~~	and Wildlife Habitat Networks
Structures						
Construction of new single detached dwelling unit				A 1	((~~A 2~~))	
Construction of a new tree-supported structure				A ((~~64~~)) 2	A ((~~64~~)) 2	A ((~~64~~)) 2
((~~Construction of nonresidential structure~~))				((~~A 3~~))	((~~A 3~~))	((~~A 3,~~ 4))
Maintenance or repair of existing structure	A 5	A ~~5, 6~~	A ~~5~~6	A	A	A 4
Expansion ((~~or replacement~~)) of existing structure	((~~A 5, 7~~))	A ~~5, 6,~~ ~~7~~	A ((~~5,~~ ~~7~~)) 6	A 7((~~,~~ ~~8~~))	A ((~~6,~~)) 7((~~, 8~~))	A 4, 7~~,~~ ~~8~~
Replacement of existing structure	A 5			A 8	A 8	A 4, 8
Interior remodeling	A	A	A	A	A	A
Construction of new dock or pier				A 9	A ((~~9,~~)) 10((~~, 11~~))	
Maintenance, repair or replacement of dock or pier				A ((~~12~~)) 9	A 10((~~, 11~~))	A 4
Grading						
Grading	A 13	A ~~13.~~	A ((~~13~~))	A 14	A 14	A 4,

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Commented [JN123]: Landslide hazard area and steep slope hazard areas are combined, with any specific allowances/conditions for steep slope hazard areas called out

Commented [JN124]: Changes in this column include:
-Splitting severe channel migration hazard areas apart from aquatic areas and riparian areas and adding it to this column.
-The allowances and conditions in this column mirror the previous aquatic area/riparian area/severe channel migration hazard column, and may include some additional changes.

Commented [JN125]: Unless noted otherwise, the changes in this column are technical. This column was formerly for steep slope hazard areas, which is consolidated into landslide hazard areas, and replaced with severe channel migration hazard area.

Commented [JN126]: A 2 not added here, as this condition (as it currently exists) does not allow this use in a severe channel migration hazard area.

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Commented [JN127]: 64 is moved to 2 in the conditions below. Table reflects this change.

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Commented [JN128]: Condition 5 is removed from alluvial fan hazard areas for clarity.

Commented [JN129]: Applies condition 6 to severe channel migration hazard areas to prohibit expansion or substantial improvement.

Commented [JN130]: Condition 5 prohibits the expansion of an existing structure in a landslide hazard area or steep slope hazard area.

Expansion and replacement are broken out into two separate uses, so this cell is blank to reflect the existing prohibition.

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Commented [JN131]: 9, 10 and 11 are combined for aquatic areas and riparian areas

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Commented [JN132]: Note 12 concerns aquatic areas (references a shoreline section). Condition 12 is deleted here. The language from Condition 12 is merged into condition 10 for riparian areas and aquatic areas.

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Commented [JN135]: Condition 13 applies to steep slope hazard areas, which is consolidated into the landslide hazard ... [1]

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	A 14	~~15,~~ ~~70~~14	14			~~((~~14~~))~~
Construction of new slope stabilization	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 15, 16	A 4, 15, 16
Maintenance of existing slope stabilization	A 15, 16	A 15, 16	A ~~((13))~~ ~~15,~~ 16, 17	A 16, 17	A 16, 17	A 4
Mineral extraction	A		~~((~~A~~))~~			
Clearing						
Clearing	A 18	A 18	A 18, 20	A 18, 20	A ~~((14,))~~ 18, 20	A 4, ~~((14,))~~ 18, 20
Cutting firewood	A 21	A 21	~~((~~A 21~~))~~	~~((~~A ~~21))~~	~~((~~A 21~~))~~	A 4, 21
Vegetation removal with a vegetation management plan	A 19	A 19	A 19	A 19	A 19	A 4, 19
~~((Removal of vegetation for fire safety))~~ ~~Tree and vegetation c~~Clearing for the purposes of wildfire preparedness	A 22	A 22	~~((~~A 22~~))~~	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A ~~((23))~~ 57	A ~~23~~57	A ~~((23))~~ 57	A ~~((23))~~ 57	A ~~((23))~~ 57	A 4, ~~((23))~~ 57
Forest Practices						
Forest management activity	A	A	A	A	A	A 25
Roads						

Commented [JN133]: Allows for emergency work in alluvial fans (and overlapping critical areas)

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Commented [JN134]: Deletions to match Executive's intent

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Commented [JN137]: Change to prohibit the cutting of firewood in wetlands and buffers, aquatic areas, riparian areas, and severe channel migration hazard areas

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Construction of new road within unimproved right-of-way						
Construction of ((~~new~~)) public road right-of-way structure on unimproved right-of-way				A 26	A 26	
Construction of new road in a ((~~plat~~)) land division				A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A 26	A 26	A 26	A 26	
Repair, replacement, or modification within the roadway	A 16	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 14, 28, ~~70~~	A 28	A 28	A 28	A 28
((~~Construction of farm field access drive~~))	((~~A 29~~))		((~~A 29~~))	((~~A 29~~))	((~~A 29~~))	((~~A 29~~))
Maintenance of driveway, private access road, ((~~farm field access drive~~)) or parking lot	A	A 17	A 17	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 14, 39, ~~70~~	A 39	A 39	A 39	A 39
Bridges or culverts						

Commented [JN138]: Prohibits new roads in unimproved ROW in critical areas without a CAAE

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Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16, 30	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A 16, 17, 31	A ((4))27
Utilities and other infrastructure						
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33, 34	A 32, ((33)), 34, 35	A 32, 34	A 32, 34	A 4, ((27)) 32, 35
Construction or maintenance of a hydroelectric ((generating)) generation facility	A 67	A 66, 67	A ((67)) 66	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 29, 32, 33, 60	A 29, 32((, 33))	A 29, 32((, 60))	A 29, 32((, 60))	A 27, 29, 32((, 60))
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, ((33)), 34, 36	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	((A 24))		((A 24))	A 63	A 63	
Maintenance or repair of	A 37	A 37	A 37	A 37	A 37	A 4, 37

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existing well						
Maintenance, ((or)) repair, or replacement of existing on-site sewage disposal system	A 24	A 24, 37	A 24, 37	A 24, 37	A 24, 37	A 4, 24, 37
Construction of new surface water conveyance system	A 32, 33	A 32, 33, 38	A 32, ((33)) 38	A 32, 38	A 32, 38	A 4
Construction, maintenance, or repair of in-water heat exchanger				A 68	A 68	
Maintenance, repair, or replacement of existing surface water conveyance system	A 32, 33	A 16, 32, 33, 40, 41	A 16, 32, ((33)) 38, 40, 41	A 16, 32, 38	A 16, 32, 38, 40, 41	A 4, 32, 37
Construction of new surface water flow control or surface water quality treatment facility		A 32	A 32	A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 16	A 4, 16
Construction of new flood protection facility		A 16, 42	A 42	A 42	A 42	A 27, 42
Maintenance, repair, or replacement of flood protection facility	A 33, 43	A 33, 43	A ((33,)) 43	A 43	A 43	A 27, 43

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Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16, 44, 45	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A ((~~16~~))	A ~~16~~	A	A	A	A 4
Recreation						
Construction of new trail	A 46	A 46~~,~~ ~~47~~	A ((~~46~~)) 47	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail, or publicly improved recreation area	A 48	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education, and science projects						
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids		A 50	A 50	A 50	A 50	A 50
Drilling and testing for critical area((s)) reports, or for monitoring and data collection within critical areas	A 51	A 51	A 51	A 51((~~,~~ ~~52~~))	A 51((~~,~~ ~~52~~))	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62	A 62
((~~Agriculture~~)) Agricultural Activities						
Horticulture activity including	A 53	A 53	A 53, 54	A 53,	A 53, 54	A 53,

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Commented [JN143]: This condition does not apply to alluvial fan hazard areas. If the trail is in a riparian area, wetland, wetland buffer, aquatic area, or wildlife habitat network, note 47 applies

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tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops, and related activity				54		54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 55	A ((53, 54,)) 55	A ((53, 54,)) ((55((,)) 56))	A ((53, 54)) 55
Construction of a livestock heavy use area			A 55	A ((53, 54,)) 55	A ((53, 54,)) ((55((,)) 56))	A ((53, 54)) 55
Construction or maintenance of a farm pad			A 55	A ((56)) 55	A ((56)) 55	
Construction of agricultural drainage			A 56	A ((57)) 56	A ((57)) 56	A 4((, 57)) 56
Maintenance or replacement of existing agricultural drainage	A ((23, 58)) 57	A 23, 53, 54, 5857	A ((23, 58)) 57	A ((23, 53, 54, 58)) 57	A ((23, 53, 54, 58)) 57	A 4, ((23, 53, 54, 58)) 57
Maintenance of agricultural		A	A 58	A	A ((69))	

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Commented [JN144]: Condition 56 is merged into 55
Commented [JN145]: 57 is renumbered to 56 in the conditions below. The table is changed to reflect the numbering shift.
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Commented [JN146]: Condition 23 and 58 are merged and renumbered to 57 in the conditions below. The table is changed to reflect the numbering shift.
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Commented [JN147]: Changes to provide clarity that existing agricultural drainage should be able to be maintained and replaced as needed.

These conditions are being removed:
53 covers existing activities. Removes the parameter for date/continuous existence. This issue is somewhat already covered by the concept of being existing agricultural drainage.

54 discusses new and expanded uses, which appear beyond the scope here for "maintenance and replacement"

... [2]
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waterway		~~69~~58		((~~69~~)) 58	58	
Construction or maintenance of farm pond, fish pond, or livestock watering pond	((~~A 53~~))	A 53, 54	((~~A 53, 54~~))	A 53, 54	A 53, 54	A 53, 54
Construction or ~~maintenance~~ expansion of farm field access drive	A ~~2~~59	A ~~2~~59	A ~~2~~59	A ~~2~~59	A ~~2~~59	A ~~2~~59
Construction of nonresidential farm structure		A ~~3~~60	A 60	A ~~3~~60	A ~~3~~60	A ~~3~~, 4, 60
Other						
Shoreline water dependent or shoreline water oriented use					A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A	A
Maintenance of lawn, landscaping, or garden for personal consumption	A ((~~59~~)) 64	A 6~~4~~59	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64	A ((~~59~~)) 64
Maintenance of golf course	A 17	A 17	A 17	A 17	A 17	A 4, 17

Commented [JN148]: 69 is renumbered to 58 in the conditions below. The table is changed to reflect the numbering shift.

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Commented [JN149]: Replace maintenance with expansion to allow for basic maintenance without condition 59

Commented [JN150]: Condition 29 is moved to Condition 59

Commented [EA151]: Change for clarity

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D. The following alteration conditions apply:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.

2. ((~~Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:~~

~~a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;~~

~~b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;~~

~~c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;~~

~~d. access is located to have the least adverse impact on the critical area and critical area buffer;~~

~~e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;~~

~~f. the alteration is no closer than:~~

~~(1) on a site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;~~

~~(2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~

~~(3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and~~

~~g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.~~))

~~Repealed~~ Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

a. not allowed in wildlife habitat conservation areas, wetlands, or aquatic areas;

b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;

c. the structure shall be located as far from wetlands or aquatic areas as practical, but in no case closer than seventy-five feet from a wetland or an aquatic area;

d. only one tree-supported structure within a critical area buffer or riparian area is allowed on a lot;

e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an impact on water quality;

f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife

Commented [JN153]: Moves Condition 64 to 2 and repeals 64.

and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;

g. the structure shall not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:

(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;

(2) the attachments shall be constructed using the best available tree anchor bolt technology; and

(3) an International Society of Arboriculture Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;

h. exterior lighting shall meet the following criteria:

(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and

(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;

i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons;

j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;

k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-adaptive plants according to an approved mitigation plan.

3. ((~~Limited to nonresidential farm structures in grazed or tilled wet meadows,~~ ((~~or~~)) wetland ~~buffers ((of wetlands))~~, ~~or ((aquatic))~~ riparian ~~areas where:~~

~~a. the site is predominantly used for the practice of ((agriculture))~~ ~~agricultural activities~~;

~~b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;~~

~~c. the structure is either:~~

~~(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;~~

~~(2) higher in elevation and no closer to the critical area than its existing position; or~~

~~(3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;~~

~~d. all best management practices associated with the structure specified in the farm management plan are installed and maintained~~;

~~e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management~~

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~~practices are followed and the installation does not require clearing of critical areas or their buffers; and~~

~~f. in an alluvial fan hazard area or a severe channel migration hazard area ((portion of an aquatic buffer only)) if:~~

~~(1) there is no feasible alternative location on site;~~

~~(2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration;~~

~~(3) the structure is not used to house animals or store hazardous substances; and~~

~~(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site)) Repealed.~~

4. No clearing, grading, external construction, or other disturbance in a wildlife habitat conservation area is allowed during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for existing legally established structures when:

a. the ((~~landslide~~)) hazard~~, steep slope hazard, or alluvial fan hazard~~ poses little ((~~or~~)) to no risk of injury; and

b. the ~~hazard~~ risk~~s~~ ((~~of~~ landsliding or slope instability is)) ~~from landslides, steep slopes, or alluvial fans are~~ low((~~; and~~

~~c. there is no ((t an)) expansion of the structure~~)).

6. Within an alluvial fan hazard area or severe channel migration hazard area allowed for:

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Commented [EA155]: Clarifies that grading is prohibited in wildlife habitat conservations areas during breeding seasons.

Commented [EA156]: Clarifies that allowed alterations for existing structures are only for those that were legally established.

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a. existing legally established primary structures if:

(1) there is not an increase of the footprint of any existing structure; and

(2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

b. existing legally established accessory structures if:

(1) additions to the footprint will not make the total footprint of all existing structures more than one((-)) thousand square feet; and

(2) there is no((~~t an~~)) expansion of the footprint towards any source of alluvial fan hazard or channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only ((~~in ((grazed wet meadows or the))~~ ~~a critical area, associated buffer, or ((building))~~ critical area ~~setback outside a severe channel migration hazard area~~)) if:

a. the structure was not established as the result of an alteration exception, variance, buffer averaging, or reasonable use exception;

b. , the location of the expansion has the least impact on the critical area;

c. the expansion is on an existing legally established impervious surface, lawn or landscaping area, farm field, or grazed area;

d. for a nonresidential structure, the expansion ((~~or replacement~~)) does not increase the footprint of a nonresidential structure;

((~~b.(1)~~)) e. for a legally established dwelling unit or accessory structure, the expansion ((~~or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b.,~~)) does not increase the footprint of the

Commented [JN158]: Condition 7 and 8 are split between expansion of existing structure and replacement of existing structure

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dwelling unit and all other structures by more than one thousand square feet, cumulatively since January 1, 2005. The footprint limitation does not ((~~including~~)) include any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the ((~~replacement or~~)) expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and ((~~its~~)) associated buffer;

~~(((2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not result in a cumulative increase in the footprint of the accessory structure and the dwelling unit by more than one thousand square feet;~~

~~(3) the location of the expansion has the least adverse impact on the critical area; and~~

~~(4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative plants and replacement with native vegetation or climate smart plants in accordance with an approved ((landscaping)) mitigation plan;~~

~~c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception;~~

~~d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area; and~~

~~e. The expansion of a residential structure in ((the buffer of)) a riparian area adjacent to a ((T))type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:~~

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~~(1) the expansion is within thirty-five feet of the ordinary high water mark; or~~

~~(2) the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet~~)).

8. Allowed ((~~upon another portion of an existing impervious surface outside a severe channel migration hazard area~~)) only if:

a. ((~~except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area~~)) the location of the replacement is within the footprint of the existing structure or has the least impact on the critical area;

b. ((~~except as otherwise allowed under subsection D.7. of this section, the existing~~)) the total footprint of all structures and impervious surfaces within the critical area or associated buffer is not expanded; ((~~and~~))

c. the replacement is on an existing legally established impervious surface, lawn or landscaping area, farm field, or grazed area; and

d. the ((~~degraded buffer area is enhanced through removal of nonnative plants and replacement~~)) footprint of an existing structure at an alternative location is revegetated with native vegetation or climate-~~smart~~ adaptive plants in accordance with an approved ((~~landscaping~~)) mitigation plan.

9. ((~~Limited to piers or seasonal floating docks~~)) Allowed in a category II, III, or IV wetland or ((~~its~~)) associated buffer ((~~or along a lake shoreline or ((its buffer)) the adjacent riparian area where~~)) to access an aquatic area if:

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Commented [JN164]: Replacement in a different location requires revegetation

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a. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law;

b. the wetland or ((~~lake shoreline~~)) aquatic area is not a salmonid spawning area; and

c. hazardous substances or toxic materials are not used((~~; and~~

~~d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C. 21A.25.180~~)).

10. Allowed ((~~on type N or O aquatic areas~~)) if:

a. hazardous substances or toxic materials are not used;

b. the aquatic area is not a salmonid spawning area; and

c. on type S or F aquatic areas, complies if in compliance with K.C.C. 21A.25.180.

11. ((~~Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180~~)) Repealed.

12. ((~~When located on a lake, must be in compliance with K.C.C. 21A.25.180~~)) Repealed.

13. Limited to steep slope hazard areas and associated buffers only, for the purposes of regrading and stabilizing of a slope formed as a result of a legal grading activity.

14. ((~~The following are allowed in the severe channel migration hazard area if conducted more than one hundred sixty-five feet from the ordinary high water mark in~~

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Commented [JN166]: Changes are made in the alteration table and this condition so that condition 9 only applies in wetlands and buffers and condition 10 applies to aquatic areas and riparian areas.

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Commented [JN167]: Language from condition 11 and 12.

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Commented [JN168]: This condition is moved to 10 and repealed here.

In the alteration table, it is blank (not allowed) in the severe channel migration hazard area.

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Commented [JN169]: This standard is not just specific to lakes. This condition is combined with 11, moved to 10, and repealed here.

Commented [JN170]: Landslide Hazard Areas and Steep Slope Hazard Areas are combined in the alteration table. This alteration is not allowed in Landslide Hazard Areas, but allowed in Steep Slope Hazard Areas so this condition is modified to keep the limitation.

~~the rural area and natural resource lands and one hundred fifteen feet from the ordinary high water mark in the urban area:~~

~~a. grading of up to fifty cubic yards on lot less than five acres; and~~

~~b. clearing of up to one thousand square feet or up to a cumulative thirty five percent of the severe channel migration hazard area.~~)) Allowed for emergency work in alluvial fan hazard area and overlapping critical areas if:

a. in response to an emergency event where channel avulsion or migration is imminent or has occurred as a result of a pulse of in-channel sediment or debris deposition;

b. to prevent an imminent threat to:

(1) public roadways, utilities, and other infrastructure;

(2) sole access driveways and roads;

(3) dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures;

(4) farm structures necessary to store equipment, produce, or livestock;

c. conducted under an approved emergency authorization request per K.C.C. 16.082.065;

d. the emergency work is completed within thirty days of receiving a written emergency authorization;

e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat;

Commented [JN171]: Moved from Condition 70 with some minor edits

Commented [JN172]: Other sections of code use "farm structures" instead of agricultural activities structures. Changed for consistency

f. proposed in-stream work is minimized or results in the least impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;

g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;

h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;

i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:

(1) mitigate any adverse ecological impacts of the emergency actions;

(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and

(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and

j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.

15. Only where erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, ((~~aquatic area or wetland if,~~)) and to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.

16. Allowed ((~~when~~)) for projects performed by((,)) or at the direction of, ((~~or authorized by~~)) a government agency in accordance with regional road construction and maintenance guidelines.

17. Allowed ((~~when~~)) for projects not performed under the direction of a government agency only if:

a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances in aquatic areas, riparian areas, wetlands, or ((~~their~~)) associated buffers; and

b. when maintenance, expansion, or replacement of bridges or culverts involves water used by salmonids:

(1) the work ((~~is in compliance~~)) complies with ditch standards in public rule; and

(2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

19. The limited trimming, pruning, or removal of vegetation under a vegetation management plan approved by the department:

a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and

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b. in all critical areas, for habitat enhancement, invasive species control, or forest management activities.

20. Harvesting of plants and plant materials, such as plugs, stakes, seeds, or fruits, for restoration and enhancement projects is allowed.

21. ((~~Cutting of firewood is subject to the following~~:

~~a. not allowed within~~)) Allowed only for personal use in a buffer or wildlife habitat ((~~conservation area, wetland, aquatic area, steep slope hazard area, or on a tree containing an active nest ((cutting firewood is not allowed));~~)) network if:

b. done in accordance with an approved forest management plan;

c. no tree containing an active nest is cut; and

d. within a wildlife habitat network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.24.386((~~; and~~

~~e. when firewood is for personal use, cutting is allowed within ((a)) critical areas and critical area buffers((, cutting shall be for personal use and)) when done in accordance with an approved forest management plan ((or rural stewardship plan))~~.

22. ((~~Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal~~)) Not allowed in wetlands, aquatic areas, wildlife habitat conservation areas~~, or severe channel migration hazard areas~~. Otherwise, allowed in critical areas and associated buffers within the wildland urban interface if limited to the activities listed in K.C.C. 16.82.051.E.23.

23. ((~~Allowed as follows:~~

~~a. if conducted in accordance with an approved forest management plan((,)) or farm management plan((, or rural stewardship plan)); or~~

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Commented [JN174]: Change to prohibit cutting of firewood in wetland buffers, riparian areas, and severe channel migration hazard areas. With these changes, this subsection is written in the positive (where it is allowed), rather than the negative, for clarity.

Commented [JN175]: Reverts back to existing language, which limits the cutting of firewood in critical areas, where allowed, only for personal use.

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~~b. without an approved forest management plan((,)) or farm management plan((, or rural stewardship plan)), only if:~~

~~(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, or herbicides or biological control methods;~~

~~(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;~~

~~(3) the cleared area is revegetated with native vegetation or climate smart plants and stabilized against erosion; and~~

~~(4) herbicide use is in accordance with federal and state law((;)).~~ Repealed.

24. Allowed to repair or replace existing ~~on~~ on-site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by ((~~the P~~))public ((~~H~~))health – Seattle & King County and:

a. there is no alternative location available with less impact on the critical area;

b. ~~((impacts to the critical area are minimized to the maximum extent practicable;~~

~~c.))~~ the alterations will not subject the critical area to increased risk of landslide or erosion;

((~~d.~~)) c. vegetation removal is the minimum necessary to accommodate the septic system; and

((~~e.~~)) d. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

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Commented [JN178]: This is a standard requirement in the CA code for any alteration, and does not need be called out for any one allowance.

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25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources ((~~M~~))management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

a. there is ((~~no~~((~~t~~)) ((~~an~~))~~other~~)) no other feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the ((~~corridor~~)) road is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site((~~.~~));

c. the ((~~corridor~~)) width is minimized to the maximum extent practical;

d. the construction occurs during approved periods for instream work;

e. the ((~~corridor~~)) alteration will not change or diminish the overall aquatic area flow peaks, duration, or volume or the flood storage capacity; and

f. no new ((~~public right-of-way is~~)) roads are established within a severe channel migration hazard area.

27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders, or other heavy equipment are not operated within a wildlife habitat conservation area.

28. Allowed only if:

a. an alternative access is not available;

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b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;

c. the risk associated with landslide and erosion is minimized;

d. access is located where it is least subject to risk from channel migration; and

e. construction occurs during approved periods for instream work.

29. ~~((Allowed ((O))only on sites currently involved in the practice of agricultural activities if in compliance :~~

~~a. with a farm management plan in accordance with K.C.C. 21A.24.051, and constructed using best management practices approved by the permitting division;~~

~~b. there is no other feasible location with less adverse impact on critical areas and associated buffers;~~

~~c. in compliance with the farmland dispersion requirements of the King County Surface Water Design Manual;~~

~~d. access is located where it is least subject to risk from channel migration;~~

~~e. a floodplain development permit is obtained for any action within the floodplain; and~~

~~f. all other required state and federal permits have been obtained and actions comply with such permits.~~)) Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

a. there is no alternative location with less impact on the critical area or the critical area buffer;

Commented [JN182]: Condition 29 (concerning farm field access drives) is moved to Condition 59.

Commented [JN183]: Moves Condition 60 to Condition 29 with no changes to text.

b. the residential utility service distribution lines meet ((~~all of~~)) the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is minimized;

(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled, or other trenchless crossings are encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and

(10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry.

30. Allowed only if:

a. the new construction or replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

b. the site is ((~~restored~~)) revegetated with ((~~appropriate~~)) native vegetation or climate-~~smart~~ adaptive plants in accordance with an approved mitigation plan.

31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

a. there is no((~~t an~~)) other feasible alternative available with less impact on the aquatic area and ((~~its buffer~~)) adjacent riparian area; and

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and ((~~its buffers~~)) adjacent riparian area.

32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines.

33. ((~~Allowed~~)) When outside the roadway, allowed if:

a. the alterations will not subject the critical area to an increased risk ((~~of~~)) from landslide, alluvial fan, or erosion hazards;

b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and

c. significant risk of personal injury is eliminated or minimized in the landslide or alluvial fan hazard area.

34. Limited to the pipelines, cables, wires, and support structures of utility facilities within utility corridors if:

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a. there is no alternative location with less ((~~adverse~~)) impact on the critical area and critical area buffer;

b. new utility corridors meet ((~~all of~~)) the following to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) the mean annual flow rate is less than twenty cubic feet per second; and

(3) paralleling the channel or following a down-valley route near the channel is avoided;

c. to the maximum extent practical utility corridors are located so that:

(1) the width is the minimized;

(2) the removal of trees greater than twelve inches diameter at breast height is minimized;

(3) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;

d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

(1) to the maximum extent practical, the width of the maintenance road is minimized and in no event greater than fifteen feet; and

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(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;

f. the construction occurs during approved periods for instream work;

g. the utility corridor serves multiple purposes and properties to the maximum extent practical;

h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;

i. bored, drilled, or other trenchless crossings ((~~is~~)) are laterally constructed at least four feet below the maximum depth of scour for the base flood;

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and ((~~equivalent or greater~~)) equal or better environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

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36. Allowed for onsite private individual utility service connections or private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical, and no hazardous substances, pesticides, or fertilizers are applied.

38. Allowed if:

a. conveying the surface water into the wetland buffer or ((~~aquatic area buffer~~)) riparian area, and discharging into the wetland buffer, ((~~or~~ ((~~aquatic area buffer~~)) riparian area, or at the wetland or aquatic area edge, has less ((~~adverse~~)) impact upon the wetland ((~~or~~)), wetland buffer, aquatic area~~, or riparian area~~ ((~~or wetland or aquatic area buffer~~)), or riparian area than if the surface water were discharged at the buffer((~~'s~~)) or riparian area edge and allowed to naturally drain through the buffer or riparian area;

b. the volume of discharge is minimized through application of low impact development and water quality measures identified in the ((~~King County~~)) Surface Water Design Manual;

c. the conveyance and outfall are installed with hand equipment where feasible;

d. the outfall shall include bioengineering techniques where feasible; and

e. the outfall is designed to minimize ((~~adverse~~)) impacts to critical areas.

39. Allowed only if:

a. there is no feasible alternative with less impact on the critical area and ((~~its~~)) associated buffer;

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b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and ((~~its~~)) associated buffer;

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site;

d. construction occurs during approved periods for in-stream work; and

e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area, or waterward of the ordinary high water mark.

40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if:

a. fish habitat features necessary for feeding, cover, and reproduction are included when appropriate;

b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments, or shade the water; and

c. bioengineering techniques are used to the maximum extent practical.

41. Allowed for a closed, tightlined conveyance system and outfall structure if:

a. necessary to avoid erosion of slopes; and

b. bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area, riparian area, or an ((~~aquatic area buffer~~)) alluvial fan hazard area to prevent bank erosion only:

a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

b. based on a critical area((s)) report, the department determines that the new flood protection facility will not cause ((~~significant~~)) ~~adverse~~ impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

(1) public roadways;

(2) sole access routes in existence before February 16, 1995;

(3) new primary dwelling units, accessory dwelling units, or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes, or bank stabilization ((~~must~~)) shall be located no more than six hundred feet apart as measured parallel to the migrating channel; and

(b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures on abutting or adjacent properties; or

(4) existing primary dwelling units, accessory dwelling units, accessory living quarters, or residential accessory structures if:

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(a) the structure was in existence before the adoption date of a King County Channel Migration Zone hazard map that applies to that channel, if such a map exists;

(b) the structure is in imminent danger, as determined by a ((~~geologist, engineering geologist or geotechnical engineer~~)) geological professional;

(c) the applicant has demonstrated that the existing structure is at risk, and the structure and supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and

(d) nonstructural measures are not feasible.

43. Applies to ((~~lawfully~~)) legally established existing structures if:

a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;

c. the footprint of the facility is not expanded waterward;

d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;

e. the site is restored with appropriate native vegetation~~,~~ or climate-~~smart~~ adaptive plants and erosion protection materials ~~according to~~ in accordance with an approved mitigation plan; and

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f. based on a critical area((~~s~~)) report, the department determines that the maintenance, repair, replacement, or construction will not cause ((~~significant~~)) ~~adverse~~ impacts to upstream or downstream properties.

44. Allowed in type N and O aquatic areas if done in the least impacting way at the least impacting time of year, in conformance with applicable best management practices, and all affected instream and ((~~buffer~~)) riparian area features are restored.

45. Allowed in ((~~a~~)) type S or F ((~~water~~)) aquatic areas when such work is:

a. included as part of a project to evaluate, restore, mitigate, or ((~~improve~~)) enhance habitat((~~, and~~));

b. sponsored or cosponsored by an Indian tribe, ((~~public~~)) government agency, nonprofit organization that has natural resource management as a function, or ((~~by a federally recognized tribe~~)) a higher education institution; and

c. in compliance with the criteria of subsection D.49. of this section.

46. Allowed ((~~as long as~~)) if the trail surface is ((~~not~~)) constructed of ((~~im~~))pervious surfaces that ((~~will~~)) does not contribute to surface water run((~~-~~))off, ((~~unless~~)) except when the construction is necessary for soil stabilization, ((~~or~~)) soil erosion prevention, or ((~~unless the trail system is specifically designed and~~)) intended to be accessible to ((~~handicapped~~)) persons with disabilities.

47. ((~~Not allowed in a wildlife habitat conservation area. Otherwise, a~~))Allowed only in ((~~the buffer~~)) a riparian area or wetland buffer, or for crossing a category II, III, or IV wetland or a type F, N, or O aquatic area((~~.~~)); or a wildlife habitat network, if:

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a. the trail surface is ((~~made~~)) constructed of pervious materials, except ((~~that public multipurpose trails~~)) when ~~and~~ a public trail~~s constructed for~~ is intended to be accessible to~~access by~~ persons with disabilities may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail section that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;

b. to the maximum extent practical, buffers, riparian areas, and wildlife habitat network areas are expanded equal to the width of the trail corridor including disturbed areas;

c. there is not another feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

d. the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

e. the trail width is minimized to the maximum extent practical and private foot trails are limited to three feet in width;

f. the construction occurs during approved periods for instream work; ((~~and~~))

g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity((~~.~~));

h. the trail shall minimize impacts within a wetland buffer, riparian area, or wildlife habitat network by avoiding a route that parallels the wetland or aquatic area to the maximum extent practical;

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i. trail maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants, or other liquid oily substances within aquatic areas, riparian areas, wetlands, or associated buffers;

j. the trail may be ((~~located across a critical area buffer~~)) allowed to cross a riparian area, wetland buffer, or wildlife habitat network for access to a viewing platform or to a permitted dock or pier; and

((~~i. A~~)) k. a private viewing platform may be allowed if it is:

(1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;

(2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or ((~~its~~)) associated buffer;

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

(5) on footings located outside of the wetland or aquatic area.

48. Only if the maintenance:

a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;

b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and

c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope, or other improved area being maintained.

49. Limited to alterations to create, restore, or enhance ~~aquatic or wetland~~ habitat forming processes or ((~~directly restore~~)) habitat functions and values, including ((~~access for~~)) construction access necessary for the project, as follows:

a. ((~~projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;~~

~~b.~~)) ~~creation, restoration, and enhancement plans shall be prepared by a~~n ((~~qualified biologist~~)) ~~ecological professional~~; ((~~or~~

~~c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan~~)) projects shall provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the critical area; and

b. ~~the applicant provides~~ an ecological critical area report shall include~~that includes the following~~:

(1) an evaluation of the anticipated net change in ecological functions from pre-project to post project; and

(2) ~~a mitigation plan for impacts to critical areas and associated buffers, unless the applicant demonstrates to the satisfaction of the department that the proposed project will provide a net ecological benefit and increase in function over the existing conditions of the project area; and~~

~~(3)~~ a monitoring and reporting plan to demonstrate the gain of ecological function.

Commented [JN192]: This condition covers all critical areas, not just aquatic and wetland habitats. Deleted for clarity.

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Commented [JN193]: Deleted, as this is duplicative to requirements for a critical area report.

Commented [JN194]: Moves language from below.

50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

51.a. Allowed ((~~for the~~)) if done with minimal clearing and grading, including site access, necessary to prepare critical area reports.

((~~52.~~)) b. The following are allowed in a wetland, wetland buffer, aquatic area, riparian area, and severe channel migration hazard area if associated spoils are contained:

((~~a.~~)) (1) data collection and research if carried out to the maximum extent practical by nonmechanical or hand((~~-~~))held equipment;

((~~b.~~)) (2) survey monument placement;

((~~c.~~)) (3) site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand((~~-~~))held equipment ((~~and~~)); or

(4)~~d.~~ similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act or consultation under Section 7 of the Endangered Species Act.

52. Repealed.

53. ((~~Limited to~~)) a. Allowed for agricultural activities in the same footprint if:

(1) in continuous existence ((~~since~~)) as of January 1, 2005((~~, with no expansion within the critical area or critical area buffer~~)); or

(2) legally established after January 1, 2005, and in continuous existence since establishment.

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Commented [JN196]: Existing code limits Condition 52 to these critical areas in the alterations table above. The merging of Conditions 51 and 52 in the alteration table requires calling out these specific critical areas for this subsection.

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Commented [JN198]: Separates expansion to condition 54.

b. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states not exceeding seven years and associated with these ((~~horticultural and~~)) agricultural activities. Transfer of ownership, sale, or leasing of land shall not affect continuous existence.

54. Only ((~~A~~))allowed ((~~for~~)) as follows:

a. Limited to the following activities:

(1) expansion of existing agricultural activities qualifying under subsection D.53. of this subsection;

(2) conversion of one type of agricultural activity to another, including changing the types of crops harvesting method or changing from crops to livestock, qualifying under subsection D.53. of this section; or

(3) establishment of new agricultural activities; ((~~where:~~

~~a. the site is predominantly involved in the practice of ((agriculture)) agricultural activities;~~))

b. agriculture is the primary activity on the site;

c. there is no expansion or new activity in((~~to~~)) an area that:

(1) has been cleared under a class I, II, III, IV-S, or nonconversion IV-G forest practice permit; ((~~or~~))

(2) is ((~~more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including~~)) an aquatic area or a wetland, except grazed or tilled wet meadows; or

Commented [JN199]: Horticulture is included in agricultural activities. No other specific ag activities are called out here (like grazing livestock), so removing for streamlining.

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Commented [JN200]: Addresses transfer of ownership

Commented [JN201]: Condition 54 addresses expansion of existing activities

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Commented [JN202]: Reframes the use to be primary on the site, rather than the site having a primary use. Lists out specific uses from the land use table that pertain specifically to growing crops/animals

Commented [JN203]: Changes made to match Executive's intent to limit agricultural activities under Condition 54 to those on sites primarily used for agriculture ("the use of land for commercial purposes for either the raising of crops or livestock or the production of agricultural products, or both"), rather than agricultural activities (which includes other uses like processing, promotion, sale, storage, packaging and distribution). This reverts this back to existing code.

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Commented [EA204]: Clarifies that alteration within an aquatic area would be prohibited.

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Commented [EA205]: Adds allowance for alterations in grazed or till wet meadow wetlands, consistent with other allowances in the Code.

(3) is a wetland buffer~~.~~ or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer~~.~~. Native forest overstory, shrub, or herbaceous layer ~~not including~~excludes areas ((~~that are actively managed as agricultural crops for pulpwood, Christmas trees, or ornamental nursery stock~~)) where native species are commercially planted and harvested as crops; and

((~~e.~~)) d. the activities are ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity((~~; and~~

~~d. all best management practices associated with the activities specified in the farm management plan are installed and maintained~~)).

55. Only allowed if:

a. associated with an activity that qualifies under subsection D.53. or D.54. of this section;

b. located in an existing grazed, ((~~or~~)) tilled ((~~wet meadows or ((their))~~ ~~associated~~ ~~buffers if:~~

~~a. the facilities are designed to the standards of an approved farm management plan~~ ~~or livestock management plan and~~ ~~in accordance with~~ K.C.C. 21A.24.051 ((~~or an approved livestock management plan in accordance with K.C.C. chapter 21A.30~~)), or impervious area;

c. there is no expansion or new activity in areas identified in subsection D.54.c. of this section;

((~~b.~~)) d. there is ((~~not a~~)) no other feasible alternative location available on the site that is located outside of the critical area or associated buffer; ((~~and~~

Commented [JN206]: Clarity edits.
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Commented [JN207]: Removes specific examples of trees
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Commented [JN208]: Consistency edits.
Commented [JN209]: Narrows BMPs to only those that apply to the activity, rather than the entire site
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Commented [JN210]: Consolidates farm BMPs into subsection c.
Commented [JN211]: Condition 55 addresses existing agricultural activities and expansion of agricultural activities. New agricultural activities are not allowed.

This note replaces 53, 54, 55, and 56 for livestock manure storage facilities and livestock heavy use areas. It is intended to maintain the same conditions (with edits) as 53-56

Commented [JN212]: Limits the construction of a livestock manure storage facility to commercial agriculture uses only
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Commented [JN213]: Correction to match Executive's intent
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~~e.~~)) e. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity; and

f. the ((~~facilities are~~)) alteration is located as close to the outside edge of the critical area or critical area buffer to the maximum extent practical; and

g. within a severe channel migration hazard area, the alteration is located:

(1) outside of the shoreline jurisdiction; and

(2) in an area with the least risk from channel migration.

56. ((~~Only allowed in:~~

~~a.(1) a severe channel migration hazard area located outside of the shoreline((s)) jurisdiction area;~~

~~(2) grazed or tilled wet meadow or wet meadow buffer; or~~

~~(3) ((aquatic area buffer)) grazed or tilled riparian area; and only if:~~

~~b.(1) the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;~~

~~(2) there is ((not another)) no other feasible location available on the site that is located outside of the critical area or critical area buffer;~~

~~(3) the farm pad, livestock manure storage facility, or livestock heavy use area is designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051; and~~

~~(4) for proposals located in the severe channel migration hazard area, the farm pad, or livestock manure storage facility, or livestock heavy use area is located where it is least subject to risk from channel migration.~~

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Commented [JN215]: This is added in from Condition 56.

Commented [JN216]: Condition 56 is consolidated into Condition 55.

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~~57.~~)) Allowed for new agricultural drainage ((~~in compliance~~)) consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051 ((~~and all~~)), including any best management practices ((~~associated with~~)) applicable to the ((~~activities specified in the farm management plan are installed and maintained~~)) activity.

((~~58. If~~)) 57. Allowed as follows:

a. if conducted in accordance with an approved forest management plan or farm management plan in accordance with K.C.C. 21A.24.051; or

b. without an approved forest management plan or farm management plan, only if:

(1) the agricultural drainage is not used by salmonids((~~, maintenance shall ((be in compliance)) comply with an approved farm management plan in accordance with K.C.C. 21A.24.051~~));

(2) vegetation removal is undertaken with hand labor, including handheld mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides, or biological control methods;

(3) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

(4) the cleared area is revegetated with native vegetation or climate-adaptive plants and stabilized against erosion; and

(5) herbicide use is in accordance with federal and state law.

58. Only for maintenance of agricultural waterways if:

a. the purpose of the maintenance is to improve agricultural production on a site predominately engaged in the practice of agriculture;

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Commented [JN218]: Consistency edits.

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Commented [JN219]: Condition 58 is moved up to Condition 57. Condition 23 was incorporated into this condition.

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Commented [JN220]: This was condition 69.

b. the maintenance is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife in accordance with chapter 77.55 RCW;

c. the maintenance complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;

d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;

e. the maintenance complies with K.C.C. chapter 16.82; and

f. the alteration is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed ((~~within existing landscaped areas or other previously disturbed areas~~)) on sites with an activity that qualifies under subsections D.53. or 54. of this section when:

a. consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the activity;

b. there is no other feasible location with less impact on critical areas and associated buffers;

c. in compliance with the Surface Water Design Manual, which includes:

Commented [JN221]: Adds consistency with farm management plan to requirements

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Commented [JN222]: Condition 29 is moved to condition 59.

(1) farmland dispersion requirements for properties within an Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A; or

(2) any applicable flow control best management practices for all other properties;

d. access is located where it is least subject to risk from channel migration;

e. a floodplain development permit is obtained for any action within the floodplain; and

f. all other required state and federal permits have been obtained and actions comply with such permits.

60. ~~((Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:~~

~~a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;~~

~~b. the residential utility service distribution lines meet ((all of)) the following, to the maximum extent practical:~~

~~(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;~~

~~(2) not located over a type S aquatic area;~~

~~(3) paralleling the channel or following a down-valley route near the channel is avoided;~~

~~(4) the width of clearing is minimized;~~

Commented [JN223]: With the changes in the farm field access drive definition, changes are made to distinguish when certain provisions apply to FPP, APD, and A zone properties

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~~(5) the removal of trees greater than twelve inches diameter at breast height is minimized;~~

~~(6) an additional, contiguous, and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;~~

~~(7) access for maintenance is at limited access points into the critical area buffer.~~

~~(8) the construction occurs during approved periods for instream work;~~

~~(9) bored, drilled, or other trenchless crossings are ((is)) encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and~~

~~(10) open trenching across Type O or Type N aquatic areas is only used during low-flow periods or only within aquatic areas when they are dry.~~)) Limited to nonresidential farm structures only in grazed or tilled wet meadows, wetland buffers, riparian areas where:

a. the primary use of the site is an activity qualifying under subsection D.53. or 54. of this section;

b. the structure is consistent with an approved farm management plan in accordance with K.C.C. 21A.24.051, including any best management practices applicable to the structure;

c. the structure is either:

(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas, and the area was not used for crop production;

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Commented [JN225]: Condition 3 is moved to condition 60, with edits. This move puts most agricultural activities together in one location.

Commented [JN226]: Requires the site to primarily have an agricultural activity.

Commented [JN227]: Consistency edits and consolidation of what was previously subsection B.3.d.

Commented [JN228]: Where multiple BMPs are on a property, changes are made here so that it is only the structure that needs to be consistent with applicable BMPs

(2) higher in elevation and no closer to the critical area than its existing position; or

(3) at a location away from existing impervious surface areas that is determined to be the optimum location in the farm management plan;

d. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and

e. in an alluvial fan hazard area or a severe channel migration hazard area if:

(1) there is no feasible alternative location on-site;

(2) the structure is located where it is least subject to risk from alluvial fan hazards or channel migration;

(3) the structure is not used to house animals or store hazardous substances; and

(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.

61. Allowed if sponsored or cosponsored by the countywide flood control zone district, or the department of natural resources and parks and the department of local services, permitting division, determines that the project and its location:

a. is the best flood risk reduction alternative ((~~practicable~~)) practical;

b. is part of a comprehensive, long-term flood management strategy;

c. is consistent with the King County Flood Management Plan policies;

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d. will have the least ((~~adverse~~)) impact on the ecological functions of the critical area or ((~~its~~)) associated buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

e. has been subject to public notice in accordance with K.C.C. 20.44.060.

62.a. Not allowed in wildlife habitat conservation areas;

b. Only allowed if:

(1) the project is sponsored or cosponsored by a public agency whose primary function ((~~deals with~~)) is natural resources management;

(2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function ((~~deals with~~)) is natural resources management;

(3) there is not a feasible alternative location available on the site with less impact to the critical area or ((~~its~~)) associated buffer;

(4) the aquatic area or wetland is not for salmonid rearing or spawning;

(5) the project minimizes the footprint of structures and the number of access points to any critical areas; and

(6) the project meets the following design criteria:

(a) to the maximum extent practical size of platform shall not exceed one hundred square feet;

(b) all construction materials for any structures, including the platform, pilings, exterior and interior walls, and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an ((~~adverse~~)) impact on water quality;

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(c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;

(d) structures shall be located outside of the wetland or aquatic area landward of the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark or open water component, ((~~(~~))if applicable((~~)~~)), to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the ((~~O~~))ordinary ((~~H~~))high ((~~W~~))water ((~~M~~))mark;

(f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons;

(g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;

(h) trail access is designed in accordance with public rules adopted by the department;

(i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the ((~~proposal~~)) project. Only minimal hand clearing of vegetation is allowed; and

(j) disturbed bare ground areas around the structure ((~~must~~)) shall be ((~~replanted~~)) revegetated with native vegetation or climate-~~smart~~ adaptive plants approved by the department.

Commented [JN232]: Consistency edit to reflect the terminology used in this condition 62.

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63. ((~~Not a~~))Allowed ((~~in the severe channel migration ((zone,)) hazard area. Otherwise allowed~~)) if there is no alternative location with less ((~~adverse~~)) impact on the critical area and buffer, and clearing is minimized to the maximum extent practical.

64. ((~~Only structures wholly or partially supported by a tree and used as accessory living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the following:~~

~~a. not allowed in wildlife habitat conservation areas, wetlands, aquatic areas, or severe channel migration hazard areas;~~

~~b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;~~

~~c. the structure shall be located as far from ((the critical area)) wetlands or aquatic areas as practical, but in no case closer than seventy-five feet from ((the critical area)) a wetland or an aquatic area;~~

~~d. only one tree-supported structure within a critical area buffer or riparian area is allowed on a lot;~~

~~e. all construction materials for the structure, including the platform, pilings, exterior and interior walls, and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass, or cured concrete that the department determines will not have an adverse impact on water quality;~~

~~f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife~~

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Commented [JN234]: Severe Channel Migration Hazard Areas were moved their own column in the table above with a blank cell (not allowed). This note deletes severe channel migration hazard areas as it is not needed.

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~~and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;~~

~~g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:~~

~~(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;~~

~~(2) the attachments shall be constructed using the best available tree anchor bolt technology; and~~

~~(3) an ((ISA)) International Society of Arboriculture Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;~~

~~h. exterior lighting shall meet the following criteria:~~

~~(1) limited to the minimum quantity of lights necessary to meet the building code requirements to allow for safe exiting of the structure and stairway; and~~

~~(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;~~

~~i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting, and rearing seasons;~~

~~j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;~~

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~~k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and~~

~~l. vegetated areas within the critical area buffer or riparian area that are temporarily impacted by construction of the structure shall be restored by planting native vegetation or climate-smart plants according to a ((vegetation management)) mitigation plan approved by the department.~~)) Allowed within existing landscaped areas or other previously disturbed areas.

65. Shoreline water dependent and shoreline water oriented uses are allowed in ((~~the aquatic area and aquatic area buffer of a~~)) ((~~T~~))type S aquatic area and adjacent riparian area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW, and the ((~~King County~~)) Comprehensive Plan.

66. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14., and only as follows:

a. there is ((~~not another~~)) no other feasible location within the aquatic area with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the facility and corridor ((~~is~~)) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score of ((~~8~~)) eight points or greater;

d. the corridor width is minimized to the maximum extent practical;

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e. paralleling the channel or following a down-valley route within ((~~an aquatic area buffer~~)) a riparian area is avoided to the maximum extent practical;

f. the construction occurs during approved periods for instream work;

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. ((~~the facility and corridor ((is)) are not~~)) no new facilities are located within a severe channel migration hazard area;

i. to the maximum extent practical, buildings will be located outside the wetland buffer or riparian area and away from the wetland or aquatic area ((~~or wetland~~));

j. to the maximum extent practical, access for maintenance is at limited access points into the critical area or associated buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary, the following standards are met:

(1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

k. the facility does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility, or other infrastructure owned or operated by a public utility.

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67. Only hydroelectric ((~~generating~~)) generation facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows:

a. there is no((~~t an~~))other feasible location with less ((~~adverse~~)) impact on the critical area and ((~~its~~)) associated buffer;

b. the alterations will not subject the critical area to an increased risk of landslide or erosion;

c. the corridor width is minimized to the maximum extent practical;

d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. the facility and corridor do not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and ((~~is~~)) are consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury ((~~is~~)) are eliminated or minimized in the landslide hazard area; and

f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger ((~~must~~)) shall be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

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c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. ((~~Only for maintenance of agricultural waterways if:~~

~~a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;~~

~~b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife ((pursuant to)) in accordance with chapter 77.55 RCW;~~

~~c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of local services, permitting division, and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;~~

~~d. the person performing the maintenance and the landowner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and~~

~~e. the maintenance project complies with K.C.C. chapter 16.82~~)) Repealed.

~~70. Only allowed within an alluvial fan hazard area, and overlapping critical areas if:~~

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a. in response to an emergency event where channel avulsion or migration is imminent or has occurred as a result of a pulse of in-channel sediment or debris deposition;

b. to prevent an imminent threat to:

(1) public roadways, utilities, and other infrastructure;

(2) sole access driveways and roads;

(3) primary dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures;

(4) agricultural activities structures necessary to store equipment, produce, or livestock;

c. conducted under an approved emergency authorization request per K.C.C. 16.082.065;

d. the emergency work is completed within thrity days of receiving a written emergency authorization;

e. the emergency work is the minimum necessary bank stabilization, sediment removal, or repair of existing infrastructure to mitigate the imminent threat;

f. proposed in-stream work is minimized or results in the least adverse impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area;

g. downstream sediment runoff and turbidity is minimized and does not exceed the impact of the emergency event;

~~h. the applicant provides sufficient notice of work to the department for a department representative to be present at the site during work activities, if the department determines that observation is necessary;~~

~~i. as part of the permitting process following the emergency authorization, the applicant proposes compensatory mitigation and additional alterations as necessary to:~~

~~(1) mitigate any adverse ecological impacts of the emergency actions;~~

~~(2) minimize the risk of alluvial fan hazards that could result in the necessity of future emergency actions to the maximum extent practical; and~~

~~(3) minimize to the maximum extent practical the frequency and magnitude of future adverse ecological impacts that may result from future hazard mitigation activities; and~~

~~j. nonemergency work required under the subsequent permit occurs during approved periods for in-stream work and conforms to all other standards in this chapter.~~

SECTION ~~42~~50. Ordinance 15051, Section 138, as amended, and K.C.C. 21A.24.051 are hereby amended to read as follows:

A. ((~~The alterations identified in K.C.C. 21A.24.045 for a~~))Agricultural activities ((~~are allowed to expand within ((the buffers of)) wetland((s)) buffers, ((aquatic areas)) riparian areas, and wildlife habitat conservation areas,) when an agricultural activity is currently occurring on the site and the alteration is in compliance~~ with an approved farm management plan ~~in accordance with~~)) allowed under K.C.C. 21A.24.045 shall meet the requirements of this section.

Commented [JN243]: This section is re-written to focus on the development standards for agricultural activities, rather than another layer of allowances/restrictions in addition to the alterations table.

The changes in this subsection A are intended to be clear on the purpose of the section and reflect the development standard focus with a cross reference to connect to alterations table in K.C.C. 21A.24.045.

This section focuses on the scope/requirements of agricultural activities, such as how agricultural activities are designated, in addition to requirements of a farm management plan. Where agricultural activities are allowed remains limited by K.C.C. 21A.24.045 (and is mentioned so in this section).

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B. For the purposes of this chapter, proof of agricultural activities and commercial production of agricultural products may be demonstrated through one or more of the following:

1. filing of an IRS schedule F for the preceding year;

2. currently holds a USDA organic certification producer certification;

3. enrolled in the current use classification "farm and agricultural land" under chapter 84.34 RCW;

4. meets the eligibility for current use classification "farm and agricultural land" under chapter 84.34 RCW with proof of enrollment within two years; or

5. other comparable documentation of commercial farming activity accepted by the department.

C. Farm management plans shall be consistent with this section and, for livestock activities, ((~~a farm management plan in accordance~~)) also consistent with K.C.C. chapter 21A.30.

((~~B.~~)) D. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.

((~~C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas,~~

Commented [JN244]: The proposed definition of commercial production of agricultural activities is removed from above and incorporated into this section with modifications.

The changes reduce the duration to allow newer commercial farmers to meet these requirements.

Commented [JN245]: Clarity edits to better connect to K.C.C. 21A.30.

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~~horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.~~

~~D.~~)) E. ~~The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.~~ A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;

2. To maintain, restore, or enhance critical areas to the maximum extent practical in accordance with the site-specific goals of the landowner;

3. To the maximum extent practical in accordance with the site-specific goals of the landowner, maintain, and enhance natural hydrologic systems on the site;

4. To use federal, state, and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and

5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

((~~F.~~)) F. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;

2. Consider the priorities of the King County shoreline protection and restoration plan; and

Commented [JN246]: This section is duplicative with K.C.C. 21A.24.061, which discusses DNRP as being the primary agency and development of a public rule. Revisions are made to this section to focus only on applicants/FMP requirements and K.C.C. 21A.24.061 focuses on County agency roles.

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3. Ensure no net loss of shoreline ecological functions and critical area functionsal and values.

((F. ((The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County.)) G. The plan shall include, but is not limited to, the following elements:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;

2. Site-specific performance standards and best management practices to maintain, restore, or enhance critical areas and ((their)) associated buffers, and maintain and enhance native vegetation on the site, including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;

3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;

4. A plan for implementation of performance standards and best management practices;

5. A plan for monitoring the effectiveness of measures taken to protect critical areas and ((their)) associated buffers ((and to modify)). Modification to the farm management plan should shall occur if ((adverse)) impacts ((occur)) to critical areas or associated buffers are identified.

((G.)) H. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

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((~~H. A~~)) I. For purposes of applying the regulations in K.C.C. chapter 21A.24, a farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, ((~~which may be through a program offered or approved by King County,~~)) to verify that the plan is ((~~reasonably~~)) likely to accomplish the goals in subsection ((~~D.~~)) E. of this section and consistent with subsection ((~~E.~~)) F. of this section.

((~~I.~~)) J. ((~~Once approved, a~~))Activities carried out ((~~in compliance~~)) consistent with ((~~the~~)) an approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, ((~~the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action,~~)) the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION ~~43~~51. Ordinance 15051, Section 140, as amended, and K.C.C. 21A.24.061 are hereby amended to read as follows:

A. The King County council recognizes that ((~~rural stewardship plans and~~)) farm management plans ((~~are key elements of this chapter that~~)) provide flexibility to natural resource land and rural area residents to establish and maintain a rural lifestyle that includes activities such as farming ((~~and forestry~~)), while maintaining and enhancing rural character and environmental quality.

B. The department of natural resources and parks shall be responsible for farm management plans that are filed with the county and serve as the primary county agency

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point of contact. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out the responsibilities under this chapter relating to farm management plans. King County and the King Conservation District may enter into agreements to carry out the provisions of this title relating to farm management plans.

C.1. The department of natural resources and parks and department of local services shall adopt public rules to implement K.C.C. 21A.24.045 ((~~and~~)), 21A.24.051 ((~~relating to rural stewardship plans and farm management plans~~)), and K.C.C. 21A.30.045, consistent with the provisions of this section. The rules shall ((~~not compromise~~)) be consistent with the King Conservation District's mandates or standards for farm management planning. The rules may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads, and agricultural drainage.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the rule making under this section required by this ordinance and each subsequent update to the public rule, the director of natural resources and parks shall:

a. Request comment from Indian tribes no less than sixty days before the adoption of the final rule;

b. Meet with and consider the comments of Indian tribes before adoption of the final rule; and

Commented [JN256]: Language from K.C.C. 21A.24.051.C. moved to this section.

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Commented [JN257]: Language from K.C.C. 21A.24.051.C. moved to this section.

Commented [JN258]: Adds public rule process for farm management plans.

c. Provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the proposed rule, and a response with how the final rule addresses the comments.

3. The public rule required as a result of this ordinance shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including, but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

((~~C.~~)) D. County departments or approved agencies shall provide technical assistance and resources to landowners to assist them in preparing the plans. The technical assistance shall include, but is not limited to, web-based information, instructional manuals, and classroom workshops. When possible, ((~~the assistance shall be provided at little or no cost to landowners~~)) the cost of such assistance shall be minimal to the landowner. ((~~In addition, t~~))The department of natural resources and parks shall develop, in consultation as necessary with the department of local services, permitting division, and the King Conservation District, ((~~and make available to the public,~~)) model farm management((~~, forest management and rural stewardship~~)) plans illustrating examples of plan application content, drawings, and site plans, ((~~to assist landowners in their development of site-specific plans for their property~~)) and make them available to the public.

((~~D. The department of natural resources and parks ((is)) shall be the primary county agency responsible for ((rural stewardship plans and)) farm management plans~~

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~~that are filed with the county under this chapter. The department of natural resources and parks shall consult with the department of local services, permitting division, in carrying out ((its)) the responsibilities under this chapter relating to ((rural stewardship plans and)) farm management plans. The department of natural resources and parks, the department of local services, permitting division, and the King Conservation District may enter into agreements to carry out the provisions of this chapter relating to ((rural stewardship plans and)) farm management plans.~~))

Commented [JN260]: This is moved up to subsection B for clarity.

E. The department of natural resources and parks and department of local services, permitting division, shall monitor and evaluate the effectiveness of ((~~rural stewardship and~~)) farm management plans in meeting the goals and objectives of those plans established in this chapter.

SECTION 4452. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are hereby amended to read as follows:

A. ((~~The director may approve exceptions to allow alterations to~~)) If application of this chapter denies all reasonable use or prohibits a development proposal, an applicant may apply for an exception in accordance with this section. Except in flood hazard areas, alluvial fan hazard areas, and severe channel migration hazard areas, an exception under this section may be allowed in critical areas, critical area buffers, and critical area setbacks((~~, except for flood hazard areas, alluvial fan hazard areas, and severe channel hazard migration areas, not otherwise allowed by this chapter as follows:~~

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~~1. For linear alterations, ((E))except as otherwise provided in subsection A.2. of this section((, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only)) when~~)).

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B. A request for an exception in the shoreline jurisdiction shall be processed as a shoreline variance under K.C.C. 21A.44.090.

C. A public agency or utility may apply for a critical area alteration exception if application of this chapter denies a development proposal. A public agency or utility critical area alteration exception shall meet all of the following criteria ((~~are met~~)):

((~~a.~~))1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

((~~b.~~)) 2. ((~~t~~))The development proposal minimizes ((~~the adverse~~)) impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~c.~~)) 3. ((~~t~~))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

~~d.~~)) 4. ((~~t~~))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; ~~and~~

((~~e. the~~)) 5. For linear alterations:

((~~(1)~~)) a. the alteration connects to or is ((~~an alteration to~~)) a public roadway, regional light rail transit line, public trail, ((~~a~~)) utility corridor or utility facility, railroad, hydroelectric generation facility, or other public infrastructure owned or operated by a public utility; or

((~~(2)~~)) b. the alteration is required to overcome limitations due to gravity;

((~~2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical~~

Commented [JN262]: Moved up from subsection B.2. below. The requirement for a shoreline variance applies to all exceptions that are in this section, not just reasonable use exceptions. Change is intended to clarify current practice.

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~~area buffers, and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and ((its)) associated buffer;~~)) and

((~~3. F~~)) 6. For nonlinear alterations, ((~~except as otherwise provided in subsection A.3.h. of this section, the director may approve exceptions to allow alterations to critical areas except aquatic areas, wildlife habitat conservation areas, and wetlands, ((unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas,~~)) and may approve alteration((~~s~~)) exceptions to critical area buffers and critical area setbacks, when all of the following criteria are met~~))~~:

a. a regional light rail transit facility under RCW 36.70A.200 may be allowed in any critical area, critical area buffer, or critical area setback, except those identified in subsection A. of this section;

b. a public school in a category II, III, and IV wetland may be allowed; and

c. all other nonlinear alterations shall not be located in an aquatic area, wildlife habitat conservation area, wetland, or fish spawning area;

D. A property owner may apply for a private development critical area alteration exception if application of this chapter denies a development proposal in a steep slope hazard, landslide hazard area, riparian area, critical aquifer recharge area, wildlife habitat network, critical area buffer, or critical area setback. A private development critical area alteration exception shall meet all of the following criteria:

1. ((~~t~~))There is no feasible alternative to the development proposal with less ((~~adverse~~)) impact on the critical area;

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Commented [JN270]: This language is moved from subsection A.3. "the director may approve alterations to critical areas **except wetlands,** unless otherwise allowed under subsection A.3.h. of this section**, aquatic areas and wildlife habitat conservation areas,** and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met."

Fish spawning area reflects requirements in A.3.g.

Commented [JN271]: This section now addresses private CAAE applications. Change to be stated in the positive (states which critical areas it can apply to, rather than listing what critical areas this can't apply to) for clarity.

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2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

((~~b.~~)) 3. ((t))The alteration is the minimum necessary to accommodate the development proposal;

((~~c.~~)) 4. ((t))The ((~~approval~~)) exception does not require the modification of a critical area development standard established by this chapter;

((~~d.~~)) 5. ((t))The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~e.~~)) 6. ((f))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations ((~~and maintained yard and landscaping~~)), but not including the area used for a driveway or for an on-site sewage disposal system((~~. When the site disturbance is within a critical area or associated buffer, the ((building)) critical area setback line shall be measured from the ((building footprint)) edge of the structure to the edge of the approved site disturbance;~~

~~f. to the maximum extent practical, access is designed and located to have the least adverse impact on the critical area and critical area buffer~~)); and

~~g.~~)) 7. ((t))The critical area is not ((~~used as~~)) a~~)) potential~~ ((~~salmonid~~)) fish spawning ((~~area(()) habitat; and~~

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~~h. the director may approve an alteration in a category II, III, and IV wetland for development of a public school facility.~~

~~B. The director may approve a reasonable use exception to allow alterations to critical areas, critical area buffers, and critical area setbacks, except for flood hazard areas,~~)),

E. An applicant may apply for a reasonable use exception ~~alluvial fan hazard areas, and severe channel hazard migration hazard areas,~~ if the application of this chapter would deny all reasonable use of the property ((~~as follow~~)). A reasonable use exception shall meet all of the following:

1. ((~~If the critical area, critical area buffer, or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all ((of)) the following criteria are met:~~

~~a. t~~))There is no other reasonable use with less ((~~adverse~~)) impact on the critical area;

2. The development proposal minimizes impacts on critical areas to the maximum extent practical and complies with avoidance and mitigation sequencing in K.C.C. 21A.24.125;

3. The alteration is the minimum necessary to allow for reasonable use of the property; and

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((~~b.~~)) 4. The development proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

((~~c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property;~~)) and

((~~d.~~)) 5. ((~~f~~))For dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, ((~~building~~)) critical area setbacks, or other land alteration, including grading, utility installations, and maintained yard and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system((~~; and~~

~~2. If the critical area, critical area buffer, or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090~~)).

((~~C.~~)) F. For the purpose of this section:

1. ((~~"Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric ((generating)) generation facilities, utility corridors, and utility facilities~~)) When a site disturbance is within a critical area or associated buffer, the critical area setback line shall be measured from the edge of a structure to the edge of the approved site disturbance; and

2. ((~~For purposes of subsections A. and B. of this section, a~~))Areas located ((~~within the shoreline jurisdiction that are~~)) below the ordinary high water mark shall not be included in calculating the site area.

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Commented [JN285]: This list is folded into the linear alteration section above.

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((~~D.~~ ((~~Alteration e~~)) G. ((e))Exceptions approved under this section shall meet the mitigation requirements of this chapter.

((~~E.~~)) H. An ((~~applicant~~)) application for an ((~~alteration~~)) exception shall ((~~submit~~)) provide a critical area report((~~, as required by~~)) consistent with K.C.C. 21A.24.110.

~~F~~I. An exception shall not be approved if the inability of the applicant to derive reasonable use of the property is the result of actions by the current or prior property owner.

SECTION ~~45~~53. Ordinance 10870, Section 456, as amended, and K.C.C. 21A.24.090 are hereby amended to read as follows:

((~~If a development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether~~)) An applicant for a development permit ~~for a development proposal~~ or a critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, shall provide ~~the following~~:

A. A d~~D~~isclosure of critical areas on the development proposal site ~~or sites~~, including mapped or identifiable critical areas within ~~the distance equal to~~ the largest potential ~~required~~ critical area buffer ~~applicable to the development proposal~~; and

B. An affidavit indicating whether~~:~~

~~1.~~ ((~~T~~))the applicant has knowledge of any illegal alteration to ((~~any or all~~)) ~~the~~ critical areas or associated buffers on the development proposal site((~~ or sites; and~~

((~~B.~~)) ~~2. The applicant previously has been found in violation of this chapter for any property in King County, in accordance with K.C.C. Title 23. If the applicant~~

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~~previously has been found in violation, the applicant ((shall)) must declare whether the violation has been corrected to the satisfaction of King County)).~~

SECTION 4654. K.C.C. 21A.24.500, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.090.

SECTION 4755. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are hereby amended to read as follows:

A.((~~1.~~)) A property owner or ((~~the property owner's agent~~)) applicant may ((~~request~~)) apply for a critical area designation for ~~a site consisting of~~ part or all of a ((site)) ~~parcel~~((~~, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department~~)).

~~2~~1. ((~~If the request is for review of a portion of a site, t~~))The application shall include a map identifying ((~~the portion~~)) ~~all areas of~~)) the ((~~site~~)) ~~parcel for which the designation is sought~~)) parcel. ~~The designation shall not apply to any areas of the parcel other than those identified in the application and approved by the department.~~

((~~2. ((The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.~~))

~~3. If deemed necessary by the department, s~~Supporting critical area reports~~, prepared in accordance~~consistent with K.C.C. 21A.24.110~~,~~ may be required by the department.

Commented [EA290]: Removes requirement for an applicant to report personal code violations

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Commented [JN291]: Reverts back to allowing one critical area designation for a site. Fees are changed in Title 27 based on site size. Streamlining and consistency edits.

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~~4. The review by the department shall evaluate, determine, and document the existence, location, and classification of the critical areas within the areas indicated on the application.~~

Commented [JN295]: Moved (with edits) to subsection B.

B. ((~~In preparing the critical area designation, the department shall perform a critical area review to:~~

~~1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;~~

~~2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;~~

~~3. Evaluate the critical area report, if required; and~~

~~4. Document the existence, location and classification of any critical area.~~

~~C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;~~

~~D.~~)) ~~The department shall ((make the determination of))~~ issue ~~a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100.A.1. through 5. are excluded from the one-hundred-twenty-day period.~~

Commented [JN296]: Removed to avoid conflicts with permitting timelines in K.C.C. Title 20.

((~~If the determination applies to less than an entire site, t~~))~~T~~he determination)) The department shall evaluate and determine the existence, location, and classification of any

critical areas within the area indicated on the application. The designation shall clearly identify the portion of the ((~~site~~)) parcel to which the determination applies.

((~~E.1.~~)) C. The written determination made under this section is final and effective for five years from the date of issuance as to the existence, location, classification of any critical area ((~~and critical area buffers~~)) on the site, unless:

((~~a.~~)) 1. ((~~t~~))There is a change in site conditions;

((~~b.~~)) 2. New or additional information becomes available that conflicts with or invalidates information that formed the basis of the department's determination, including, but not limited to, discovery of an unpermitted critical area alteration~~,~~ or the adoption of revised methods for critical area classification; or

3. A county, state, or federal agency adopts one of the following critical area maps that conflict with the department's ((~~written~~)) determination((~~,~~)):

a. Critical aquifer recharge areas;

b. Wildlife habitat network;

c. Channel migration zones;

d. Flood hazard areas.

((~~2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.~~

~~F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an~~

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~~application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner~~''~~s decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.~~))

SECTION 4856. Ordinance 10870, Section 457, as amended, and K.C.C. 21A.24.100 are hereby amended to read as follows:

A. ((~~Before any~~))~~Prior to clearing, grading, or site preparation, t~~))The department shall perform a critical area review ((~~for any~~)) of development ((~~proposal~~)) permit applications or other request ((~~for permission~~)) to alter a site to determine ((~~whether there is~~)):

1. The existence, location, and classification of ((~~A~~)) critical areas and active breeding sites of protected species:

a. on the ((~~development proposal~~)) site~~)) parcel~~; and

((~~2. ((An active breeding site of a protected species on the development proposal site; or~~

~~3. A critical area or active breeding site of a protected species that has been mapped, identified within three hundred feet of the applicant's property or that is visible~~

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~~from the boundaries of the site~~)) b. ~~The existence, location, and classification of critical areas~~ within three hundred feet of the site that can be identified by use of available data and methods, including, but not limited to, visual observations from right-of-way or property with right of entry, mapping, aerial imagery, and other critical area determinations ~~for other permits,~~ and ~~available~~ critical area reports;

~~3~~2. The boundaries of critical area buffers and critical area setbacks that apply to the site and area within three hundred feet of the site, consistent with the standards and regulations of this chapter; and

43. Compliance with all other standards and regulations of this chapter.

B. As part of the critical area review, the department shall review ((~~the critical area reports and determine~~)) whether:

1. ((~~There has been an accurate identification of all critical areas~~)) Critical area designations ~~or designations for the parcel are effective pursuant to~~under K.C.C. 21A.24.500, as recodified by this ordinance, are effective;

2. ((~~An alteration will occur to a critical area or a critical area buffer~~)) Critical area ~~report or~~ reports are required ~~with the application under K.C.C. 21A.110~~;

3. ((~~The development proposal is consistent with this chapter~~)) Critical areas, associated buffers, and critical area setbacks have been applied to the site and accurately identified, delineated, and classified ~~with~~in the application ~~documents~~;

4. ((~~The sequence~~)) Proposed alterations ~~prioritize~~ comply with avoidance and ~~minimization measures, followed by mitigation requirements~~mitigation sequencing in K.C.C. 21A.24.125 ((~~has been followed to avoid impacts to critical areas and critical area buffers~~)); ((~~and~~))

Commented [JN302]: Clarifies that a critical area determination is not always tied to a permit

Commented [JN303]: streamlining

Commented [EA304]: Streamlining

Commented [JN305]: Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

5. Proposed ((M))mitigation measures ~~required~~ to compensate for ((~~unavoidable adverse~~)) impacts to critical areas ((~~is required and whether the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the general public health, safety and welfare,~~)) and associated buffers are in compliance with K.C.C. 21A.24.130 and all other applicable ~~mitigation~~ requirements of this chapter; and

6. Proposed alterations are consistent with the goals, purposes, objectives, and requirements of this chapter.

C. If a development proposal does not involve any site disturbance, clearing, or grading and only requires a permit or approval under K.C.C. chapters 16.04 or 17.04, critical area review is not required, unless the development proposal is located within a:

1. Flood hazard area;

2. Critical aquifer recharge area; or

3. Landslide hazard area, alluvial fan hazard area, steep slope hazard area, seismic hazard area, or coal mine hazard area and the proposed development will cause additional loads on the foundation, such as by expanding the habitable square footage of the structure or by adding or changing structural features that change the load bearing characteristics of the structure.

D. The determinations made under critical area review of a development proposal permit application shall be consolidated with and subject to the same appeal process as the underlying development proposal, except for any determinations made under an effective critical area designation under K.C.C. 21A.24.500, as recodified by this ordinance, that are classified as an ~~independent~~ standalone decision under K.C.C. 20.20.020.

Commented [JN306]: Consistency edits and streamlining of text.

Commented [JN307]: Change to match Executive's intent.

Commented [EA308]: Consistency edits.

SECTION 4957. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are hereby amended to read as follows:

A. ((An ((applicant)) application for a development proposal that requires)) A critical area report may be required with a critical area review under K.C.C. 21A.24.100 ((shall submit)) or K.C.C. 21A.24.500, as recodified by this ordinance. The department may modify or limit the scope of a critical area report ((at a level determined by the department)) if information is not needed to adequately evaluate the proposal and all probable impacts.

B. ~~in accordance with the applicable critical area report criteria of this chapter.~~In addition to the requirements in this section, critical area reports shall also include ecological and geological report information in sections 58 and 59 of this ordinance based on the affected critical area:

1. Geological critical area report requirements under section 58 of this ordinance apply to alluvial fan hazard areas, channel migration zones, coal mine hazard areas, critical aquifer recharge areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, volcanic hazard areas, and associated buffers; and

2. Ecological critical area report requirements under section 59 of this ordinance apply to aquatic areas, riparian areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, and associated buffers.

B. ((The applicant may combine a c))Critical area reports may be combined with ((any)) additional studies required by other laws and regulations.

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Commented [JN309]: Reframes language to say that a report may be required with a critical area review or designation.

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Commented [JN310]: Clarifies that the department may modify or limit scope to information needed to evaluate the proposal.

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C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. ((~~A~~))a Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. ((~~D~~))documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. ((~~D~~))documentation that the activity fits within Section 4(d) of the Endangered Species Act; or

d. ((~~A~~))an assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, ((~~2010~~)) April 2011. The assessment shall determine if the project ((~~would~~)) adversely affects any ((~~one or more~~)) of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

(5) water quality;

(6) water quantity, including flood and low flow depths, volumes, and velocities;

(7) the river or stream channel's natural planform pattern and migration process;

(8) spawning substrate, if applicable; and

(9) floodplain refugia, if applicable.

((2. The department ((must)) shall require ((a)) projects with adverse ((effects)) impacts on critical areas or associated buffers to ((comply with the impact)) prioritize avoidance((,)) and minimization ((and)) measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130)).

NEW SECTION. SECTION 5058. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. An applicant for a development proposal that requires geological critical area review under K.C.C. 21A.24.100 shall submit aA geological critical area report shall meet the requirements of this section at a level of detail determined by the department to adequately evaluate the proposal and all probable impacts.

B. The geological critical area report shall address all areas of the proposed development site and geologically hazardous areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal.

C. The geological critical area report shall be prepared, stamped, and signed by a geological professional. The geological assessment shall include a field investigation and

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Commented [JN312]: Removes duplication

Commented [JN313]: This subsection A. is being modified to:
-Remove language and cross reference to when a geological critical area review occurs
-Provide more detail on information required in all critical area reports in K.C.C. 21A.24.110 to state it once
- Simplify/narrow the subsection to the contents of a geological report. .100, .110, and .500 cover other aspects of when a review occurs.

Commented [JN314]: Edits to provide additional detail.

may include the use of historical aerial photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, as well as other methods approved by the department. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

D. The geological critical area report shall contain, at a minimum, the following information:

1. Basic information including:

a. the name and contact information of the applicant; the name, qualifications, and contact information for the primary author or authors of the report; and a description of the proposal; and

b. parcel number or numbers of the site;

~~1~~2. A description of site conditions that includes:

a. existing development including structures, impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and above and below ground utilities ~~on the site~~;

b. the extent, quantity and type of existing vegetation cover;

c. a description of the ground surface inclination in percent gradient; ~~and~~

d. a description and location of the surface and subsurface hydrology, including, but not limited to, ~~the location or evidence of any~~ wetlands, aquatic areas,

springs, seeps, or other surface expressions of groundwater. The director may require a hydrogeologic report to accompany the geotechnical assessment if impacts are anticipated;

e. identification and characterization of all critical areas and buffers and areas within the shoreline jurisdiction;

~~6~~3. A site plan that includes:

a. the existing topography with vertical contour intervals of five feet or less ~~unless the underlying project permit requires a smaller interval~~, for the entire site and abutting public rights-of-way, private roads, or access easements;

b. significant geologic contacts, landslides, or downslope soil movement on and within three hundred feet of the site;

c. all identified geologically hazardous areas, buffers, and critical area setbacks;

d. exploration locations;

e. locations of proposed development and clearing limits, if known~~,~~; ~~and~~

f. transects of any provided cross-sections;

g. drainage flow characteristics including pipes, drains, catch basins, drainage structures, culverts, underdrain pipes, and other structures;

~~2~~4. A ~~evaluation~~ description of the geological conditions of the soils and bedrock ~~site~~ that includes:

a. references to mapped geological soil and bedrock units, seismic faults, landslides, alluvial fans, potential liquefaction zones, channel migration zones, and historical coal mines;

b. data regarding underlying geology, slope gradients, soil types, and subsurface information including boring or test pit logs describing soil stratification, and results of soil tests conducted.

~~b~~c. ~~available geotechnical reports, well logs, or other data sources within the vicinity of the site~~ a description of the soils in accordance with the Natural Resource Conservation Service, indicating the potential for erosion;

d. review of the site history regarding landslides, erosion, and prior grading;

~~c~~e. geomorphological features of the site visible through site inspection, aerial photography, LIDAR imagery, or topographic contours;

~~d~~f. on-site soil explorations of sufficient location, distribution, and depth to adequately characterize the subsurface conditions of the site. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region;

~~e~~g. engineering properties of the subsurface soils or bedrock or both ~~on site and adjacent properties~~; ~~and~~

~~f~~h. identification of all existing fill areas;

i. the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction;

~~3~~5. A hazard analysis and finding of risks associated with relevant geologic hazards and the potential impacts to public safety, the hazard area, and the subject property, including, but not limited to:

a. slope stability;

b. potential for liquefaction hazard;

c. debris runout, including from upslope on the site or from neighboring properties and on down slope properties from the site and proposed development;

d. channel migration;

e. erosion rates, slope recession rates, bluff retreat rates, and potential impacts to existing or proposed development from waves or currents, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization in conformance with K.C.C. 21A.25.170; ~~and~~

~~f. additional information required by K.C.C. 21A.25.170, if applicable;~~

64. An evaluation of proposed development which includes:

a. the location and description of proposed development activity;

b. the method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, including infiltration testing or other geological review specifics as required by the ~~King County~~ Surface Water Design Manual;

c. the locations and methods for temporary and permanent erosion control;

d. recommendations for temporary and permanent structure siting limitations, and foundation type and depth~~including buffers and setbacks, in accordance with the development standards of geologically hazardous areas in this chapter~~;

e. recommendations on minimum buffers and setbacks for the specific geological hazard;

f. recommendations for grading procedures, fill placement and compaction criteria, handling contaminated soils and materials, temporary and permanent slope

inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;

g. an estimate of bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or one-hundred-year storm event;

~~e~~h. recommendations for engineering mitigation of hazards; and

~~i~~f. recommendations for vegetation management to mitigate hazards;

~~5~~7. A determination stating whether the ~~proposed~~ alterations minimize risks to people and development ~~on and off the site~~ in accordance with the development standards of this chapter, and rationale to support the determination based on the presented data, analysis, and scientific and engineering practice;

8. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

~~7~~9. All subsurface exploration logs, test logs and results, and other data sources used in the analyses, and

~~8~~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, ~~and~~ or models for estimating how far landslide materials will travel.

~~E. The department shall require a project with adverse impacts to prioritize avoidance and minimization measures, followed by mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.~~

NEW SECTION. SECTION ~~51~~59. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Commented [JN315]: Moved from E, below with the following changes:

Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

Structured as a report requirement, rather than a project standard (which is also listed elsewhere in this code)

Commented [JN316]: Moved to subsection 4 above and modified.

A. ~~An applicant for a development proposal that requires ecological critical area review under K.C.C. 21A.24.100 shall submit an~~An ecological critical area report shall meet the requirements of this section~~at a level of detail determined by the department to adequately evaluate the proposal for all probable impacts~~.

B. The ecological critical area report shall address all areas of the proposed development site and ecological critical areas within three hundred feet of the site or that have the potential to affect or be affected by the proposal. ~~Ecological critical areas include wetlands and all fish and wildlife habitat conservation areas.~~

C. The ecological critical area report shall be prepared and signed by an ecological professional.

D. The ecological critical area report shall contain, at a minimum, the following information:

1. ~~A w~~Wetland, aquatic area, and riparian area delineation ~~report~~ that includes:

a. identification of wetlands and delineation of associated boundaries in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035, including completed data forms and data point locations ~~to demonstrate the presence or absence of wetland conditions~~;

b. rating of wetlands in accordance with the Washington State Wetland Rating System for Western Washington Version 2.0, Washington state Department of Ecology publication number 23-06-009, published 2014 and updated 2023, including completed rating forms;

c. identification of aquatic area locations, typing, and ordinary high water mark~~s~~;

Commented [JN317]: This subsection A. is being modified to:
-Remove language and cross reference to when a ecological critical area review occurs
-Move level of detail information to all critical area reports in K.C.C. 21A.24.110 to state it once
-Simplify/narrow the subsection to the contents of a geological report. .100, .110, and .500 cover other aspects of when a review occurs that doesn't need to be included here

Commented [JN318]: The general critical area report requirements indicate what critical area requires which type of critical area reports. The language is removed here to avoid duplication.

Commented [JN319]: Streamlining of text.

d. identification of severe channel migration hazard areas and floodplains; and

e. determination of applicable wetland buffers and riparian areas;

2. A wildlife study and habitat assessment that identifies any known nests or breeding sites and potential habitat for any federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance, and delineates any known wildlife habitat conservation areas and wildlife habitat networks;

3. A description of existing on-site and adjacent site conditions that includes:

a. existing development, including, but not limited to, structures, roads, impervious surfaces, utilities, clearing, grading, and easements, and whether any existing development is not legally established;

b. the extent and dominant species composition of existing vegetative cover;

c. existing hydrologic characteristics of any wetland or aquatic areas, including sources of hydrology;

d. functions and values of all critical areas ~~found~~present; and

e. location, species, and diameter at breast height of trees three inches in diameter at breast height or larger within critical areas and associated buffers that are within the proposed clearing limits and within striking distance of the proposed development activity. The department may require tree locations to be surveyed;

4. An evaluation of how avoidance and mitigation sequencing, consistent with K.C.C. 21A.24.125, was applied to the development proposal.

~~4~~5. If ~~unavoidable~~ impacts to critical areas or buffers are proposed, an ~~impact~~ analysis that includes:

Commented [JN320]: Moves subsection 5.b. to its own subsection. Avoidance and mitigation sequencing should be done any time there's work in a CA consistent with state law, rather than only when impacts occur (as the language in 5. suggests "if unavoidable impacts to critical areas or buffers are proposed").

Changes to use consistent terminology ("avoidance and mitigation sequencing") throughout code

~~a. demonstration that adverse impacts prioritized avoidance and minimization measures, followed by mitigation sequencing in K.C.C. 21A.24.125.~~

~~b.~~ calculation of square footage of direct permanent impacts to each critical area and buffer;

~~c~~b. calculation of square footage of temporary impacts to each critical area and associated buffer, and estimation of the time required for ecological functions to be restored;

~~d~~c. calculation of indirect impacts to wetlands in accordance with Wetland Mitigation in Washington State: Part 1 Agency Report and Guidance, Version 2 Washington state Department of Ecology, publication number 21-06-003, published April 2021;

~~e~~d. description of vegetation, habitat, functions, and values of each critical area that will be lost or modified due to the proposed impacts;

~~f~~e. an analysis demonstrating that the hydrology of remaining wetlands on or adjacent to the site will not be substantially impacted by the project, using the wetland hydrology protection guidelines in the ~~King County~~ Surface Water Design Manual; and

~~g~~f. a tree risk assessment prepared by an arborist certified by the International Society of Arboriculture for any hazard trees proposed for removal within critical areas or associated buffers;

~~5~~6. A mitigation plan that includes:

a. evaluation of on-site potential for enhancement, rehabilitation, restoration, or creation of critical areas and associated buffers for which mitigation is required;

b. description of on-site mitigation activities proposed and justification that impacts will be adequately offset to ensure no net loss of critical area functions and values, including use of the credit-debit method as applicable for wetland impacts in accordance with Washington state Department of Ecology's Calculating Credits and Debits of Compensatory Mitigation in Wetlands of Western Washington: Final Report, publication 10-06-011, published 2010 and updated 2012, or subsequent updates;

c. calculations of mitigation area required for permanent impacts or long-term temporary impacts, based on the ratios specified within K.C.C. chapter 21A.24;

d. calculation of restoration area required for temporary impacts where ecological functions are expected to be restored within one year;

e. depiction of proposed mitigation and restoration areas and example of planting plan, including irrigation if applicable;

f. plan for installation of wildlife lighting;

g. depiction of wildlife-passable fencing and permanent critical area signs at the edges of critical areas, associated buffers, and disturbed areas, as applicable, and

h. ~~justification~~rationale for and description of any proposed off-site mitigation, including location, methods, quantities, and demonstration that ~~equivalent or greater~~equal or better ecological functions will be achieved;

~~6~~7. A monitoring plan that includes:

a. a monitoring schedule of at least five years, unless otherwise directed by the department to address site-specific conditions such as inclination over twenty percent, excessively drained soils, or mitigation occurs in wetland;

Commented [JN321]: Consistency edits.

Commented [JN322]: Provides examples of when monitoring periods would be increased.

b. success criteria for mitigation activities to meet at the end of each monitoring year;

c. monitoring methods sufficient to determine if success criteria are being met throughout the mitigation area;

d. a maintenance plan to ensure success criteria are met; and

e. a contingency plan if it is determined that mitigation fails to meet success criteria;

~~7~~8. A site plan depicting:

a. ~~mapped locations of all on-site~~ critical areas on the site and ~~approximated locations of all off-site critical areas~~ within three hundred feet of the site;

b. ~~widths of all~~ buffer~~s applied in accordance with K.C.C. chapter 21A.24~~widths;

c. critical area setback ~~s~~lines ~~applied in accordance with K.C.C. 21A.24.200~~;

d. existing and proposed alterations, including, but not limited to, structures, impervious surfaces, utilities, clearing, ~~nonnative~~ landscaping, and grading; and

e. ~~all~~ property lines, setbacks, and easements; and

~~8~~9. Additional information determined by the department to be necessary to comply with this chapter.

SECTION 60. Ordinance 15051, Section 149, as amended, and K.C.C. 21A.24.125 are hereby amended to read as follows:

((~~A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority,~~)) When an alteration to a critical area is proposed, the following avoidance and mitigation sequencing shall be

Commented [JN323]: Clarifies that all landscaping should be shown on a site plan, not only nonnative landscaping.

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applied in the following order of priority to avoid and minimize impacts to critical areas and critical area buffers:

((~~1.~~)) A. Avoiding the impact or hazard by not taking a certain action;

((~~2.~~)) B. Minimizing the impact or hazard by:

((~~a.~~)) 1. limiting the degree or magnitude of the action with appropriate technology; or

((~~b.~~)) 2. taking affirmative steps to avoid or reduce impacts, such as project redesign, relocation, or timing;

((~~3.~~)) C. Rectifying the impact ((~~to critical areas~~)) by repairing, rehabilitating, or restoring the affected critical area or its buffer;

((~~4.~~)) D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

((~~5.~~)) E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the ((~~development proposal or~~)) alteration;

((~~6.~~)) F. Compensating for the ((~~adverse~~)) impact by replacing or enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and

((~~7.~~)) G. Monitoring the impact, hazard, or success of required mitigation and taking ((~~remedial~~)) corrective action.

~~((B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section.))~~

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Commented [JN325]: Terminology update.

Commented [JN326]: Changes to better align with WAC 197-11-768

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Commented [JN327]: Streamlining of text. This is addressed in K.C.C. 21A.24.130 and the sections for specific critical areas.

SECTION ~~52~~61. Ordinance 10870, Section 460, as amended, and K.C.C. 21A.24.130 are hereby amended to read as follows:

A. ((~~If m~~))Mitigation ((~~is~~)) required under this chapter ((~~to compensate for adverse impacts, ((unless otherwise provided, an applicant~~)) shall:

1. ((~~Mitigate adverse impacts to:~~

~~a. critical areas and their buffers; and~~

~~b. the development proposal as a result of the proposed alterations on or near the critical areas; and~~

~~2. Monitor the performance of any required mitigation~~)) ~~the mitigation shall be designed to:~~

~~1.~~ Only occur after avoidance and mitigation sequencing is applied consistent with K.C.C. 21A.24.125;

2. Achieve no net loss of critical area ~~ecological~~ functions ~~for the entire scope of the development~~;

3. Prevent risk from hazards posed by the critical area; and

~~2~~4. Not create ~~adverse~~ impacts on other ~~critical area~~critical area functions.

B. ~~When mitigation measures are appropriate under the avoidance, minimization, and mitigation priority sequence in K.C.C. 21A.24.125, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department shall require~~

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Commented [JN328]: Streamlining of text. Mitigation for impacts are specific to each critical area and can be found in those specific sections.

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Commented [JN329]: This section is streamlined to focus on what is required of mitigation once it is necessary.

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Commented [JN331]: Streamlining of text.

Commented [JN332]: This is moved to subsection A.

Commented [JN333]: Drafting correction.

Commented [JN334]: This alternative mitigation language is moved to K.C.C. 21A.24.133, which discusses off-site mitigation.

~~appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area ecological functions as conditions of approval for mitigation measures, which may include conservation easements, financial guarantees, and performance monitoring.~~

~~C. ((The department shall not approve a development proposal until mitigation and monitoring plans are ((in place)) established ((to mitigate for alterations to critical areas and buffers)) Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact)) and financial guarantees have been posted in accordance with K.C.C. Title 27A.~~

~~((C.)) ((D. Whenever mitigation is required, an applicant shall submit a critical area report ((that includes:~~

~~1. An analysis of potential impacts;~~

~~2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and~~

~~3. A monitoring plan that includes:~~

~~a. a demonstration of compliance with this title;~~

~~b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:~~

~~(1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or~~

~~(2) the mitigation involves the creation of a wetland; and~~

~~c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.)) A critical area report and~~

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Commented [JN336]: Drafting correction.

Commented [JN337]: This is moved to subsection B. and C.

Commented [JN338]: Financial guarantee language moved down to the subsection D.

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mitigation and monitoring plan is required for any development proposal that includes mitigation.

D.)) ~~in accordance with this chapter.~~ The department shall require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of critical area functions as conditions of approval for mitigation measures, including, but not limited to, conservation easements, financial guarantees in accordance with K.C.C. Title 27A, and performance monitoring.

E. Mitigation shall ((~~not~~)) be implemented ((~~until~~)) after the department approves ((~~the~~)) ~~all applicable~~ mitigation and monitoring plans. The applicant shall notify the department when mitigation is installed and monitoring ((~~is~~)) has commenced and shall provide King County with reasonable access to the ((~~mitigation~~)) site for the purpose of inspections during ((~~any~~)) the monitoring period.

((~~E.~~)) F. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation requirements, including a revised monitoring plan, ((~~and~~)) revised financial guarantees, ((~~requirements~~)) and an extension of the monitoring period by at least two years.

SECTION ~~53~~62. Ordinance 15051, Section 151, as amended, and K.C.C. 21A.24.133 are hereby amended to read as follows:

A. ((~~To the maximum extent practical, ((an applicant shall mitigate)) and after application of the mitigation sequencing measures in K.C.C. 21A.24.125, adverse impacts to a wetland or associated buffer, aquatic area, riparian area, wildlife habitat~~

Commented [JN340]: This language is streamlined. Specific requirements on the analysis, mitigation plan or monitoring requirements are in the critical area report requirement section.

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~~conservation area, or wildlife habitat network~~)) Mitigation shall be prioritized ~~mitigated~~ on or contiguous to the development site. Preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

B. The department may approve mitigation that is off-site ((~~the development site~~)) if an applicant demonstrates that:

1. It is not practical to mitigate on or contiguous to the development proposal site; ((~~and~~))

2. The off-site mitigation will achieve ((~~equivalent or greater~~)) equal or better hydrological, water quality, and ((~~wetland or aquatic area~~)) habitat functions((~~,~~)); and

3. The off-site mitigation addresses limiting factors or identified critical needs for critical area resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact.

B. ((~~When off-site mitigation is authorized, t~~))The department shall give priority to locations within the same drainage subbasin as the development proposal site and that meet the following:

1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;

2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; ((~~and~~)) or

3. Public mitigation sites that have been ranked in a process ((~~that has been~~)) supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County ((~~basin plans or other~~)) watershed plans.

Commented [JN346]: Reframes this section to be about off-site mitigation. Mitigation sequencing is covered in 21A.24.125 as well as many other sections of code.

Removes specific types of critical areas to broaden it to all critical areas where mitigation can occur.

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C. The department ((~~may~~)) shall require ((~~documentation~~)) that the mitigation site ((~~has been~~)) be permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The applicant shall provide documentation ((~~may include, but is not limited to,~~)) such as a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

D. The department shall maintain a list of sites available for use for off-site mitigation projects.

E.1. ((~~The department ((and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site.~~)) ~~The department~~ may approve mitigation through the King County mitigation reserve program. The program addresses:

a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and

b. the use of the fees for mitigation on public or private sites that have been ((~~ranked according to ecological criteria through one or more programs that have included a public process~~)) selected using a watershed approach, in accordance with the approved in-lieu fee program instrument.

2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of ((~~a paper original and~~)) an electronic copy with the clerk of the council, who shall retain the original and provide an

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electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:

a. information on the amount and source of revenues received by the program;

b. a description and rationale for projects selected for funding;

c. an accounting of budgeted and actual expenditures made; and

d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete.

NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. Revegetation in critical areas and critical area buffers shall:

1. Meet the mitigation requirements under this chapter;

2. Provide equal or better ecological function compared to existing conditions;

3. Replicate the structure and function of the historic natural plant community, except when restoring temporary impacts to a legally altered plant community;

4. Use only native or climate-adaptive plant species that are well suited to thrive in the current and future site conditions;

5. Prioritize the selection of native vegetation, with the use of climate-adaptive plants only when appropriate for site conditions; and

6. Include measures to restore soil and hydrologic functions when necessary.

B. The department shall consider site-specific conditions and may allow modifications to planting plans for planting success.

Commented [EA353]: New section to specify what revegetation is required to include. Incorporates existing mitigation language.

C.1. The department of natural resources and parks shall adopt a public rule establishing a list of climate-adaptive plants after consultation with Indian tribes and the department of local services.

2. In addition to the notification procedures required by K.C.C. chapter 2.98 and under the State Environmental Policy Act, for the initial rule making under this section and each subsequent update to the public rule, the director of natural resources and parks shall:

a. request comment from Indian tribes no less than 60 days before the adoption of the final rule;

b. meet with and consider the comments of Indian tribes before adoption of the final rule; and

c. provide, as supplemental material to the final rule, a summary of comments received from Indian tribes on the list of climate-adaptive plants, and a response to each of the comments with how the final rule addresses the comments.

3. The initial public rule shall be effective no later than December 31, 2026, and the public rule shall be evaluated and updated in conjunction with the Comprehensive Plan update required by K.C.C. 20.18.030.C. or as needed to address time sensitive issues including but not limited to, substantive changes in state or local critical area regulations or substantive findings from critical area monitoring or adaptive management.

SECTION ~~54~~64. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are hereby amended to read as follows:

A. Except as otherwise provided in subsection ((~~of~~)) C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is

submitted or any property on which mitigation is established ((~~as a result of development~~)) shall file a notice on title ((~~approved by King County~~)) with the records and licensing services division. The notice on title shall be on a form approved by the department and inform the public of:

1. The presence of critical areas ((~~or~~)), buffers, or mitigation sites on the property;

2. The application of this chapter to the property; ((~~and~~))

3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the fact that mitigation sites may exist; and

4. The existence of approved wetland buffer or riparian area averaging or reductions on the property.

B. ((~~The applicant for a development proposal shall submit p~~))Proof that the notice ((~~required by this section~~)) on title has been filed ((~~for public record~~)) shall be submitted before ((~~King County~~)) the department approves any development proposal for the property or((~~,~~)) before recording in the case of subdivisions, short subdivisions, and binding site plans((~~, at or before recording of the subdivision, short subdivision, or binding site plan~~)).

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility;

2. The development proposal does not require ((~~sensitive~~)) critical area review under K.C.C. 21A.24.100.C.; or

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3. The property only contains a critical aquifer recharge area or an erosion hazard area.

D. Notices on title shall run with the land regardless of ownership, use, or land division. However, a property owner may apply to the county to have a notice on title removed or amended, under either of the following circumstances:

1. The department, as part of a critical area review of a permit application or a critical area designation, determines the information contained in an existing notice on title is no longer accurate ~~because information about a critical area has changed~~, such as in its type or location; or

2. ~~An ordinance adopted an updated~~An adopted critical areas map was updated indicating a reclassification or declassification of one of the following critical areas on the subject property:

a. critical aquifer recharge areas;

b. wildlife habitat network;

c. channel migration zones;

d. flood hazard areas.

SECTION ~~55~~65. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are hereby amended to read as follows:

A. ((~~The applicant~~)) Critical area tracts ~~established under this section~~ protect ~~with the goal of~~and ~~enhancing~~ enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat, and protecting the public from geologic hazards and increased stormwater runoff. ~~Development proposals for s~~Subdivisions, short subdivisions, or binding site plans shall establish ~~and identify~~ critical area tracts to

Commented [EA358]: Added because the notice on title can also come from a CAD, not a permit.

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delineate and protect ((~~those~~)) the following critical areas and associated buffers ((~~listed below in development proposals for subdivisions, short subdivisions or binding site plans~~)) in subsection A.1. through 7. of this section, and shall record the tracts on all documents of title of record for all affected lots~~~~)):

1. ((~~All l~~))Landslide hazard areas and buffers that are one acre or more in size;

2. ((~~All s~~))Steep slope hazard areas and buffers that are one acre or more in size;

3. ((~~All w~~))Wetlands and buffers; ((~~and~~))

4. ((~~All a~~))Aquatic areas ((~~and buffers~~));

5. Riparian areas;

6. Alluvial fan hazard areas that are one acre or more in size; and

7. Wildlife habitat networks.

B. A critical area tract established under subsection A. of this section shall be held either:

1. ((~~h~~))~~H~~~~eld~~)) in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot((~~,~~));; or

2. ((~~shall be h~~))~~H~~~~eld~~)) by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance, and protection of the tract.

C. ((~~The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff.~~)) The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan.

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D. For an off-site ~~critical area~~ mitigation area, the applicant shall place the mitigation area in a critical area tract in accordance with subsection A. of this section, or in a perpetual conservation easement as approved by the director.

E. In lieu of the requirements of subsections A. and D. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

((~~E.~~)) F. Site plans submitted as part of building permits, clearing, and grading permits, or other development permits shall include and delineate:

1. ((~~All f~~))Flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;

2. Landslide, volcanic, tsunami, coal mine, alluvial fan, and steep slope hazard areas;

3. Aquatic areas, riparian areas, and wetlands;

4. Wildlife habitat conservation areas and ((~~the~~)) wildlife habitat networks;

5. Critical area ((~~B~~))buffers; and

6. ((~~Building~~)) Critical area setbacks as required by K.C.C. 21A.24.200.

((~~F.~~)) G. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

SECTION ~~5666~~. Ordinance 10870, Section 467, as amended, and K.C.C. 21A.24.200 are hereby amended to read as follows:

Unless otherwise provided, ((~~an applicant shall set buildings and other~~)) structures shall be set back a minimum distance of ((~~fifteen~~)) ten feet from the outside edges of all critical areas and critical area buffers. ((~~or from the edges of all critical areas((, if no buffers are required))) where buffers are not required~~. ((~~When the~~)) If site disturbance is within a critical area or an associated buffer, the ((~~building~~)) critical area setback ((~~line~~)) shall be measured from the ((~~building footprint~~)) edge of the structure to the edge of the approved site disturbance. The following are allowed in the ((~~building~~)) critical area setback area:

A. Landscaping;

B. Uncovered decks ~~less than eighteen inches above grade~~;

C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area;

D. Impervious ground surfaces, such as driveways and patios((~~, but the~~)); however, improvements are required to meet any special drainage provisions specified in public rules adopted for ((~~the various~~)) critical areas and the ~~King County~~ Surface Water Design Manual;

E. Utility service connections as long as the excavation for installation avoids impacts to the critical area or associated buffer; and

F. Minor encroachments if adequate protection of the buffer will be maintained.

SECTION ~~58~~67. Ordinance 11621, Section 75, as amended, and K.C.C. 21A.24.275 are hereby amended to read as follows:

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The following development standards apply to development proposals and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

A. The development standards that apply to the ((~~aquatic area buffers~~)) riparian areas in K.C.C. 21A.24.365 also apply to the severe channel migration ((~~zone~~)) hazard areas and the portion of the moderate channel migration ((~~zone~~)) hazard areas that is within the ((~~aquatic area buffer~~)) riparian areas. The more-restrictive standards apply where there is a conflict;

B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and

C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area:

1. Maintenance, repair, or expansion of any use or structure is allowed if the existing structure's footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;

2. New primary dwelling units, accessory dwelling units, or accessory living quarters, and required infrastructure, are allowed if:

a. the structure is located on a ((~~separate~~)) legally established lot in existence on or before February 16, 1995;

b. a feasible alternative location outside of the channel migration hazard area is not available on((~~,~~)) the site; and

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c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:

(1) the least subject to risk; or

(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:

a. a feasible alternative location is not available on-site; and

b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside ((~~an aquatic area buffer~~)) a riparian area if:

a. All lots contain five-thousand square feet or more of net buildable ((~~land~~)) area outside of the moderate channel migration hazard area;

b. Access to all lots does not cross the moderate channel migration hazard area; and

c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:

(1) a feasible alternative location is not available on-site; and

(2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel.

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SECTION ~~59~~68. Ordinance 10870, Section 475, as amended, and K.C.C. 21A.24.280 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area ((~~with a slope of forty percent or greater~~)) or associated buffer;

B.1. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a geotechnical engineer or geologist~~)).));

2. If a geological critical area report is not submitted to or required by the department, the minimum buffer ((~~is~~)) shall be fifty feet((.));

3. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum ((~~building~~)) critical area setback in K. C. C. 21A.24.200 to one-hundred feet~~.~~; and

4. For ~~development permits~~alterations associated with single detached dwelling units only, the department may waive the geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the ~~critical area~~landslide hazard area;

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C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or associated buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope, and vegetation unless necessary for slope stabilization; ((~~and~~))

E. Alterations ((~~in a landslide hazard area located on a slope less than forty percent are allowed if:~~

~~1. The proposed alteration will~~)) shall not decrease slope stability on contiguous properties; ((~~and~~

~~2.~~)) F. The risk of property damage or injury resulting from landsliding ((~~is~~)) shall be eliminated or minimized;

G. The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

H. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION 69. K.C.C. 21A.24.310 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.280.

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SECTION ~~63~~70. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. ((~~Except as provided in subsection D. of this section, u~~))Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the following alterations ((~~identified in K.C.C. 21A.24.045~~)) are allowed within a steep slope hazard area or associated buffer((~~:~~)):

1. Alterations identified in K.C.C. 21A.24.045;

2. Alterations to steep slopes with a vertical elevation change of up to twenty feet where no impact will result. The department may approve this exemption based on a review of and concurrence with a geological critical area report; and

3. Regrading of any slope that was created through previous legal grading activities. Any slope that remains forty percent or steeper after alterations are completed are subject to requirements for steep slope hazard areas.

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report ((~~prepared by a ((geotechnical engineer or geologist)) geological professional. The department of local services shall adopt a public rule to implement this subsection, including implementing the requirements for development and review of a geological critical area report~~)).

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1. For new structures and substantial improvements to existing structures on sites where any portion of the steep slope hazard area extends into the coastal high hazard area or sea level rise risk area:

a. The geological critical area report shall include an assessment of current and future risks of sea level rise conditions anticipated to occur over the next fifty years and a recommended buffer;

b. If a geological critical area report is not submitted to the department, the minimum buffer shall be seventy-five feet;

2. For all other development not identified in subsection B.1. of this section:

a. If a geological critical area report is not submitted to or required by the department, the minimum buffer shall be fifty feet; and

b. For ((~~building~~)) ~~permits ((for~~)) alterations associated with single detached dwelling units only, the department may waive the ((~~special study~~)) geological critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the ~~geological~~ ((~~critical area~~)) steep slope hazard area;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited; ((~~and~~))

D. ((~~All a~~))~~A~~lterations ((~~are~~)) ~~may be allowed in the following circumstances:~~

~~1. Slopes ((which)) that are forty percent or steeper with a vertical elevation change of up to twenty feet, if no adverse impact will result from the exemption based on~~

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~~King County's review of and concurrence with a ((soils)) geological critical area report prepared by a ((geologist or geotechnical engineer)) geological professional; and~~

~~2. The approved regrading of any slope ((which)) that was created through previous legal grading activities. Any slope ((which)) that remains forty percent or steeper following site development shall be subject to all requirements for steep slopes~~)) The risk of landsliding as a result of slope instability shall be considered to be minimized where a slope stability analysis demonstrates the factor of safety to exceed 1.5 for static conditions and 1.1 for seismic conditions. Except when a more detailed deformation analysis is conducted, seismicity shall be modeled as a horizontal force equal to one half the peak ground acceleration adjusted for site class effects, or PGAm, as given for the site in the International Building Code and American Society of Civil Engineers 7 standard; and

E. Alterations shall comply with the requirements and recommendations of the geological critical area report.

SECTION ~~60~~71. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites ((~~containing seismic hazard areas~~)) where potential seismic hazard areas are mapped:

A. The department may approve alterations ((~~to mapped seismic hazard areas~~)) only if:

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1. The geological critical area report containing an evaluation of site-specific subsurface conditions shows that the ((~~proposed~~)) development proposal site ((~~is not ((located in))~~ ~~does not meet the definition of~~ a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. ((~~Mobile~~)) Manufactured homes;

2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and

3. One-story buildings with less than two-thousand-five hundred((~~s~~)) square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

NEW SECTION. SECTION ~~61~~72. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

The following development standards apply to development proposals and alterations on sites containing alluvial fan hazard areas:

A. Only the alterations identified in K.C.C. 21A.24.045 are allowed within alluvial fan hazard areas;

B. A buffer may be required from the edge of the alluvial fan hazard area. To eliminate or minimize the risk of property damage or injury resulting from inundation,

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sedimentation, or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a geological critical area report.

C. A geological critical area report is required for ~~development proposals~~alterations that are on an alluvial fan or within fifty feet of an alluvial fan;

D~~C~~. ~~Proposed a~~Alterations shall minimize and not increase the risk of inundation, sedimentation, channel migration, or erosion on adjacent properties;

~~D. The risk of property damage or injury on the subject property from inundation, sedimentation, channel migration, or erosion as a result of a proposed alteration shall be eliminated or minimized; and~~

E. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from an alluvial fan hazard area or associated buffer is prohibited;

F. Alterations shall minimize disturbance to the alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization; and

G~~E~~. The ~~proposed~~ alteration shall not increase the frequency or magnitude of sediment management activities or in-stream channel work that could impact fish habitat or passage.

NEW SECTION. SECTION ~~62~~73. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

A. This section applies to development proposals on sites that are within tsunami hazard areas.

B. New and substantially improved residential buildings within a tsunami hazard area shall be designed to provide protection from inundation and debris impact according

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to the projected hazard level. The projected hazard level shall be determined by the county based on Washington state Department of Natural Resources tsunami inundation maps, areas on the Flood Insurance Rate Maps indicated as Zones V1-V30, VE, or V, and relevant requirements of the building code in K.C.C. Title 16.

C. Except for buildings that support water-oriented uses, new buildings shall be located on portions of the parcel or parcels under contiguous ownership that are not within the tsunami hazard area, if feasible. If no portion of the parcel or parcels under contiguous ownership are located outside the tsunami hazard area, or if the portion outside the tsunami hazard area is not feasible for new building purposes, new buildings shall be located as far from the tsunami hazard area as feasible.

D. New critical facilities shall not be constructed in a tsunami hazard area if there is a feasible alternative location outside the tsunami hazard area that would serve the intended service area or service population. If allowed in the tsunami hazard area, the critical facility shall be designed to minimize the risk and danger to the public health and safety to the maximum extent ~~practicable~~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 ~~57~~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:

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A. Declassified coal mine areas are those areas where the risk of catastrophic collapse is not significant and that the hazard assessment report has determined do not require special engineering or architectural recommendations to prevent significant risks of property damage. Declassified coal mine areas typically include, but are not limited to, areas underlain or directly affected by coal mines at depths of more than three hundred feet as measured from the surface;

B. Moderate coal mine hazard areas are those areas that pose significant risks of property damage that can be mitigated by implementing special engineering or architectural recommendations. Moderate coal mine hazard areas typically include, but are not limited to, areas underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-seam thickness ratios of less than ten to one depending on the inclination of the seam; and

C. Severe coal mine hazard areas are those areas that pose a significant risk of catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but are not limited to, areas characterized by unmitigated openings such as entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes, and other areas of past or significant probability for catastrophic ground surface collapse; or areas characterized by((~~,~~)) overland surfaces underlain or directly affected by abandoned coal mine workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

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SECTION 76. K.C.C. 21A.24.210 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow K.C.C. 21A.24.205, as recodified by this ordinance.

SECTION 77. K.C.C. 21A.24.220 is hereby recodified as a new section in K.C.C. chapter 21A.24 to follow section that77, as recodified by this ordinance.

SECTION ~~64~~78. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment H to Ordinance 17485, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170, ~~unless a designation is~~as modified by notices of map amendment ~~prepared according to~~in K.C.C. 21A.24.312~~, in which case the notice of map amendment shall supersede the map~~.

SECTION ~~65~~79. Ordinance 15051, Section 173, as amended, and K.C.C. 21A.24.312 are hereby amended to read as follows:

A. Upon application supported by a critical area((~~s~~)) report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area ((~~that is or is not classified as a~~)) on the critical aquifer recharge area ((~~on the~~)) map adopted under K.C.C. 21A.24.311:

((~~A.~~)) 1. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area;

((~~B.~~)) 2. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

((~~C.~~)) 3. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of K.C.C. 21A.24.313.

B. Upon reclassification or declassification, a notice of map amendment for the affected parcel or parcels shall be sent from the department of natural resources and parks

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to the property owner, ~~the property owner's representative~~applicant, if applicable, and the county assessor.

SECTION ~~66~~80. Ordinance 15051, Section 174, as amended, and K.C.C. 21A.24.313 are hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined ((~~are~~)):

1. Are ((~~H~~))highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. Are ((~~I~~))in an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one-year time of travel to a wellhead for a Group A water system;

B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:

1. Have a medium susceptibility to ground((-))water contamination and are located in a sole source aquifer or a wellhead protection area; or

2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island.

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SECTION ~~67~~81. Ordinance 15051, Section 179, as amended, and K.C.C. 21A.24.316 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;

2. Sand and gravel, and hard rock mining unless:

a. the site has mineral zoning as of January 1, 2005; or

b. ((~~mining~~)) mineral extraction is an ((~~permitted~~)) allowed use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;

3. ((~~Mining of any type~~)) Mineral extraction below the upper surface of the saturated ground((-))water that could be used for potable water supply;

4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

5. Hydrocarbon extraction;

6. Commercial wood treatment facilities on permeable surfaces;

7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with standards of chapter 173-360A WAC and K.C.C. Title 17;

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8. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

9. Golf courses;

10. Cemeteries;

11. Wrecking yards;

12. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington ((~~S~~))state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground((-))water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

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5.a. Underground storage tanks with hazardous substances, as defined in chapter ~~70.105~~70A.300 RCW, that do not comply with requirements of chapter 173-360A WAC and K.C.C. Title 17, ((~~E~~))except for a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17~~)) Vashon-Maury Island; and

b. For a category II critical aquifer recharge area located over an aquifer underlying ((~~an island that is surrounded by saltwater~~)) Vashon-Maury Island, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the standards in chapter 173-360A WAC and K.C.C. Title 17;

6. Above((-))ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;

8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and

9. On lots smaller than one acre, an on-site septic systems, unless:

a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in ((~~WAC~~)) chapter 426-272A WAC; or

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b. ((~~the Seattle-King County department of~~)) public health - Seattle & King County determines that the systems required under subsection B.9.a. of this section will not function on the site.

C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter ((~~43.200~~)) 70A.384 RCW;

2. Hydrocarbon extraction;

3. Commercial wood treatment facilities located on permeable surfaces;

4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360A WAC, with hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, that do not comply with the requirements of chapter 173-360A WAC and K.C.C. Title 17;

5. Above ground storage tanks for hazardous substances, as defined in chapter ((~~70.105~~)) 70A.300 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

6. Wrecking yards; and

7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

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1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173-360A WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying Vashon-Maury Island shall either bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying Vashon-Maury Island shall bring the tank into compliance with the standards of chapter 173-360A WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the ((~~King County~~)) Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are ((~~permitted~~)) allowed within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single ((~~family~~)) detached residence if the requirements of ((~~K.C.C.~~)) King County Board of Health Code BOH 13.04.070 are met;

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2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3.a. The owner of a new well located within the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health.

b. The owner shall report the results of the test to ((~~Seattle-King County department of~~)) public health – Seattle & King County and to the department of natural resources and parks.

c. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with ((~~Seattle-King County department of~~)) public health - Seattle & King County, shall recommend appropriate measures.

d. The owner shall implement all recommended measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

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H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B., and C. of this section if the applicant demonstrates through a critical area report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause an ((~~significant~~)) adverse ((~~environmental~~)) impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks

has been submitted to and approved by the Washington state ((~~d~~))Department of ((~~e~~))Ecology, in accordance with ((~~90.76.040~~)) RCW 70A.355.030 and WAC ((~~173-360-530~~)) 173-360A-0130.

SECTION ~~68~~82. Ordinance 15051, Section 183, as amended, and K.C.C. 21A.24.318 are hereby amended to read as follows:

A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035.

B. Wetlands shall be rated into category I, category II, category III, and category IV based on the adopted Washington State Wetland Rating System for Western Washington, Washington state Department of Ecology publication number ((~~14-06-029~~)) 23-06-009, published October 2014 and updated July 2023.

C. Wetland rating categories shall not recognize illegal modifications.

SECTION ~~69~~83. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are hereby amended to read as follows:

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D., and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT

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Category I			
Wetlands of High Conservation Value	((~~250~~)) 300 feet	((~~190~~)) 225 feet	((~~125~~)) 150 feet
Bog	((~~250~~)) 300 feet	((~~190~~)) 225 feet	((~~125~~)) 150 feet
Estuarine	((~~200~~)) 300 feet	((~~150~~)) 225 feet	((~~100~~)) 150 feet
Coastal Lagoon	((~~200~~)) 300 feet	((~~150~~)) 225 feet	((~~100~~)) 150 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate	150 feet	110 feet	75 feet

level of function)			
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	((~~50~~)) 60 feet	((~~40~~)) 45 feet	((~~25~~)) 35 feet

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. High impact includes:

(1) sites zoned commercial or industrial;

(2) commercial, institutional, or industrial use on a site regardless of the zoning classification;

(3) nonresidential use on a site zoned ((~~for residential use~~)) RA, UR, or R, such as telecommunication towers and associated equipment;

(4) high-intensity active recreation use on a site regardless of zoning, such as golf courses, ((~~ball~~)) sports fields, and similar use;

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(5) all sites within the ((U))urban ((G))growth ((A))area, except recreational uses in subsection A.2.b.(6) and A.2.c.(2) of this section; ((~~or~~))

(6) Residential zoning greater than one dwelling unit per acre;

(7) railroads; or

(8) federal and state highways, including ~~on~~ on-ramps and exits, state routes, and other roads associated with high impact land uses;

b. Moderate impact includes:

(1) residential uses on sites zoned residential one dwelling unit per acre or less;

(2) residential use on a site zoned ((~~rural area, agriculture, or forestry~~)) RA, A, or F;

(3) agricultural uses without an approved farm management plan;

(4) forest service roads and roads associated with moderate impact land uses;

(5) utility corridors or right-of-way shared by several utilities, including maintenance roads; or

(((~~5~~))) (6) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging, and similar use; and

c. Low impact includes:

(1) forestry uses on a site regardless of zoning classification;

(2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures((~~,~~)) on a site regardless of zoning;

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(3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045((, ~~D.53. and K.C.C. 21A.24.045.D.54.~~)); or

(4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. ((~~The department may approve a modification of the minimum~~)) Wetland buffer width ((~~required by this section by averaging the buffer width~~)) averaging may be allowed if an ecological critical area report demonstrates:

1.a. ((~~The department determines that:~~

~~a. the b~~))Buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a ((")) dual-rated((")) wetland with a Category I area adjacent to a lower-rated area; or

b. averaging includes the corridors of a wetland complex; ((~~and~~

~~2. The resulting buffer meets the following standards:~~

~~a.~~)) 2. ((~~t~~))The total area of the buffer after averaging is ((~~equivalent~~)) equal to or greater than the area of the buffer before averaging;

((~~b.~~)) 3. ((~~t~~))The additional buffer is contiguous with the standard buffer;

((~~c.~~)) 4. ((~~t~~))The buffer at its narrowest point is ((~~never~~)) no less than ((~~either~~)) seventy-five percent of the required width ((~~or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater~~));

((~~d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by an ecological critical area report ((from a qualified wetland~~

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Commented [JN411]: This is broadened to the entirety of K.C.C. 21A.24.045 so all relevant conditions would apply.

The alteration table identifies agricultural activities, which provides a list of alterations that fall under this category.

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~~professional; and~~)) 5. No net loss of wetland functions and values shall occur as a result of buffer averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the buffer where native vegetation does not currently exist;

((~~e.~~)) 6. ((t))The buffer is increased adjacent to the higher functioning ((~~area of~~)) habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion ((~~as demonstrated by a critical area report from a qualified wetland professional~~));

~~f~~7. ~~buffer~~ Buffer averaging ~~cannot be~~is not combined with other buffer reductions or modifications ~~allowed in this title~~; and

8~~g~~. ~~i~~Indirect impacts are assessed and mitigated.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened, or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer reduction rules in subsection C.((~~6~~))5. of this section ((~~and~~)) or the buffer averaging rules in subsection B. of this section((~~;~~)).

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the ((~~buffer~~)) width ((~~is~~)) shall be the greater of:

a. the wetland buffer width ((~~required by the wetland's category in this section~~)); or

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b. the wetland buffer width ~~required by the wetland's category in this section~~, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the wetland buffer width otherwise required;

3. For a wetland complex ((~~located outside the ((U))urban ((G))growth ((A))area established by the King County Comprehensive Plan or located within the ((U))urban ((G))growth ((A))area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051~~)), the buffer widths ((~~is determined~~)) are as follows:

a. ((~~t~~))The buffer width for each individual wetland ((~~in the complex is the same width as the buffer width required for the category of wetland~~)) shall be consistent with subsection A. of this section;

b. ((~~i~~))If the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

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(4) the corridor width is at least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. ((~~w~~))Wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. ((~~t~~))The department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding; and

e. ((~~t~~))The alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements ((~~as wetland buffers as long as~~)) if the alteration is designed so as not to disrupt wildlife movement through the corridor;

4. Where a legally established public roadway transects a wetland buffer, the department may approve a modification of the ((~~minimum~~)) required buffer width to the edge of the roadway if:

a. the part of the buffer on the other side of the roadway sought to be reduced:

((~~a.~~)) (1) does not provide additional protection of ((~~the proposed development or the~~)) wetland functions and values from the proposed ~~development~~alteration; and

((~~b.~~)) (2) provides insignificant biological, geological, or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland; and

b. the applicant provides a written evaluation that includes~~:~~:

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(1) a description of the vegetative composition, hydrologic regime, topography, and development on both sides of the roadway;

(2) an assessment of the functions that the buffer provides on the other side of the roadway for wildlife habitat, water quality, and water quantity; and

(3) an analysis of how the roadway ~~will~~ fully disconnects the buffer from providing the assessed functions, and whether the disconnection ~~will~~ affects the entirety of the buffer; and

5. ((~~If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and~~

~~6. The buffer widths required for proposed land uses with~~)) ~~For proposed dwelling units~~For developments with residential uses, mixed-use, daycares, and social services within the ~~u~~Urban ~~g~~Growth ~~a~~Area that ~~have~~ are categorized as high intensity impacts to wetlands, the buffer widths can be reduced to those required for moderate ((~~intensity~~)) impacts ((~~under the following conditions~~)) if:

a. all the following measures to minimize impacts of the proposed land uses are applied:

(1) ~~plant an area of~~ revegetate with dense~~,~~ native vegetation or climate-~~smart~~ adaptive plants along the edge of ~~within~~ the ~~remaining~~ buffer and in any other portion of the buffer wherever existing vegetation is sparse ~~that is equal to or greater than the area by which the buffer was reduced~~;

(2) install wildlife lighting and direct all light away from the wetland;

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Commented [JN425]: Revised to include additional uses in the UGA

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Commented [JN427]: Requires entire buffer to be revegetated when the buffer is averaged and existing vegetation is sparse.

(3) locate noise-generating activities away from the wetland;

(~~3~~4) install wildlife passable fencing at the edge of the wetland buffer;

(~~4~~5) attach critical area signs to wildlife- passable fencing every fifty to seventy-five linear feet, as determined by the department, so that a sign is visible from any point along the edge of the critical area or buffer;

(~~5~~6) submit an integrated pest and weed management plan that prohibits the use of pesticides, herbicides, and fungicides in the wetland or associated buffer; and

(~~6~~7) demonstrate how each of the following meets the core requirements in the ~~King County~~ Surface Water Design Manual, including:

(a) stormwater runoff;

(b) change in water regime; and

(c) erosion and dust control; and

b. ((~~F~~))for wetlands that score moderate or high for habitat functions((~~, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:~~

~~(1) A~~))a relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and ((~~any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list~~)) a legally-protected, relatively undisturbed and vegetated area. The corridor ((~~must~~)) shall be protected for the entire distance ((~~between the wetland and the ((priority habitat~~)) ~~legally protected vegetated area~~ and ((~~legally~~)) recorded via a conservation easement; and

~~(2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and~~

Commented [EA428]: Adds requirement that any noise-generating activities are located away from the wetland.

Commented [EA429]: Clarifies where signs must be placed.

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~~b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:~~

~~c. the proposed project does not impact the reduced buffer.~~

Commented [JN430]: Drafting correction.

~~((Disturbance~~	~~Measures to minimize impacts~~
~~Lights~~	~~Direct lights away from wetland.~~
~~Noise~~	~~Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.~~
~~Toxic runoff~~	~~Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.~~
~~Stormwater runoff~~	~~Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.~~
~~Change in~~	~~Infiltrate or treat, detain and disperse into buffer new runoff from~~

~~water regime~~	~~impervious surfaces and new lawns.~~
~~Pets and human disturbance~~	~~Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.~~
~~Dust~~	~~Use best management practices to control dust.~~))

c. the ~~proposed project~~development proposal does not impact the reduced buffer.

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions or wetland functions and values.

SECTION ~~70~~84. Ordinance 15051, Section 187, as amended, and K.C.C. 21A.24.335 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or ((~~their~~)) associated buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. ((~~The a~~))Applicant~~))~~ ~~Applicant~~s may include climate-~~smart~~ adaptive plants that have been approved by King County in mitigation or restoration projects, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound

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((~~lowland~~)) region into any wetland or wetland buffer unless authorized by a state or federal permit or approval; and

C. ((~~A category IV wetland less than two thousand five hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and~~

~~D.~~)) Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045 D.20. and D.((~~52~~))51.

SECTION ~~71~~85. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.125 and 21A.24.130~~)) this chapter, the following applies to wetland and wetland buffer mitigation ((~~to compensate for ((the)) adverse impacts ((associated with an alteration)) to a wetland or wetland buffer~~)):

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better wetland functions and values, including, but not limited to:

1. Habitat functions such as complexity, connectivity, and other biological and ecological functions; and

2. Hydrological functions, such as ((~~S~~))seasonal hydrological dynamics, as provided in the ((~~King County~~)) Surface Water Design Manual;

B. For permanent impacts to a wetland or wetland buffer, ((~~T~~))the following ratios of ((~~area of~~)) mitigation area to ((~~area of ((alteration~~)) impact areas apply ((~~to~~

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~~mitigation measures for permanent alterations~~)) ~~except as otherwise provided in~~

~~subsection E. of this section~~:

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1. For ((~~alterations~~)) impacts to a wetland buffer, a ratio of ((~~one to one; and~~)) ~~one to one~~1:1 on-site, and ~~two to one~~2:1 off-site;

2. For ((~~alterations~~)) direct impacts to a wetland that result in permanent, direct loss of wetland area:

((~~Category~~ and type of wetland	~~Wetland reestablishment or creation~~	~~Wetland rehabilitation~~	~~1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)~~	~~Wetland 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))~~4~~:1 E~~	8:1
~~Category II estuarine~~	~~Case-by-case~~	~~((4))~~6~~:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	Case-by-case
~~All other Category II~~	~~3:1~~	~~((8))~~6~~:1~~	~~1:1 R/C and ((4))~~8~~:1 E~~	12:1

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~~Category I forested~~	~~6:1~~	~~12:1~~	~~1:1 R/C and ((10))16:1 E~~	Case-by-case	**Formatted:** Strikethrough
~~All other Category I~~	~~4:1~~	~~8:1~~	~~1:1 R/C and ((6))12:1 E~~	Case-by-case	**Formatted:** Strikethrough
~~Category I wetlands of high conservation value~~	~~Not allowed~~	~~((6:1 rehabilitation of a wetland of high conservation value)) Case-by-case~~	~~((Case-by-case))~~ Not allowed	Case-by-case	**Formatted:** Strikethrough
~~Category I coastal lagoon~~	~~Not allowed~~	~~((6))8:1 rehabilitation of a coastal lagoon~~	~~((Case-by-case))~~ Not allowed	Case-by-case	**Formatted:** Strikethrough
~~Category I bog~~	~~Not allowed~~	~~((6:1 rehabilitation of a bog)) Case-by-case~~	~~((Case-by-case))~~ Not allowed	Case-by-case	**Formatted:** Strikethrough
~~Category I estuarine~~	~~Case-by-case~~	~~((6))8:1 rehabilitation of an estuarine wetland~~	~~Case-by-case~~	~~Case-by-case~~))	**Formatted:** Strikethrough

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Category and	Wetland	Wetland	1:1 Wetland	Wetland	**Commented [JN441]:** Re-structures the table to follow other wetland tables (Category I at the top)

Redline provided for illustrative purposes only

type of wetland	reestablishment or creation	rehabilitation	reestablishment or creation (R/C) and wetland enhancement (E)	enhancement only
Category I wetlands of high conservation value	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I bog	Not allowed	Case-by-case	Not allowed	Case-by-case
Category I estuarine	Case-by-case	8:1	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	8:1	Not allowed	Case-by-case
Category I forested	6:1	12:1	1:1 R/C and 20:1 E	Case-by-case
All other Category I	4:1	8:1	1:1 R/C and 12:1 E	Case-by-case
Category II estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
All other Category II	3:1	6:1	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 4:1 E	8:1

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Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1

3. For indirect impacts to a wetland, one half of the ratio ~~of area of mitigation to area of impact~~ required by subsection B.2. of this section.

C. The following ratios ((~~of area~~)) of mitigation area to ((~~area of ((alteration~~)) impact area apply to ((~~mitigation measures for~~)) temporary ((~~alterations~~)) impacts where wetland((~~s will~~)) functions are expected to take longer than one year to be restored. Temporary impacts do not ((~~be impacted by~~)) include permanent fill material((~~:~~)) or removal of old growth or mature trees, as defined in the Washington state Department of Fish and Wildlife Priority Habitat and Species list, publication 2008 and updated 2023~~,~~ ~~but where impacted functions are expected to take longer than one year to be restored,~~ ~~except as otherwise provided in subsection E. of this section:~~

Wetland category	**Permanent conversion of forested and shrub wetlands into emergent wetlands**			**Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities**		
	Enhancement	Rehabilitation	Reestablishment or ((~~C~~))creation ((~~or restoration~~))	Enhancement	Rehabilitation	Reestablishment or ((~~C~~))creation ((~~or restoration~~))
Category	((~~6~~)) 8:1	((~~4.5~~)) 6:1	3:1	((~~3~~)) 4:1	2:1	1.5:1

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Category II	((~~3~~)) 6:1	((~~2~~)) 3:1	1.5:1	((~~1.5~~)) 3:1	1.5:1	.75:1
Category III	((~~2~~)) 4:1	((~~1.5~~)) 2:1	1:1	((~~1~~)) 2:1	((~~.75~~)) 1:1	.5:1
Category IV	((~~1.5~~)) 3:1	1.5:1	.75:1	((~~Not applicable~~)) 1.5:1	((~~Not applicable~~)) .75:1	((~~Not applicable~~)) .25:1

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; ((~~or~~))

4. The proposed mitigation site is not within the same 10-digit hydrologic unit, as defined in the Federal Standards and Procedures for the National Watershed Boundary Dataset: United States Geological Survey, 2022, as the ~~proposed~~ impact~~s~~;

5. The proposed mitigation site differs from the ~~proposed impact~~ ~~area~~development proposal site in hydrogeomorphic class, Cowardin system or class, or other fundamental habitat characteristics;

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6. The ~~proposed impact~~ development proposal site contains documented habitat for federal or state listed endangered, threatened, sensitive, or candidate species or King County species of local importance; or

7. The alteration causing the impact was ((~~an~~)) unauthorized ((~~impact~~)).

E. ((~~The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances~~)) W~~hen the use of w~~etland mitigation bank or in lieu fee program credits ~~is~~ may be approved as off-site compensatory mitigation under K.C.C. 21A.24.133. Instead of mitigation ratios in subsection B. or C. of this subsection, wetland mitigation bank or in lieu fee program mitigation ratios are as follows:

1. ((~~The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;~~

~~2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;~~

~~3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or~~

~~4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:~~

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~~a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;~~

~~b. the category of the area with a different class is lower than that of the entire wetland; and~~

~~c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.~~)) For ~~use of~~ wetland mitigation banks certified under Chapter 173-700 WAC, the amount of compensatory mitigation required ~~for impacts located in the bank service area~~ shall be as follows:

a. For direct impacts to wetlands and wetland buffers, the ratio shall be consistent with the approved mitigation banking instrument~~. If the ratio recommended in the mitigation banking instrument is less than one bank credit to one acre of direct permanent wetland impact, then a~~, with a minimum ~~ratio of one~~ bank credit to ~~one~~ ~~wetland~~ impact acre ratio of 1:1~~shall be used~~;

b. For indirect wetland impacts, the ratio shall be one-half of the ratio recommended in the approved mitigation banking instrument; and

c. For long-term temporary impacts, the ratio shall be one-quarter of the ratio recommended in the approved mitigation banking instrument;

2. For use of the King County mitigation reserves program or a state or federally authorized in lieu fee program:

a. For direct, indirect, and long-term temporary impacts ~~to wetlands located in the in lieu fee service area~~, the amount of compensatory mitigation required shall be

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consistent with the in lieu fee program instrument and result in no net loss of wetland functions and values; and

b. For impacts to wetland buffers, the ratio shall be ~~one to one~~1:1; and

3. Compensatory mitigation for other approved off-site mitigation options shall be consistent with ratios in subsections B., C., and D. of this section.

F. For temporary ((~~alterations~~)) impacts to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the ((~~altered~~)) wetland or wetland buffer; and

G. Mitigation of ((~~an alteration~~)), ~~impacts to a buffer of a~~)) wetland buffers ((~~that occurs along an aquatic area~~)) in a lake shoreline ((~~in accordance with an allowed alteration under this chapter~~)) shall include, but is not limited to, on-site revegetation, maintenance, and other restoration of the buffer or setback area to the maximum extent practical.

SECTION ~~72~~86. Ordinance 15051, Section 192, as amended, and K.C.C. 21A.24.355 are hereby amended to read as follows:

A. Aquatic areas are ((~~categorized or~~)) "))typed((" ~~as follows~~)) using the water typing system in WAC 222-16-030 and the following criteria:

1. Type S ((~~waters include~~)) means all aquatic areas, within their bankfull width, inventoried as ((")shorelines of the state((")) under King County's ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program((~~,((~~ ~~K.C.C. chapter 21A.25, in accordance with chapter 90.58 RCW~~)) including periodically inundated areas of their associated wetlands;

2. Type F ((~~waters include all~~)) means segments of aquatic areas ((~~that are not~~)) other than type S ((~~waters~~)), which are within the bankfull widths of defined channels and

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periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of one-half acre or greater at seasonal low water and that contain fish or fish habitat ((~~, including~~)) or are described by one of the following categories:

a. waters diverted for domestic use by more than ten residential or camping units or by a public accommodation facility licensed to serve more than ten persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F upstream from the point of such diversion for one-thousand-five-hundred feet or until the drainage area is reduced by fifty percent, whichever is less;

b. waters diverted for use by a federal, state, ((~~or~~)) tribal, or private fish hatchery from the point of diversion for one((-)) thousand((-)) five((-)) hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality((~~:~~))

c. waters within a federal, state, local, or private campground having more than ten camping units. Water is considered to enter a campground when it reaches the boundary of the park lands available for public use and comes within one-hundred feet from a camping unit, trail, or other park improvement; or

d. riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These habitats are identified by their connection to a fish habitat stream and accessible during some period of the year and accessible to fish.

~~. Type F waters, which may be ephemeral, may be classified by:~~

~~a. the presence of fish;~~

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~~b. a stream segment with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or~~

~~c. any stream located within the floodplain of type S or F water.~~

3. Type N ((~~waters include~~)) means all segments of aquatic areas that are not type S or F ((~~waters~~)) and that are physically connected to type S or F ((~~waters~~)) by ((~~an above-ground~~)) a channel or piped system, stream, or wetland; and

4. Type O ((~~waters include~~)) means all segments of aquatic areas that are not type S, F, or N ((~~waters~~)) and that are not physically connected to type S, F, or N ((~~waters~~)) by a((~~n above-ground~~)) channel or piped system, ((~~pipe or culvert,~~)) stream, or wetland, and which infiltrates water into the ground.

B. For the purposes of ((~~the water~~)) aquatic area types in subsection A. of this section((~~, ((an above-ground~~)):

1. ~~a~~ A channel system is ((~~considered to be~~)) present if the ((~~one-hundred year~~)) floodplains of both the contributing and receiving waters are connected; and

2. Fish habitat may be classified by:

a. the presence of fish;

b. a stream segment, that is perennial or ephemeral, with a defined channel of two feet or greater bank full width and a gradient less than twenty percent; or

c. any stream located within the floodplain of type S or F water.

((~~C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:~~

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~~1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;~~

~~2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;~~

~~3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to Ordinance 15051; or~~

~~4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.~~))

SECTION ~~73~~87. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are hereby amended to read as follows:

A. ((~~Aquatic area buffers~~)) Riparian areas shall ((~~be measured as follows~~)):

1. ((~~From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;~~

~~2. If~~)) Where the adjacent aquatic area is ((~~located within~~)) in a mapped severe channel migration hazard area((~~, the ((aquatic area buffer, riparian area width shall be ((the greater of the aquatic area buffer width as)) measured ((consistent with subsection A.1. of this section or~~)):

a. include the severe channel migration hazard area; and

b. extend from the outer edge of the severe channel migration hazard area;

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Commented [EA466]: Rearranged the order so that the CMZ language comes first, and if there is not a mapped severe CMZ, then ordinary high water mark is used to measure riparian width.

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2. Where the adjacent aquatic area is not in a mapped severe channel migration hazard, extend from the ordinary high water mark of the adjacent aquatic area, or from the top of bank if the ordinary high water mark cannot be identified; ((and)) **Formatted:** Not Strikethrough

3. ((If the ((aquatic area buffer)) riparian area includes a steep slope hazard area or a landslide hazard area, the ((aquatic area buffer)) riparian area width is the greater of ((either)) **Formatted:** Strikethrough

a. the ((aquatic area buffer)) riparian area width as required in this section ((or the top of the hazard area)); or **Formatted:** Strikethrough

b. the riparian area width as required in this section, extended upslope towards the top of the landslide or steep slope hazard area, as measured perpendicular to topographic contours, up to a maximum total width of twice the riparian area width otherwise required;

4. If the adjacent aquatic area is located within an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as defined in this section; or

b. the extent of the alluvial fan hazard area; and **Commented [JN467]:** This is moved to subsection B, which modifies the widths specified in the table

5. If the adjacent aquatic area is conveyed underground, the riparian area width is measured only from the above-ground portion of the aquatic area. This riparian area eExtends in all directions from the point at which the adjacent aquatic area enters or exits the an underground conveyance system. **Commented [JN468]:** streamlining

B.1. ((Within the ((U))urban ((G))growth ((A))area, ((aquatic area buffers)) **Formatted:** Strikethrough

rRiparian area widths shall be as follows:

((1. A type S or F aquatic area buffer is one hundred fifteen feet;

~~2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one hundred sixty five feet;~~

~~3. A type N aquatic area buffer is sixty five feet; and~~

~~4. A type O aquatic area buffer is twenty five feet.~~))

Adjacent Aquatic Area Type	**Riparian Area Width**
S or F ~~in basin or shoreline designated as "high" on the Basin and Shoreline Conditions map~~outside the Urban Growth Area	200 feet
~~All other~~ S or F in the Urban Growth Area	180 feet
N	100 feet
O	50 feet

2. If the riparian area is in a steep slope hazard area or a landslide hazard area, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the landslide or steep slope hazard area upslope up to a maximum total width of twice the riparian area width, as measured perpendicular to the topographic contours;

3. If the adjacent aquatic area is in an alluvial fan, the riparian area width is the greater of:

a. the riparian area width as described in this section; or

b. the extent of the alluvial fan hazard area.

Commented [EA469]: Removes separate riparian area width for "high' basin condition in the UGA.

Streamlining edit to combine the two tables.

Commented [JN470]: Moved from 21A.24.358 to describe how the widths may be modified under certain conditions.

C. ((Outside the ((U))urban ((G))growth ((A))area, ((aquatic area buffers)) riparian areas shall be as follows:

((1. A type S or F aquatic area buffer is one hundred sixty-five feet;

2. A type N aquatic area buffer is sixty-five feet; and

3. A type O aquatic area buffer is twenty-five feet.))

Adjacent Aquatic Area Type	Riparian Area Width
S or F	200 feet
N	100 feet
O	50 feet

D. ((Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one hundred feet.

E.)) The department may approve a modification of ((buffer widths if)) a rRiparian area width required by this section by averaging the riparian area width, if the resulting riparian area meets the following standardsmay be allowed if an ecological critical area report demonstrates:

1.((a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:

(1) the total area of the buffer is not reduced;

(2) the buffer area is contiguous; and

(3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;

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~~b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffers width that protects the remaining ecological functions that the buffer can provide;~~

~~c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;~~

~~d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or~~

~~e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and~~

~~2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration.~~)) The total ~~land~~ area ~~amount~~ of the riparian area after averaging is ~~equivalent~~ equal to or greater than the total ~~land~~ area ~~amount~~ of the riparian area before averaging;

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2. The additional riparian area is contiguous with the standard riparian area;

3. The riparian area at its narrowest point is ~~never~~ no less than seventy-five percent of the standard ~~required~~ width;

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4. No net loss of riparian area, adjacent aquatic area, or shoreline ecological functions and values shall occur as a result of the averaging. Revegetation consistent with section 63 of this ordinance shall be installed in the riparian area where native vegetation does not currently exist;

45. The width of the riparian area is increased adjacent to the higher functioning habitat or more sensitive portion of the ~~adjacent~~ aquatic area, and decreased adjacent to the lower functioning or less sensitive portion~~, as demonstrated by an ecological critical area report from an ecological professional~~;

~~5. No net loss of riparian area or adjacent aquatic area functions and values will occur as a result of the averaging, as demonstrated by an ecological critical area report from an ecological professional;~~

6. Where the riparian area includes a steep slope, landslide, or alluvial fan hazard area, the width of the riparian area is not reduced waterward ~~of the extent~~ of the hazard areas; and

~~7. If the site is located within the shoreline jurisdiction, no net loss of shoreline ecological functions will result; and~~

~~8~~7. Riparian area averaging ~~cannot be~~is not combined with any other riparian area width modifications.

SECTION ~~74~~88. Ordinance 15051, Section 195, as amended, and K.C.C. 21A.24.365 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or ((~~their buffers~~)) riparian areas:

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Commented [JN475]: Combined from 7.

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Redline provided for illustrative purposes only

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and ((~~aquatic area buffers~~)) riparian areas;

B. Clearing, ((~~G~~))grading ((~~for allowed alterations in ((aquatic area buffers)) riparian areas is~~)), and other site disturbances are only allowed from May 1 to October 1. ((~~This~~)) The period may be modified or restricted when the department determines it is necessary along ((~~marine shorelines~~)) aquatic areas to protect critical forage fish and salmonid migration, ((~~or~~)) as provided in K.C.C. 16.82.095, or as required by a state or federal permit;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:

1. Minimizing soil compaction, or

2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within a((~~n aquatic area buffer~~)) riparian area should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ((~~and~~))

E. To the maximum extent practical:

1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;

2. A spatial connection should be provided between vegetation within and outside the ((~~aquatic area buffer~~)) riparian area to prevent creation of wind throw hazards; and

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3. Hazard trees ((~~should be retained~~)) approved for removal in ((~~aquatic area buffers~~)) riparian areas ((~~and~~)) should be either topped or pushed over toward the aquatic area, and not ~~taken out of~~removed from the riparian area; ((~~and~~))

F. ~~Mitigation or restoration~~A project~~s~~ may include climate-~~smart~~ adaptive plants ~~approved by King County~~, but shall not otherwise introduce any plant or wildlife that is not indigenous to the Puget Sound ~~lowland~~ region into an aquatic area or riparian area unless authorized by state or federal approval; and

G. If a ((~~restoration, enhancement, or mitigation~~)) project ((~~proposes to place~~)) includes large wood ((~~woody debris~~)) waterward of the ordinary high water mark of a ((~~T~~))type S aquatic area, the applicant shall ((~~consider~~)) minimize the potential for recreational hazards in project design.

SECTION ~~75~~89. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate for the adverse impacts associated with an alteration to~~)) in an aquatic area or ((~~aquatic area buffer~~)) riparian area:

A. Mitigation measures ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better aquatic or riparian area functions than prealteration conditions, including, but not limited to:

1. Habitat complexity, connectivity, and other biological~~,~~ and ecological functions;

Commented [JN480]: This is broadened to all projects, not just mitigation and restoration projects, in an aquatic area or riparian area.

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Commented [JN482]: Changes made to reflect the edits related to "climate-smart plants" elsewhere.

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2. Seasonal hydrological dynamics((~~,~~)) and water storage capacity ((~~and water quality~~)); ((~~and~~))

3. ((~~Geomorphic and habitat processes and functions~~)) Shade and temperature control, pollution removal, water purification, and other water quality functions; and

4. Natural erosion and sediment delivery, nutrient and detritus delivery, natural bank stabilization, sources and recruitment of large wood, cover for aquatic and terrestrial animals, terrestrial-based aquatic prey resources, and other geomorphic and habitat processes and functions;

B. ((~~To the maximum extent practical, permanent ((alterations)) impacts that require mitigation such as restoration or enhancement of the altered aquatic area((, aquatic area buffer)) or riparian area, or another aquatic area or ((aquatic area buffer must consider)) riparian area.~~ The mitigation plan shall ~~document~~ address~~in a mitigation plan how~~ the following design factors~~((,))~~ ~~have been considered~~ as applicable ((~~to the function being mitigated~~)):

1. The natural channel or shoreline reach dimensions including its depth, width, length, and gradient;

2. The horizontal alignment and sinuosity;

3. The channel bed, marine intertidal area, sea bed, or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;

4. Bank ((~~and buffer~~)) configuration and erosion and sedimentation rates; ((~~and~~))

5. ((~~Similar~~)) N~~n~~ative vegetation or climate-~~smart~~ adaptive plant species diversity, size, and densities ((~~in the ((channel, sea bed or lake bottom and on the~~))

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~~adjacent~~ comparable to a nearby relatively undisturbed riparian ((~~bank or buffer~~)) area with similar configuration, spatial arrangement, and solar aspect;

6. Similar slope and elevation; and

7. Similar soil conditions, including moisture, saturation, and organic content;

C. Mitigation ((~~to compensate~~)) for ((~~adverse impacts~~)) ~~to~~ aquatic areas shall meet the following standards:

1. Mitigation shall ((~~N~~))not be located upstream of a barrier to fish passage; ~~and~~

2. ((~~Is equal or greater in biological function; and~~

~~3.~~)) To the maximum extent practical ((~~is~~)), mitigation shall be~~:~~

~~a.~~ located on the development proposal site ((~~of the alteration~~)) or within one-half mile of the site and in the same aquatic area reach ((~~at a ((1:1)) 2:1 ratio of area of mitigation to area of ((alteration)) impact; or~~

((~~4. Is~~)) ~~b~~. If mitigation cannot~~unable to~~ be located on the site or within one-half mile of the site, it shall be located in the same ((~~aquatic area~~)) drainage subbasin or marine shoreline ((~~and attains the following ratios of area of functional mitigation to area of ((alteration)) impact:~~

((~~a.~~)) ~~(1) a 3:1 ratio for a type S or F aquatic area; and~~

((~~b.~~)) ~~(2) a 2:1 ratio for a type N or O aquatic area~~)); and

3. Mitigation ratios for aquatic areas are as follows:

Aquatic Area and Location	**Mitigation Location**	**Mitigation Ratio (mitigation area to impact area)**
All aquatic areas	On the development proposal site	2:1

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All aquatic areas	Within 1/2 mile of the development proposal site and in the same aquatic reach	2:1
Type S or F	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	3:1
Type N or O	More than 1/2 mile from the development proposal site in the same drainage subbasin or marine shoreline	2:1

D. For purposes of subsection C. of this section, ((~~a~~)) mitigation ((~~measure~~)) is in the same aquatic area reach if the length of aquatic area ((~~shoreline~~)) or ~~adjacent~~ riparian area meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect, and substrate;

2. Similar processes including erosion and transport of sediment and ((~~woody debris~~)) large wood;

3. ((~~Equivalent~~)) Equal or better biological conditions, including presence of and habitat for invertebrates, fish, wildlife, and vegetation; and

4. ((~~Equivalent~~)) Equal or better biological functions, including fish and wildlife mating, reproduction, rearing, migration, and refuge; ((~~or~~)) and

5. For tributary streams, a distance of no more than one-half mile from the main stem;

E.~~1.~~ ((~~The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic~~

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~~area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:~~

~~1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;~~

~~2. Financing or funding guarantees for the duration of the monitoring program; and~~

~~3. Experienced, qualified staff to perform the monitoring;~~)) For riparian areas, ~~O~~on-site mitigation shall use the ratios in subsection E.~~2~~1. or E.2. of this section. Mitigation shall consist of restoration or creation, including through revegetation with native vegetation or climate-adaptive plants and removing invasive species, or both.~~;~~ ~~unless the department establishes an alternative mitigation ratio with supplemental actions in accordance with subsection F. of this section;~~

~~2~~1. Standard on-site mitigation ~~R~~ratios ~~of area of mitigation to area of impact for on-site mitigation for riparian areas~~for riparian areas are as follows:

Adjacent Aquatic Area Type	**On-site ~~Compensatory~~ Mitigation Ratio (mitigation area to impact area)**
Shoreline (S)	3:1
Fish bearing (F)	3:1
Non-fish bearing (N)	3:1
Other (O)	2:1

~~F.~~12. The department may approve ~~an~~ alternative on-site ~~area~~ mitigation ratios for riparian areas, ~~to subsection E. of this section when the following requirements of subsection F.2. of this section are met.~~

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~~2. Required actions for alternative on-site riparian area mitigation ratio~~ if the alternative mitigation provides equal or better ecological function than the standard mitigation requirements. Alternative mitigation is based on the type of existing vegetation impacted, as follows:~~:~~

Adjacent Aquatic Area Type	**Impacts to Woody Vegetation (Trees and Shrubs)**	**Impacts to Non-Woody Vegetation or ~~u~~Unvegetated Areas**
Shoreline (S) Fish bearing (F) Non-fish bearing (N)	2:1 ratio with at least one primary action or three secondary actions	1.5:1 ratio with at least one primary action or two secondary actions
Other (O)	1.5:1 ratio with at least one primary action or two secondary actions	1:1 ratio with at least one primary or secondary action

~~3~~a. Primary actions include:

~~a.~~(1) placing large wood in adjacent aquatic areas, ~~if~~ when not ~~associated with~~installed for shoreline stabilization or flood protection facilities;

~~b.~~(2) removing a fish passage barrier, if not required by the development permit;

~~c.~~(3) removing an aquatic area transportation crossing, such as a road~~s~~, bridge~~s~~, or trail~~s~~, and revegetating with native vegetation or climate-adaptive plants as appropriate. Utility-only crossings are not included under this action~~, unless the removal is part of an integrated transportation crossing removal project~~;

~~d.~~(4) removing shoreline armoring, revetments, or levees; or

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"Associated with" might imply that any large wood placed as part of a shoreline stabilization project would not qualify, rather than large wood that is installed for shoreline stabilization or flood protection facilities.

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~~c.~~(5) other similar actions as determined by the department.

~~4.~~b. Secondary actions include:

~~a.~~(1) ~~planting~~ adding area contiguous to the existing riparian area at a ratio of 0.5:1 where otherwise not required. If the area of addition does not have an equal ecological function to the impact area, the area shall be revegetated with native vegetation or ~~trees, shrubs~~ climate-~~smart~~ adaptive plants~~, and shrubs in areas of riparian area addition lacking native vegetation that are adjacent to and contiguous with existing riparian areas, within an area equal to one-half of the area of impact. This action cannot be applied where the riparian area addition requires enhancement to achieve equal function to the impact area~~;

~~b.~~(2) placing large wood in riparian areas or an adjacent floodplain;

~~c.~~(3) installing wildlife snags or similar wildlife nesting or rearing habitat;

~~d.~~(4) removing floodplain fill and replanting with native vegetation or climate-~~smart~~ adaptive plants as appropriate; or

(5) removing a fish passage barrier if required by a development permit;

~~e.~~(6) other similar actions as ~~determined~~ approved by the department;

~~G~~F.1. For riparian areas, off-site mitigation in the same drainage subbasin may be allowed ~~If~~ if the mitigation is unable to be located on or within one-half mile of the site.~~, off-site mitigation for riparian areas in the same drainage subbasin, may be accepted by the department and~~ Off-site mitigation shall be within a mitigation banking site, resource mitigation reserve, or conservation easement if on private property. ~~Off-site mitigation shall use the ratios of area of mitigation to area of impact in subsection G.2. of this section.~~

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2. Off-site compensatory mitigation ratios ~~of area of mitigation to area of impact of~~ riparian areas are as follows:

Adjacent Aquatic Area Type	**Off-Site Compensatory Mitigation Ratio**
Shoreline (S)	4:1
Fish bearing (F)	4:1
Non-fish bearing (N)	4:1
Other (O)	3:1~~; and~~

~~H~~G. For rectifying an illegal alteration to ((~~any type of~~)) an aquatic area or ((~~its buffer~~)) riparian area, mitigation ((~~measures ((must meet the following standards)) shall~~:

~~1.~~)) ~~For an aquatic area,~~ shall be ((~~L~~))located on the site of the illegal alteration, at a ((~~1:1~~))~~4:1~~ compensatory mitigation ratio of ((~~area of mitigation to area of ((alteration)) impact; ((and))~~

~~2. For a riparian area, be located on the site of the illegal alteration at a 4:1 ratio of area of mitigation to area of impact for adjacent type S, F, and N aquatic areas, and 3:1 ratio for adjacent type O aquatic areas; and~~

~~3. To the maximum extent practical,~~)) of 3:1, replicate((~~s~~)) the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section((~~; and~~

~~G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.~~

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~~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 ~~76~~90. Ordinance 15051, Section 198, as amended, and K.C.C. 21A.24.382 are hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;

B. For a bald eagle:

1. The wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-foot radius from an active nest;

2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and

((~~2~~)) 3. Between January 1 and August 31, land clearing machinery, such as bulldozers, graders, or other heavy equipment, ((~~may~~)) shall not be operated within eight hundred feet of the nest;

C. For a great blue heron:

1. The wildlife habitat conservation area is ((~~an area with~~)) an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and

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2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;

D. For a marbled murrelet, the wildlife habitat conservation area is ((~~an area with~~)) a one-half-mile radius around an active nest;

E. For a northern goshawk, the wildlife habitat conservation area ((~~is an area~~)) with a one-thousand-five-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area;

F. For an osprey:

1. The wildlife habitat conservation area is ((~~an area with~~)) a two-hundred-thirty-foot radius around an active nest; and

2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;

G. For a peregrine falcon:

1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff;

2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws, or heavy machinery, are not allowed within one-half mile of the eyrie; and

3. New power lines ((~~may~~)) shall not be constructed within one-thousand feet of the eyrie;

H. For a spotted owl, the wildlife habitat conservation area is ((~~an area with~~)) a three-thousand-seven-hundred-foot radius from an active nest;

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I. For a Townsend's big-eared bat:

1. Between June 1 and October 1, the wildlife habitat conservation area is ((~~a an area with~~)) a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony;

2. Between November 1 and March 31, the wildlife habitat conservation area is ((~~an area with~~)) a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area serving as a winter hibernacula;

3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting ((~~may~~)) shall not be altered or destroyed;

4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence ((~~is~~)) shall be protected from human entry; and

5. A gate across the entrance to a cave or mine that is protected because of bat presence ((~~must~~)) shall be designed to allow bats to enter and exit the cave or mine;

J. For a Vaux's swift:

1. The wildlife habitat conservation area is ((~~an area with~~)) a three-hundred-foot radius around an active nest located outside of the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Areas;

2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest;

K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive, and candidate species or King County species of local importance ((~~not listed in subsections B. through J. of this~~

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~~section~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science.

SECTION 91. Ordinance 11621, Section 52, as amended, and K.C.C. 21A.24.385 are hereby amended to read as follows:

A. ((~~The department shall make certain that s~~))Segments of the wildlife habitat network ((~~are~~)) shall be set aside and protected along the designated wildlife habitat network adopted by the ((~~King County~~)) Comprehensive Plan ((~~as follows:~~)).

((~~A.~~)) This section applies to the following development proposals on parcels that include a segment of the designated wildlife habitat network:

1. All ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions; and

2. All development proposals on individual lots unless a segment of the wildlife habitat network in full compliance with K.C.C. 21A.24.386 already exists in a tract, easement, or setback area, and a notice of the existence of the segment has been recorded;

B. Segments of the wildlife habitat network ((~~must~~)) shall be identified and protected in one of the following ways:

1. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, native vegetation is placed in a contiguous permanent open((~~-~~)) space tract with all developable lots sited on the remaining portion

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of the ((~~project~~)) development proposal site, or the lots are designed so that required setback areas can form a contiguous setback covering the network segments; or

2. For individual lots, the network is placed in a county-approved setback area.

To the maximum extent practical, existing native vegetation is included in the network.

The notice required by K.C.C. ((~~21A.27.170~~)) 21A.24.170 is required; and

C. All wildlife habitat network tracts or setback areas ((~~must~~)) shall meet the design standards in K.C.C. 21A.24.386.

SECTION 92. Ordinance 11621, Section 53, as amended, and K.C.C. 21A.24.386 are hereby amended to read as follows:

The following standards apply to development proposals and alterations on sites containing wildlife habitat network:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network;

B. The wildlife habitat network is sited to meet the following conditions:

1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary;

2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and

3. The network is contiguous with and includes critical areas and their buffers;

4. To the maximum extent practical, the network connects isolated critical areas or habitat; and

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5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts, or wooded areas on adjacent properties, if present;

C. The wildlife habitat network tract ((~~must~~)) shall be permanently marked in accordance with this chapter;

D. An applicant proposing recreation, forestry, or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site ((~~must~~)) shall have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions, and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;

E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan;

F. In ((~~urban planned developments, fully contained communities,~~)) binding site plans, subdivisions, and short subdivisions, a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat

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value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan; and

H. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks, and road projects.

SECTION ~~77~~93. Ordinance 15051, Section 204, and K.C.C. 21A.24.388 are hereby amended to read as follows:

In addition to the requirements in ((~~K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133~~)) this chapter, the following applies to mitigation ((~~to compensate~~)) for ((~~the adverse impacts associated with~~)) wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to~~)) a wildlife habitat conservation area ((~~must~~)) shall prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the ((~~wildlife~~)) habitat ((~~conservation area~~)) of the species impacted;

B. Mitigation ((~~to compensate~~)) for ((~~the adverse impacts to the~~)) a wildlife habitat network ((~~must~~)) shall achieve ((~~equivalent or greater~~)) equal or better biological functions, including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:

a. for mitigation on site:

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(1) 1.5:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 1.5:1 ratio for enhancement or restoration; and

b. for mitigation off-site:

(1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and

(2) 3:1 ratio for enhancement or restoration;

C. For temporary ((~~alterations~~)) impacts, the department may require ((~~rectification~~)) rehabilitation, restoration, or enhancement of the altered wildlife habitat network;

D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions;

E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site's prealteration natural environment including:

1. Soil type, conditions, and physical features;

2. Vegetation diversity and density; and

3. Biological and habitat functions; and

F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures.

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NEW SECTION. SECTION 94. There is hereby added to K.C.C. chapter 21A.24, to follow K.C.C. 21A.24.460, a new section to read as follows:

Violations of this chapter are enforced in accordance with K.C.C. 21A.50.035 and K.C.C. Title 23.

SECTION ~~78~~95. Ordinance 16958, Section 31, as amended, and K.C.C. 21A.25.100 are hereby amended to read as follows:

A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment;

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated

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with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in accordance with each letter-number combination;

6. A shoreline use may be allowed in the aquatic environment only if that shoreline use is allowed in the adjacent shoreland environment; and

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the allowed land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses, and finally to water enjoyment uses. All uses in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County ((~~S~~))shoreline ((~~M~~))master ((~~P~~))program.

B. Shoreline uses.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Agriculture								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	

Aquaculture (fish and wildlife management K.C.C. 21A.08.090)								
Nonnative marine finfish aquaculture								
Commercial salmon net pens								
Noncommercial native salmon net pens	P2	P2	P2	P2	P2	P2	P2	P2
Native non-salmonid finfish net pens		C2	C2	C2				C2
Geoduck aquaculture	C2	C2	C2	C2	C2	C2	C2	C2
Aquaculture, not otherwise listed	P2	P2	P2	P2	P2	P2	P2	P2
Boating Facilities								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
Commercial								

Development								
~~General~~ Personal services (K.C.C. 21A.08.050)	P4	P5	P5					
Temporary lodging (K.C.C. 21A.08.050)	P23	P27	P27	C27	C27			
Health care (K.C.C. 21A.08.045)	P4	P5	P5					
Business services, except ~~SIC Industry 1611,~~ automotive parking, and off-street required parking lot (K.C.C. 21A.08.060)	P6							
Retail (K.C.C. 21A.08.070)	P7	P8						
Government Services								
Government	P9	P9	P9	P9	P9	P9	P9	C10

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services except commuter parking lot, utility facility, and private stormwater management facility (K.C.C. 21A.08.~~060~~055)								
Forest Practices								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
Industry								
Manufacturing (K.C.C. 21A.08.080)	P12							
In-stream structural uses								
Hydroelectric generation facility, wastewater treatment facility, and municipal water production	C13	C13	C13			C13		C13

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(K.C.C. 21A.08.100)								
In-stream utility facilities (K.C.C. 21A.08.055~~060~~)	P14	P14	P14	P14	P14	P14	P14	C14
In-stream transportation ~~portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)~~facilities								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
Mining								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17

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Recreational Development								
Recreational and cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
Residential Development								
Single detached residences (K.C.C. 21A.08.030). ~~and~~ adult family homes and community residential facility I (K.C.C. 21A.08.~~xxx (((the new section created by)) Ordinance XXXXX (Proposed Ordinance 2024-~~		P	P	P	P	C22	C22	

~~0440), ((s))~~Section ~~148 ((of Proposed Ordinance 2023-0442)))~~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.~~xxx (((the~~	P23	P						

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~~new section created by)) Ordinance XXXXX (Proposed Ordinance 2024-0440), ((s))Section 148 ((of Proposed Ordinance 2023-0442))))045)~~								
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
~~Temporary lodging (K.C.C. 21A.08.030)~~	~~P23~~	~~P27~~	~~P27~~	~~C27~~	~~C27~~			
Live-aboards	P28	P28	P28					P28
Transportation and parking								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C.								

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21A.08.055~~60~~)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
Utilities								
Utility facility (K.C.C. 21A.08.~~060~~055)	P26	P26	P26	P26	P26	P26	P26	C26
Regional land uses								
Regional uses except hydroelectric generation facility, wastewater treatment facility, and municipal water production (K.C.C. 21A.08.100)	P30							

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C. Development conditions:

1. In the ((~~N~~))natural shoreline environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities, and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation shall meet the standards in K.C.C. 21A.25.110.

c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited, and other aquaculture activities are limited to activities that do not require structures, facilities, or mechanized harvest practices and that will not alter the natural systems, features, or character of the site.

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

3.a. New marinas are not allowed along the east shore of Vashon-Maury Island, from Piner Point to Point Robinson.

b. Marinas shall meet the standards in K.C.C. 21A.25.120.

4. ~~Water~~ Water-dependent ~~general~~ personal services land uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent ~~general~~ personal services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water.

5.a. Water-dependent ~~general~~ personal services land uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent ~~general~~ personal services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Nonwater-oriented ~~general~~ personal service~~((s))~~ land uses shall provide a ((~~significant~~)) public benefit by ((~~helping to achieve~~)) achieving one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

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(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; ((~~and~~)) or

(5) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business service((~~s~~)) uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business service((~~s~~)) uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

b. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent retail use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Nonwater-oriented retail uses shall provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;

(2) public access;

(3) water-oriented recreation;

(4) conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

(5) protection and restoration of historic properties.

8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Nonwater-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

a. economic development for water-dependent uses;

b. public access;

c. water-oriented recreation;

d. conservation of critical areas, scenic vistas, aesthetics, or fish and wildlife habitat; and

e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.~~060~~ 055 are allowed.

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b. Nonwater-dependent government services in K.C.C. 21A.08.~~060~~ 055 are only allowed as part of a shoreline mixed-use development if the nonwater-dependent government use supports a water-dependent use. Nonwater-dependent uses shall comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the ((~~N~~))natural environment.

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10. The following standards apply to government services uses within the ((~~A~~))aquatic environment:

a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams, or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone. However,

stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;

b. Water intakes shall not be located near fish spawning, migratory, or rearing areas. Water intakes shall adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;

c. Desalinization facilities shall not be located near fish spawning, migratory, or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and shall adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat, and the nearshore zone;

d. ~~((C))c~~able crossings for telecommunications and power lines shall:

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(1) be routed around or drilled below aquatic critical habitat or species;

(2) be installed in sites free of vegetation, as determined by physical or video seabed survey;

(3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

(4) use the best available technology;

e. ~~((O))o~~il, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition:

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(1) pipelines shall be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and

(2) use the best available technology for operation and maintenance;

f. ((B))breakwaters are not allowed within the Maury Island Aquatic Reserve or within the ((A))aquatic environment adjacent to the ((C))conservancy and ((N))natural shorelines.

11. In the ((N))natural shoreline environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices shall meet the standards in K.C.C. 21A.25.130.

12. Manufacturing uses in the shoreline environment shall give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:

a. ((N))nonwater-oriented manufacturing uses are allowed only:

(1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;

(2) on sites where navigability is severely limited; or

(3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and

(4) all nonwater-oriented manufacturing uses shall also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation, or water-dependent public education;

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b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;

c. shall be located, designed, and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values;

d. restoration is required for all new manufacturing uses; and

e. boat repair facilities are not allowed within the Maury Island Aquatic Reserve, except as follows:

(1) engine repair or maintenance conducted within the engine space without vessel haul-out;

(2) topside cleaning, detailing, and bright work;

(3) electronics servicing and maintenance;

(4) marine sanitation device servicing and maintenance that does not require haul-out;

(5) vessel rigging; and

(6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline.

13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility, and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if:

a. there is no feasible alternate location;

b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and

c. the use complies with the standards in K.C.C. 21A.25.260.

15. Limited to in-stream infrastructure, such as bridges, and shall consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:

a. shall meet the standards in K.C.C. chapter 21A.22;

b. shall be dependent upon a shoreline location;

c. shall avoid and mitigate ((~~adverse~~)) impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site.

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Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;

d. shall provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;

e. may be allowed within the active channel of a river only as follows:

(1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

(2) the mining and any associated ((~~permitted~~)) allowed activities will not have ((~~significant adverse~~)) impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and

(3) if no review has been previously conducted under this subsection C.17.e., before renewing, extending, or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

f. shall comply with K.C.C. 21A.25.190.

18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the ((~~H~~))high ((~~I~~))intensity shoreline environment and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

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19. Water-dependent and water-enjoyment recreational uses are allowed in the ((~~R~~))residential, ((~~R~~))rural, and ((~~F~~))forestry shoreline environments and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

20. In the ((~~C~~))conservancy shoreline environment, only the following recreation uses are allowed and shall meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:

a. parks; and

b. trails.

21. In the ((~~N~~))natural shoreline environment, only passive and low-impact recreational uses are allowed.

22. Single detached residences shall be located outside of the ((~~aquatic area buffer~~)) riparian area and set back from the ordinary high water mark to the maximum extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction.

24. Residential accessory uses shall meet the following standards:

a. docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180;

b. residential accessory structures located within the ((~~aquatic area buffer~~)) riparian area shall be limited to a total footprint of one-hundred fifty square feet; and

c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical.

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25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the ((~~N~~))natural environment.

26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

SECTION ~~79~~96. Ordinance 16985, Section 32, as amended, and K.C.C. 21A.25.110 are hereby amended to read as follows:

An applicant for an aquaculture facility shall use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting, or other similar mechanisms, shall not be allowed in areas where the proposal would adversely impact critical saltwater or critical freshwater habitats.

D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes, or that would result in a net loss of shoreline ecological functions shall be prohibited.

E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses.

F. Aquaculture facilities shall be designed, located, and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species.

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and pesticides shall be used only in conformance with state and federal standards and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County marine waters if they are consistent with subsections S. and Y. of this section and are:

1. Native salmon net pens operated by Indian tribes with treaty fishing rights;

2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or

3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the

department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable ((~~significant~~)) adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates ((~~significant,~~)) adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate.

K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies.

L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities.

M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington <u>state</u> Department of Health. This prohibition does not apply

to((:)) Pacific, Olympia, Kumomoto, Belon, or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County.

O. For aquaculture projects, overwater structures shall be allowed only if necessary for the immediate and regular operation of the facility. Overwater structures shall be limited to the storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark.

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes, or debris shall be allowed to accumulate at the site of any aquaculture operation.

R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds, and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:

1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, "Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Vashon-Maury Island, which is Piner Point, to the southeast tip of Vashon-Maury Island, which is Neill Point;

2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail;

3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant

demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program;

5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing, or hand washing; and

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department of local services, permitting division, stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements.

U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected Indian tribes through the permit review process.

V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an

abandoned or unsafe structure in accordance with K.C.C. Title 23.

W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.

X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.

Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:

1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;

2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:

a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no ((~~significant~~)) adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, critical saltwater or critical freshwater habitat, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and

b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or reduction of genetic fitness of wild stocks, parasite or disease transmission, or other adverse effects on native species or threatened or endangered species and their habitats;

3. The department's review shall:

a. include an assessment of the risk to endangered species, non-endangered

species, and other biota that could be affected by the finfish net pen; and

b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;

4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

5. Finfish net pens shall not be located:

a. within three hundred feet of an area containing eelgrass or a kelp bed;

b. within one thousand five hundred feet of an ordinary high water mark; or

c. in a designated Washington state Department of Natural Resources aquatic reserve;

6. A finfish net pen may not be used to mitigate the impact of a development proposal; and

7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen shall be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years.

Z. Geoduck aquaculture shall be consistent with WAC 173-26-241(3)(b).

SECTION ~~80~~97. Ordinance 3688, Section 415, as amended, and K.C.C. 21A.25.150 are hereby amended to read as follows:

Recreational development ((~~must~~)) shall meet the following standards:

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A. The recreational development ((~~must be~~)) is permitted in the underlying zone;

B. Recreational uses in the ((~~N~~))natural shoreline environment ((~~must~~)) shall be water-oriented;

C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;

D. The development of underwater sites for sport diving shall not:

1. Take place at depths of greater than eighty feet;

2. Constitute a navigational hazard; and

3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site;

E. The construction of swimming facilities, docks, piers, moorages, buoys, floats, and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats, or launching facility construction in K.C.C. 21A.25.180;

F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;

G. Campgrounds in the ((~~N~~))natural shoreline environment shall meet the following conditions:

1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical area((~~s~~)) and associated buffers;

2. Restrooms and parking shall be located outside the shoreline jurisdiction; and

3. Removal of vegetation shall be limited to the maximum extent practical;

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H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;

I. Water viewing, nature study, recording, and viewing shall be accommodated by open space, platforms, benches, or shelter, consistent with public safety and security;

J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non((-))water oriented active recreation facility would have an adverse impact on critical saltwater or critical freshwater habitats.

SECTION ~~81~~98. Ordinance 16985, Section 39, as amended, and K.C.C. 21A.25.160 are hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment;

2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment;

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3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply;

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table;

6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction shall comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High	**Resident**	**Rur**	**Conserv**	**Resour**	**Fores**	**Natu**	**Aqua**

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	Intensity	**ial**	**al**	**ancy**	**ce**	**try**	**ral**	**tic**
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats, or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
Breakwaters, jetties, groins, and weirs								
Breakwaters, jetties, groins, and	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5

weirs								
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

C. Development conditions.

1. New and replacement shoreline stabilization, including bulkheads, shall meet the standards in K.C.C. 21A.25.170((:)).

2.a. Flood protection facilities shall be consistent with the standards in K.C.C. chapter 21A.24~~,~~ : goals, objectives, guiding principles, and policies of the 2024 King County Flood Management Plan~~,~~ ; and the Integrated ((~~Stream~~)) Streambank Protection Guidelines (Washington state ((~~d~~))Departments of Fish and Wildlife, Ecology, and Transportation, ((~~2003~~)) 2002). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated ((~~so as~~)) to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization shall comply with the standards in K.C.C. 21A.25.170.

b. Relocation, replacement, or expansion of existing flood control facilities within the ((~~N~~))natural shoreline environment are allowed, subject to the requirements of the King ((~~(c)~~))County Flood ((~~Hazard)~~) Management Plan and consistent with the ((~~Washington State Aquatic Guidelines Program's~~)) Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be allowed consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

3. Docks, piers, moorage, buoys, floats, or launching facilities shall comply with the standards in K.C.C. 21A.25.180((:)).

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4.a. Filling shall comply with the standards in K.C.C. 21A.25.190.

b. A shoreline conditional use permit is required to:

(1) Place fill waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities; and

(2) Dispose of dredged material within shorelands or wetlands within a channel migration zone;

c. ((F))fill shall not be placed in critical saltwater or critical freshwater habitats except when all ((of)) the following conditions are met:

(1) the public's need for the proposal is clearly demonstrated and the proposal is consistent with protection of the public trust, ((as embodied)) in accordance with RCW 90.58.020;

(2) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

(3) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(4) the project is consistent with the state's interest in resource protection and species recovery; and

d. In a channel migration zone, any filling shall protect shoreline ecological functions, including channel migration.

5.a. Breakwaters, jetties, groins, and weirs:

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(1) are only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director;

(2) are not allowed in the Maury Island Aquatic Reserve except as part of a habitat restoration project or as an alternative to construction of a shoreline stabilization structure;

(3) shall not intrude into or over critical saltwater or critical freshwater habitats except when all ~~((of))~~ the following conditions are met:

(a) the public's need for the structure is clearly demonstrated and the proposal is consistent with protection of the public trust, ~~((as embodied))~~ in accordance with RCW 90.58.020;

(b) avoidance of impacts to critical saltwater or critical freshwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;

(c) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater or critical freshwater habitats; and

(d) the project is consistent with the state's interest in resource protection and species recovery.

b. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.

c. A conditional shoreline use permit is required, except for structures installed to protect or restore shoreline ecological functions.

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6. Excavation, dredging, and filling shall comply with the standards in K.C.C. 21A.25.190. A shoreline conditional use permit is required to dispose of dredged material within shorelands, wetlands, or side channels within a channel migration zone.

7.((~~a. If the department determines~~)) Limited to projects where the primary purpose is ((~~restoration~~)) to restore or enhance of the natural character and ecological functions of the shoreline, ((~~a shoreline habitat, and natural systems enhancement~~)) as follows:

a. the project may include shoreline modification of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, and shoreline stabilization, including the installation of large ((~~woody debris~~)) wood, dredging, and filling((~~,~~));

b. Within the ((~~u~~))Urban ((~~g~~))Growth ((~~a~~))Area, the county may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects, consistent with criteria and procedures in WAC 173-27-215((~~,~~));

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~~c. A restoration and enhancement plan shall be prepared by an ecological professional. The plan shall include a critical functional analysis that evaluates the existing conditions and the post-project ecological and increase in functions to be achieved by the project.~~

~~d~~c. ~~An applicant for a~~A shoreline habitat and natural systems enhancement project shall ~~demonstrate that the proposed project will~~ provide a net ecological benefit and increase in functions over the existing ecological and functional conditions of the habitat project area; and. ~~If this requirement is satisfied, additional mitigation or restoration beyond the proposed habitat enhancement project itself may not be required. The applicant may be required to comply with the post-project monitoring and reporting conditions in K.C.C. 21A.24.130.~~

d. A restoration or enhancement plan shall include:

(1) an evaluation of the anticipated net change in ecological functions from pre-project to post-project; and

(2) a monitoring and reporting plan to demonstrate the gain of ecological function.

8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

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SECTION 8299. Ordinance 16985, Section 46, as amended, and K.C.C. 21A.25.210 are hereby amended to read as follows:

A. The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, ((~~is subject to the following:~~

~~A.~~)) shall require a shoreline variance ((~~I~~))if the proposed expansion ((~~will~~)):

1. ((~~r~~))Results in a total cumulative expansion of the dwelling unit and accessory structures ((~~of~~)) by more than one thousand square feet((~~, a shoreline variance is required; and~~

~~B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed~~)):

2. Is within thirty-five feet of the ordinary high water mark; or

3. Is between thirty-five feet and fifty feet of the ordinary high water mark and the expansion extending towards the ordinary high water mark is greater than three hundred square feet.

SECTION 83100. Ordinance 11168, Section 3 as amended, and K.C.C. 21A.30.045 are hereby amended to read as follows:

A. ((~~To achieve the maximum density allowances using~~)) The livestock densities in K.C.C. 21A.30.040 may be achieved through a livestock management plan component of a farm management plan((~~, the~~)). A livestock management plan ((~~must meet the following criteria~~)) component shall:

1. ((~~The plan is~~)) Comply with the requirements of K.C.C. 21A.24.051 for farm management plans;

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2. Be developed as part of a program authorized or approved by King County. Certified Washington state Department of Ecology nutrient management plans that are consistent with all of the criteria of this section may substitute for a livestock ((~~management component of a farm~~)) management plan component for commercial dairy farms. Commercial dairy farms that do not have approved nutrient management plans ((~~must~~)) shall meet the requirements of K.C.C 21A.30.060;

((~~2. The plan~~)) 3. ((~~:~~))Include((~~s~~)) site-specific best management ((~~measures~~)) practices for minimizing nonpoint pollution from agricultural activities and for managing wetland ((~~and~~)), wetland buffers, aquatic areas, and riparian areas, including, but not limited to:

a. livestock watering;

b. grazing and pasture management;

c. confinement area management;

d. manure management; and

e. exclusion of animals from aquatic areas ((~~and their buffers~~)), riparian areas, and wetlands and ((~~their~~)) associated buffers with the exception of grazed wet meadows((~~,~~));

((~~3. The plan is~~)) 4. Be implemented within a timeframe established in the plan and maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

((~~4. A~~)) 5. Include a monitoring plan ((~~may be~~)), if required ((~~as part of the livestock management component of a farm management plan~~)), to demonstrate that there

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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 s~~))~~Seek to achieve~~ a ((~~twenty-five-foot buffer of~~)). Establish ~~forty-foot-wide~~ grazing area buffers with ~~including~~ 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 ~~foot-wide grazing area buffer including diverse, mature vegetation between grazing areas and~~ feet from ~~the ordinary high water mark of~~ a~~ll~~ type N aquatic area~~s~~; ~~and~~

(4) twenty ~~foot-wide grazing area~~ feet ~~buffer including diverse, mature vegetation between grazing areas and~~ from the ~~wetland~~ edge of a~~ny~~ category IV wetland~~s, other than~~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.

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Commented [JN561]: Grazed wet meadows do not have a grazing area buffer. Language added for clarity.

Commented [JN562]: The critical area alterations table in K.C.C. 21A.24.045 make reference to limiting/prohibiting clearing in forested areas; however, it may be difficult for an applicant to easily identify that provision. Language is added for clarity.

Commented [JN563]: Edits for consistency with K.C.C. 21A.30.060 and K.C.C. 21A.24.045 to prohibit the clearing for new grazing areas in critical areas with native forest vegetation.

b. The ((~~livestock management component of a farm management plan((s))~~ ~~may vary the~~)) width of the grazing area buffer ((~~of an aquatic area or wetland~~)),)) and the time and duration of animal exclusion throughout the year ((~~, according to guidelines agreed upon by King County and the King Conservation District~~)) may be modified consistent with the public rule established to implement farm management plans. The ((~~guidelines~~)) public rule may ((~~support a~~)) allow for different grazing area buffer widths based on both the nature of the farm operation and the function and sensitivity of the aquatic area or wetland.

c. The livestock management plan ((~~must~~)) component shall include best management practices that avoid having manure accumulate in or within ten feet of type ((~~N or~~)) O ((~~waters~~)) aquatic areas. ((~~Forested lands being cleared~~)) ~~Clearing of lands for grazing~~ ((~~areas~~)) ~~shall comply with the~~ ~~riparian area widths and~~ ~~critical area buffers~~ ~~and all applicable regulations~~ ~~in K.C.C. chapter 21A.24~~));

2. ((~~Assure~~)) Ensure that drainage ditches on the site do not channel animal waste to aquatic areas and wetlands;

3. Achieve an additional twenty((~~-foot buffer~~)) feet of diverse, mature vegetation beyond the grazing area buffers identified in subsection B.1. of this section downslope of any confinement areas within two hundred feet of type S((~~and~~)), F~~, and N~~ ((~~waters~~)), and N aquatic areas. This requirement may be waived for existing confinement areas on lots of two and one-half acres or less in size if:

a. a minimum buffer of ((~~twenty-five~~)) forty feet of diverse, mature vegetation is achieved;

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b. manure within the confinement area is removed daily during the winter season from October 15 to April 15, and stored in accordance with K.C.C. 21A.30.060.D.; and

c. additional best management practices((, ~~as recommended by the King Conservation District,~~)) in an approved farm management plan are implemented((,)) and maintained; and

4. Include a schedule for implementation.

C. Any deviation from the manure management standards ((~~must~~)) shall be addressed in ((~~a~~)) the livestock ((~~management component of a farm~~)) management plan component.

D. ((~~A copy of the final plans shall be submitted to the department of natural resources and parks within sixty days of completion.~~

~~E. The farm management plan approved by the department of natural resources and parks may be appealed to the hearing examiner in accordance with K.C.C. 20.22.040 and 20.22.080. Appeals may be filed only by the property owner or four members of the King County agriculture commission. Any farm management plan not appealed shall constitute prima facie evidence of compliance with the regulatory provisions of K.C.C. 9.12.035.~~))

~~F.~~ Properties operating subject to an existing livestock management ~~farm~~ plan component ~~developed~~ based on the standards in effect before the effective date of this ordinance shall be deemed to have satisfied the standards of this section.

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Commented [JN572]: Removes special appeal process for farm management plans. Appeal would follow the underlying permit.

E. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION ~~84~~101. Ordinance 10870, Section 534, as amended, and K.C.C. 21A.30.060 are hereby amended to read as follows:

((~~Property owners with farms containing either large~~)) A. The livestock ((~~at~~)) densities ((~~greater than one animal unit per two acres, or small livestock at densities greater than five animals per acre, or both, are not required to follow a~~((~~n livestock~~)) identified in K.C.C. 21A.30.040 without a farm management plan ((~~if the owners adhere~~)) are subject to ((~~the management standards in subsections A. through G. of~~)) this section. This section applies only if farm practices do not result in violation of any federal, state, or local water quality standards.

((~~A.~~)) B. To minimize livestock access to aquatic areas, property owners shall utilize the following for livestock watering ((~~options~~)):

1. The preferred option, which is a domestic water supply, stock watering pond, roof runoff collection system, or approved pumped supply from ((~~the~~)) aquatic areas so that livestock are not required to enter aquatic areas for their water supply.

2.a. Livestock access to type S((~~and~~)), F~~, and N~~ ((~~waters((, including their buffers~~)), and N aquatic areas and riparian areas shall be limited to crossing and watering points that have been addressed by a crossing or watering point plan designed to Natural Resource Conservation Services or King Conservation District specifications that prevent free access along the length of the aquatic areas.

Commented [JN573]: Clarifies measurement method for widths identified in this section.

Commented [JN574]: Edits to this section for streamlining, clarity, and removal of duplicative language.

Removes references to property owners and farms to address other instances of farming (lease or non-commercial animal-keeping)

Removes references to minimum animal units. K.C.C. 21A.30.040 indicates when a farm management plan or this section applies, as well as provides allowances for properties with a smaller number of animals than those indicated in this section.

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((~~a.~~)) b. Fencing shall be used as necessary to prevent livestock access to type S ((~~and~~)), F~~, and N~~ ((~~waters~~)), and N aquatic areas.

((~~b.~~)) c. Bridges may be used((~~, in accordance with K.C.C. chapter 21A.24, in lieu of~~)) in place of crossings in accordance with K.C.C. chapter 21A.24. Piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish flood carrying capacity. These bridges may be placed without a ((~~county~~)) building permit, but the permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of a ((~~county~~)) building permit ((~~requirements~~)) does not constitute a waiver from other required agency permits.

((~~B.~~)) C.1. Existing grazing areas without a farm management plan and not addressed by K.C.C. chapter 21A.24 shall maintain a ((~~vegetative~~)) grazing area buffer ((~~of~~)) as follows:

a. fifty feet~~))~~ ~~fifty-foot-wide grazing area buffer~~ from the ((~~wetland~~)) edge of a category I, II, ~~((~~or~~))~~, III~~, or IV~~ wetland, except ((~~those wetlands meeting the definition of~~)) grazed wet meadows((~~, or the ordinary high water mark of~~));

b. fifty feet from a type S ((~~or~~)), F~~, or N~~ ((~~water~~)), or N aquatic area~~;; and~~

c. ~~a~~ twenty~~-~~five~~-foot-wide grazing area buffer~~ feet from the edge of a category IV wetland, except ~~those wetlands meeting the definition of~~ grazed wet meadows; and

d. no minimum from grazed wet meadows.

2. ((~~Forested~~)) The clearing of l~~))L~~ands ((~~being cleared~~)) for new grazing areas shall not occur in wetlands, wetland buffers, or riparian areas that contain predominantly

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native forest overstory, shrub, or herbaceous layer, and shall comply with the riparian area widths, ~~and~~ critical area buffers, and ~~the associated~~ applicable regulations in K.C.C. chapter 21A.24.

~~3. ((The grazing area buffer may be reduced to twenty-five feet where a twenty-five-foot buffer of diverse, mature vegetation already exists. This buffer reduction may not be used when ((forested)) lands are being cleared for grazing areas.~~

~~4.~~)) Fencing shall be used to establish and maintain the grazing area buffer unless the buffer is otherwise impenetrable to livestock.

((~~5.~~)) 4. Fencing installed in accordance with the ((~~1990 Sensitive Area Ordinance before February 14, 1994~~)) standards in effect before January 1, 2005, at setbacks other than those specified in subsection B.((~~1. and 2.~~)) of this section shall be deemed to constitute compliance with those requirements.

((~~6.~~)) 5. Grazing areas within two hundred feet of a wetland or type S((~~or~~)), F~~, or N ((water or category I, II ((or)), III, or IV wetland))~~, or N aquatic area shall not be plowed during the rainy season from October 1 through April 30.

((~~7.~~)) 6. Grazing areas may extend to the property line, provided that wetlands and type S((~~or~~)), F~~, or N ((waters and category I, II ((and)), III, or IV wetlands))~~, or N aquatic areas that are located adjacent to the property line are ((~~buffered~~)) protected in accordance with subsection ((~~B.1., 2., or 3.~~)) C. of this section.

((~~C.~~)) D.1. In addition to the grazing area buffers in subsection ((~~B.((1. and 2.~~)) C. of this section, confinement areas located within two hundred feet of any wetland, except grazed wet meadows, or type S((~~or~~)), F~~, or N ((waters or category I, II ((or)), III, or IV wetlands with the exception of grazed wet meadows~~)) or N aquatic areas shall:

Commented [JN581]: Edits to clarify forested lands. Mirrors language in the critical area alterations table (see condition 54) in K.C.C. 21A.24.045.

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a. have a twenty-foot-wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and that may also include tree cover;

b. not be located in ((~~the buffer of~~)) a wetland buffer or a riparian area ~~adjacent to~~ of a((~~ny~~)) type S((~~or~~)), F~~, or N~~ ((~~water or any wetland buffer required by the critical areas ordinance~~)), or N aquatic area in effect at the time the confinement area is built, or within fifty feet of ((~~the~~)) a wetland ((~~edge of any category I, II ((or)), III, or IV wetland~~)) or ((~~the ordinary high water mark of any~~)) type S((~~or~~)), F~~, or N~~ ((~~water~~)), or N aquatic area. Fencing shall be used to establish and maintain the wetland buffer ((~~except where existing natural vegetation is sufficient to exclude~~)) or riparian area unless the area is otherwise impenetrable to livestock ((~~from the buffer((. Existing confinement areas that do not meet these requirements shall be modified as necessary to provide the buffers specified in this section within five years of January 1, 2005, though the footprint of existing buildings need not be so modified~~)); and

c. have roof drains of any buildings in the confinement area diverted away from the confinement area.

2. Confinement areas may extend to the property line((~~,~~)) if aquatic areas and wetlands adjacent to the property line are buffered in accordance with ((~~K.C.C. this~~)) subsection C. of this section.

((~~D.~~)) E.1. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas;

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b. All manure stockpiled within two hundred feet uphill of ((~~any the ordinary high water mark of~~)) a wetland or type S ((~~or~~)), F~~, or N~~ ((~~water or the edge of a category I, II ((or)), III, or IV wetland~~)), or N aquatic area shall either be covered in a manner that excludes precipitation and allows free flow of air to minimize fire danger or be placed in an uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle, or other facility designed to prevent leachate from reaching any aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the first two years after installation, then annually unless problems were identified in the first two years, in which case quarterly monitoring shall continue and appropriate adjustments shall be made; and

c.(1) Manure shall not be stored in a((~~ny ((aquatic area buffer~~)) riparian area or wetland buffer, with the exception of grazed ((~~or tilled~~)) wet meadows, unless there is no other alternative on the property. Manure shall be stored in a location that avoids having runoff from the manure enter aquatic areas or wetlands.

(2) Manure piles shall not be closer than one hundred feet uphill from:

((~~(1)~~)) (a) any wetland edge excluding grazed ((~~or tilled~~)) wet meadows;

((~~(2)~~)) (b) the ordinary high water mark of any aquatic area; or

((~~(3)~~)) (c) any ditch to which the topography would generally direct runoff from the manure((~~; and~~)).

((~~d.~~)) (3) The location may be reduced to no closer than fifty feet if the manure pile is part of an active compost system that is located on an impervious surface to prevent contact with the soil and includes a leachate containment system.

2. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

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((~~E.~~))F. For purposes of this section, "buffer maintenance" means allowing vegetation in the grazing area buffer that provides shade for the aquatic area or acts as a filter for storm((~~,~~))water entering the aquatic area, other than noxious weeds, to grow to its mature height, though grasses in the buffer may be mowed but not grazed. Grading in the buffer is allowed only for establishment of watering and crossing points, or for other activities ((~~permitted~~)) in accordance with K.C.C. chapter 21A.24, with the appropriate permits.

((~~F.~~)) G. Properties ((~~that have~~)) with existing fencing ((~~already~~)) installed at distances other than those specified in these standards, and for which livestock management farm plans have been developed based on the existing fencing locations, shall be deemed to be in compliance with the fencing requirements of these standards((~~. Properties with or without a livestock management component of a farm management plan that complied with the fencing requirements in effect before January 1, 2005, shall have five years from January 1, 2005, to meet the fencing requirements for aquatic areas that were exempt from fencing under ordinances in effect before January 1, 2005~~)), ~~provided~~ but only if approved fencing is present for ~~all~~ type S and F aquatic areas.

((~~G.~~)) H. Buffer areas shall not be subject to public access, use, or dedication by reason of the establishment of such buffers.

I. For the purposes of this section, in aquatic areas and riparian areas, distances shall be measured from the ordinary high water mark of the adjacent aquatic area or from the top of the bank if the ordinary high water mark cannot be identified.

SECTION ~~85~~102. Ordinance 15051, Section 228, and K.C.C. 21A.50.035 are hereby amended to read as follows:

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Commented [JN597]: Clarifies measurement method for widths identified in this section.

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.

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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.

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C. When an aquatic area or ((~~buffer~~)) riparian area is altered in violation of this title, restoration of the ((~~stream and buffer~~)) aquatic area or riparian area shall comply with the restoration standards in K.C.C. 21A.24.380.

D. All corrective work shall be completed within the time specified in the corrective work plan, but in no case later than one year from the date the corrective work plan is approved by the department, unless the director authorizes a longer period. The violator shall notify the department when restoration measures are installed and monitoring is commenced.

E. Any failure to satisfy corrective work requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due or comply with other provisions of an approved corrective work plan shall constitute a default, and the department may demand payment of any financial guarantees or require other action authorized by K.C.C. Title 27A or other applicable law.

F. Reasonable access to the corrective work site shall be provided to King County for the purpose of inspections during any monitoring period.

SECTION 103. Ordinance 13332, Section 28, as amended, and K.C.C. 27.10.130 are hereby amended to read as follows:

Fees for critical areas review, critical area designation, critical area alteration, flood hazard certification and variances for floodplain development, or sea level rise risk area shall be charged as follows:

A. Critical areas review	
1. Critical area notice on title only	$423.00
2. Nonresidential review, basic, per discipline	$2,327.00
3. Nonresidential review, complex, per discipline	$3,813.00
4. Stewardship planning	$3,390.00
B. Critical areas designations	
1. Minimum fee per application	
a. For sites less than 1 acres	$1,438.00
b. For sites between 1 and 10 acres	$TBD
c. For sites over 10 acres	$TBD
2. Fee per discipline if the parcel or parcels for which designations are requested have one or more critical area, excepting critical aquifer recharge, seismic hazard, or erosion hazard area	$1,061.00
3. Fee for resubmittal of critical area study, per discipline	$1,061.00
C. Critical area alteration exception	
1. Review, per discipline	$9,323.00

Commented [JN600]: Establishes fees for critical area designations based on site, with placeholder fees for sites between 1 and 10 acres and over 10 acres.

2.	Base fee		$3,390.00
3.	Extension of approval		$1,906.00
4.	If applications for a shoreline permit and critical area alteration exception are reviewed concurrently, the critical area alteration exception application shall be charged fifty percent of the fees required by this section.		
D.	Floodplain development: flood hazard certificate review		
1.	Section A		$423.00
2.	Section B.1, FEMA floodway		$284.00
3.	Section B.2		$853.00
E.	Floodplain development inspection		$635.00
F.	Floodplain development review: floodway and channel migration zone		
1.	Screening and verification		$423.00
2.	Review of a request for FEMA floodway letter-of-map-amendment shall be charged at actual cost to the department including consultant costs, administrative costs and cost of review by other county departments and governmental agencies.		
G.	Floodplain development review: mapped floodplain		$212.00
H.	Floodplain development review: unmapped floodplain		
1.	Qualitative floodplain study		$212.00
2.	Minor floodplain study		$284.00
3.	Major floodplain study		$853.00

I. Review of variances for development in a floodplain or sea level rise risk area or for nonresidential elevation and dry floodproofing under K.C.C. 21A.24.228 shall be charged at actual cost to the department including consultant costs, administrative costs, and cost of review by other county departments and governmental agencies.

SECTION ~~86~~104. The following are hereby repealed:

A. Ordinance 15051, Section 67, and K.C.C. 21A.06.628;

B. Ordinance 15051, Section 139, as amended, and K.C.C. 21A.24.055;

~~B~~C. Ordinance 17539, Section 47, as amended, and K.C.C. 21A.24.072;

~~C~~D. Ordinance 15051, Section 152, as amended, and K.C.C. 21A.24.137;

~~D~~E. Ordinance 10870, Section 461, as amended, and K.C.C. 21A.24.140;

~~E~~F. Ordinance 11481, Sections 3 and 5, as amended, and K.C.C. 21A.24.314;

~~F~~G. Ordinance 15051, Section 189, as amended, and K.C.C. 21A.24.342; and

~~G~~H. Ordinance 15051, Section 234, as amended, and K.C.C. 21A.24.550.

SECTION 105. By December 31, 2027, the executive shall transmit an ordinance that updates mapping for critical aquifer recharge areas, based on the best available science when it was previously adopted. The ordinance required by this section shall be electronically filed with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff to the local services and land use committee or its successor.

SECTION ~~89~~106. The executive shall submit sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B.~~41, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69~~83, ~~

Commented [JN601]: Repeals definition of impoundment. See definition of aquatic area.

Commented [JN602]: To address aquifer vulnerability designation in the critical aquifer recharge area maps.

~~70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86~~ of this ordinance to the state Department of Ecology for its approval, as provided in RCW 90.58.090.

SECTION ~~90~~107. Sections 49, 50, 52.A., B.2., C.2., D., and E., 60, 61, 62, 63, 66, 67, 68, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, and 104.B.~~91, 42, 44, 52, 53, 56, 58, 59, 60, 63, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 86~~ of this ordinance take effect within the shoreline jurisdiction fourteen days after the state Department of Ecology provides written notice of final action stating that the proposal is approved, in accordance with RCW 90.58.090. The executive shall provide the written notice of final action to the clerk of the council.

SECTION ~~91~~108. **Severability**. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected."

Strike Attachment A, Critical Areas Comprehensive Plan Updates, and insert Attachment A, 2025 Update to 2024 King County Comprehensive Plan, dated August 2025. The clerk of the council is instructed to engross changes from any adopted amendments and correct any scrivener's errors. Upon final adoption, council staff is instructed to reflect the enactment number throughout Attachment A, incorporate adopted changes into the King County Comprehensive Plan, modify all Comprehensive Plan and technical maps in Attachment A to reflect the changes in any adopted amendments, update the tables of contents as necessary, update footnote numbers as necessary, and provide an electronic copy of each to the executive.

Redline provided for illustrative purposes only

EFFECT prepared by J. Ngo: Striking Amendment S1 would make the following changes:

General Changes

1. Updates various terminology for consistency and streamlines code language.
2. Addresses technical corrections, clarifying edits, drafting errors, code reviser notes, and engrosses changes from other ordinances.
3. Adds a cross reference to K.C.C. 21A.50.035 and K.C.C. Title 23 for violations in critical areas.
4. Removes a finding that identifies various county code sections as protection for critical aquifer recharge areas. No code sections are removed as part of this change.
5. Where required, clarifies that farm management plans must be approved.
6. Where applicable, clarifies that best management practices for farm management plans are required only for those applicable to the activity.

Clearing and Grading Exemptions (K.C.C. chapter 16.82)

7. Clearing: eliminates a clearing and grading permit exemption in wetlands, wetland buffers, aquatic areas, riparian areas and severe channel migration hazard areas. (Conditions 4, 23)
8. Emergency tree removal: limits the permit exemption in areas outside of critical areas to those to prevent imminent danger to person or structures (Condition 6)
9. Drilling and testing for critical area reports or monitoring and data collection: in critical areas, limits the permit exemption to only those done with hand equipment, minimal grading, no clearing, and equipment is removed when work is completed (Conditions 1, 2, 22)
10. Farm field access drives: limits the permit exemption to properties in the A zone, Agricultural Production District, or Farmland Preservation Program, has an approved farm management plan, meet applicable best management practices in an approved farm plan, creates less than 2,000 sf of new impervious surface, access is less than 14 feet wide, there is no other alternative location with less impacts to critical areas and associated buffers is available, complies with the farmland dispersion requirements in the King County Surface Water Design Manual, is sited in an area least subject to channel migration, obtains a floodplain development permit and state and federal permits when required.
11. Where required, clarifies that farm management plans are to be approved.

Shoreline Master Program (K.C.C. chapter 20.12.200)

12. Adopts new code sections concerning revegetation (Section 63 of the ordinance), alluvial fan hazard area development standards (Section 72 of the ordinance) and tsunami hazard area development standards (Section 73 of the ordinance) into the Shoreline Master Program.
13. Changes the effective date to the date of the ordinance.

Public Benefit Rating System (PBRS) (K.C.C. 20.36.100)

14. Under farm and agricultural conservation land, requires a farm management plan for livestock to be in accordance with K.C.C. 21A.30.045.
15. Lowers the threshold for the rural open space category from a 10-acre contiguous open space area minimum to 5 acres.

State Environmental Policy Act (SEPA) (K.C.C. 20.44.040)

16. Adds language from WAC 197-11-800 that limits SEPA exemptions to exclude proposals undertaken on lands covered by waters, requiring a license governing discharges to water or emissions to air not exempt under state law, or requiring a non-SEPA-exempt land use decision.
17. Clarifies the thresholds are up to a certain number (for example, "up to" twenty dwelling units), rather than exactly a certain number.
18. Broadens the residential exemption to any structure with a certain number of dwelling units, not only residential structures, consistent with state law.
19. Exempts any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law.
20. Lowers the SEPA exemption for code violations in steep slope, landslide, or alluvial fan hazard areas from 500 cubic yards to the standard exemption of 100 cubic yards.

Definitions (K.C.C. chapter 21A.06)

21. Agricultural products: removes specific tree types in the list of agricultural products
22. Aquatic areas: streamlines the definition of aquatic areas, integrates the definition of "impoundments" into this definition.
23. Aquatic area functions: adds a new definition and examples.
24. Buffer: reverts the definition back to a designated area that is contiguous to a critical area. Specifies that a buffer is integral to the functions and values of a critical area.
25. Commercial production of agricultural products: Deletes the proposed definition. Modified parameters to determine commercial production for critical areas are added to K.C.C. 21A.24.051.
26. Critical aquifer recharge area: modifies the definition to also include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
27. Farm field access drives: removes regulatory language from the transmittal that limits farm field access drives to properties in the A zone, Agricultural Production District, or Farmland Preservation Program.
28. Fish habitat: broadens the definition from only habitats used by salmonids to all native fish species, revises potential habitat to include upstream or landward of human-made barriers, and revises the examples of fish habitat.
29. Hazard tree: removes language that a parking area, road, or utility facility within striking distance of a structurally deficient tree must be approved to qualify.
30. Landslide hazard area: revises language that a landslide hazard area includes areas located on alluvial fan that is susceptible to episodic inundation, sedimentation, and erosional impacts.

31. Impoundments: repeals this definition and incorporates language into the definition of aquatic areas.
32. Mitigation: modifies the definition of mitigation to state that it is an action to compensate for unavoidable impacts after avoidance and mitigation sequencing is applied.
33. Notice of map amendment: identifies which maps are adopted and can be modified through a notice of map amendment.
34. Revegetation: revises the definition of climate-adaptive plants as plant species identified by DNRP as current or formerly native to the surround ecoregion and that are predicted to maintain their abundance under climate change.
35. Riparian area: identifies that riparian areas protect the functions and values of aquatic areas.
36. Tsunami hazard area: updates the Washington Geological Survey to the current available edition and names the areas on the map.
37. Wetlands: corrects a past code revising error.
38. Wetland values: adds language describing wetland values as estimates of the worth, merit, quality, or importance of wetlands, identifies that values vary by watershed or community, and provides examples.
39. Wildlife lighting: clarifies that it is exterior lighting, rather than applied measures to the exterior lighting, that are designed and installed to reduce impacts to wildlife.

Purpose (K.C.C. 21A.24.010)

40. Clarifies that avoidance and mitigation sequencing includes mitigation of impacts.
41. Clarifies that no net loss, rather than preventing overall loss, is the measure for wetlands, aquatic areas, and riparian area functions and values.
42. Adds a purpose statement for providing clear and objective development standards, application requirements, and review processes for the administration of critical areas protections.

Applicability (K.C.C. 21A.24.020)

43. Removes proposed language that if an area or site contains more than one critical area or natural resource land designation, all designations apply. All designations on a site would still apply, consistent with chapter K.C.C. 21A.24 and state law.

Critical Area Alteration (K.C.C. 21A.24.045)

44. Adds moderate channel migration hazard areas as a critical area where all alterations are allowed, with conditions.
45. Provides additional instruction on how to interpret the critical area alteration table.
46. Renumbering of certain conditions:
    a. Condition 64 is renumbered to Condition 2
    b. Condition 60 is renumbered to Condition 29
    c. Condition 57 is renumbered to Condition 56
    d. Condition 58 is renumbered to Condition 57
    e. Condition 69 is renumbered to Condition 58

f. Condition 29 is renumbered to Condition 59
g. Condition 3 is renumbered to Condition 60
h. Condition 59 is renumbered to Condition 64

47. Consolidation of certain conditions:
    a. Conditions 11 and 12 are consolidated into Condition 10
    b. Condition 23 is consolidated into Condition 58 (which is renumbered to condition 57)
    c. Condition 52 is consolidated into Condition 51
    d. Condition 56 is consolidated into Condition 55
48. Repeal of certain conditions: Condition 11, 12, 23, 52, 59.
49. Remove proposed condition 70.
50. Maintenance or repair of existing structures:
    a. Applies Condition 6 in severe channel migration hazard areas and alluvial fan hazard areas. This condition would limit existing primary structures to no increase in the footprint and would not constitute substantial improvement, and limit accessory structures to a 1,000 square foot addition and no expansion towards an alluvial fan or channel migration hazard.
51. Expansion or replacement of existing structure: Splits this alteration in two, with the following:
    a. Expansion of existing structures:
        - Prohibits this alteration in a landslide hazard area or steep slope hazard area (no change from existing code)
        - Allows this alteration in severe channel migration hazard areas and alluvial fan hazard areas with limitations under Condition 6 (see above for description).
        - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 7. Condition 7 is modified so the alteration must be on an existing impervious surface, lawn or landscaping area, farm field, or grazed area with limitations on original establishment, location, revegetation and/or footprint expansion.
    b. Replacement of existing structures:
        - Allows this alteration in a landslide hazard area or steep slope hazard area for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low under Condition 5.
        - Allows this alteration in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to Condition 8. Condition 8 is modified so the alteration is within an existing footprint or has the least impact on the critical area, does not expand the total footprint of all structures and impervious surfaces, is on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and includes revegetation.

52. Construction/maintenance/repair of a pier or dock:
    a. Allows this alteration in a Category II, III, or IV wetland or wetland buffer, subject to Condition 9. Condition 9 is clarified to state that that the alteration is only to provide access to an aquatic area and to remove a condition specific only to aquatic areas.
    b. Allows this alteration in an aquatic area or riparian area, subject to Condition 10. Condition 10 is modified prohibit the alteration in a salmonid spawning area and requires compliance with K.C.C. 21A.25.180 in type S or F aquatic areas.
53. Grading: allows grading in critical areas when addressing an emergency in an alluvial fan hazard area, subject to Condition 14.
54. Cutting of firewood: prohibits cutting of firewood in severe channel migration hazard area, aquatic area, riparian area, wetland, and wetland buffer. Reverts back to limiting the cutting of firewood for only personal use.
55. New road in unimproved right-of-way: prohibits new roads in unimproved right-of-way as allowed alteration.
56. Horticulture activities, grazing of livestock, and commercial fish farms:
    a. For existing activities, adds clarity for uses established after January 1, 2005 and continuous existence for transfer of ownership, sale, or leasing (Condition 53).
    b. Allows for the conversion of existing land to other agricultural products, expansion of existing activities and establishment of new agricultural activities on sites where ethe primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants (Condition 54).
57. Livestock manure storage facility, livestock heavy use area, farm pads: allowed if associated with a horticulture or livestock grazing activity, in an existing grazed, tilled or impervious area, consistent with a farm management plan, subject to conditions, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants.
58. Nonresidential buildings: allows nonresidential buildings only on sites where the primary use of the site is one that qualifies as horticulture or grazing livestock activities, subject to other conditions.
59. Farm field access drives: allows farm field access drives on sites with horticulture or grazing livestock activity, complies with the Surface Water Design Manual, and subject to other conditions.

<u>Agricultural activities development standards (K.C.C. 21A.24.051)</u>

60. Establishes criteria for proof of agricultural activities or commercial production of agricultural products, including 1 year of IRS filing, a USDA organic certification, enrollment or eligibility for enrollment in the current use classification, or other comparable documentation. These criteria would only

apply to the critical area regulations, not other parts of the Code where agricultural activities are regulated.

61. Requires modifications to farm management plans if impacts to critical areas or associated buffers are identified with monitoring.
62. Clarifies that farm management plans are not effective for the purposes of critical areas until approved by the County.
63. Deletes language that a property owner or applicant may develop a farm management plan as part of a program offered or approved by King County.

Public Rules for Farm Management Plans (K.C.C. 21A.24.061)

64. Adds requirements and procedures for adopting a public rule for farm management plans, including an adoption deadline of December 31, 2026.

Critical area alteration exceptions/reasonable use exceptions (K.C.C. 21A.24.070)

65. Splits critical area alteration exceptions into public agency/utility exceptions and private development exceptions.
66. Clarifies that all exceptions in the shoreline jurisdictions are processed as shoreline variances.
67. Expands the prohibition of critical area alteration exceptions from salmonid habitat to fish habitat.
68. Removes language that an applicant can apply for a reasonable use exception without first having to apply for an alteration exception if relief from development standards are requested.

Disclosure (K.C.C. 21A.24.090)

69. Removes the requirement for an applicant to disclose whether they have been found in violation of K.C.C. chapter 21A.24 for any property in King County.

Critical Area Designations (K.C.C. 21A.24.500)

70. Reverts critical area designations from a parcel to a site.
71. Removes review timelines, which are superseded by K.C.C. Title 20.
72. Specifies which adopted maps that may modify the effectiveness of a critical area designation.

Critical Area Review (K.C.C. 21A.24.100)

73. Development that does not involve site disturbance, clearing, or grading and only requires a permit or approval in K.C.C. chapters 16.04 or 17.04 in alluvial fans are not exempt from critical area review.

Critical Area Reports (K.C.C. 21A.24.110 and Sections 58 and 59)

74. Clarifies that the critical area report requirements may be modified or limited in scope as determined by the Department of Local Services.
75. Identifies what type of critical area report, geological or ecological, applies to each critical area.
76. Adds a requirement for a field investigation and examples of types of documentation in a geological assessment for a geological critical area report.

77. Adds and revises requirements for a geological critical area report, such as basic information, description of hydrology, geological conditions, hazard analysis, and recommendations for proposed development.
78. Revises requirements for an ecological critical area report, such as monitoring plans and site plans.

Critical Area Mitigation (K.C.C. 21A.24.125 and K.C.C. 21A.24.130)

79. Updates avoidance and mitigation sequencing to match state law.
80. Prioritizes, instead of requires, mitigation to occur on-site.
81. When monitoring identifies deficiencies in predicted impact or a failure in mitigation, requires an extension of the monitoring period by at least 2 years
82. Requires all development proposals, rather than only access for developments, to minimize impacts and comply with avoidance and mitigation sequencing.

Revegetation (Section 63)

83. Changes terminology of "climate-smart plants" to "climate-adaptive plants"
84. Establishes a new section for revegetation requirements in critical area and critical area buffers, including providing equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using native or climate-adaptive plants, prioritizing the use of native plants first, and restoring soil and hydrologic functions when necessary.
85. Allows modification to planting plans based on site-specific conditions.
86. Adds requirements and procedures for adopting a public rule for the climate-adaptive plant list, including an adoption deadline of December 31, 2026.

Notice on Title (K.C.C. 21A.24.170)

87. Adds buffer reductions to the notice on title.
88. Clarifies that a notice on title may be removed or amended as part of a critical area designation or a critical areas map update including critical aquifer recharge areas, wildlife habitat networks, channel migration zones, or flood hazard areas.

Critical Area Setbacks (K.C.C. 21A.24.200)

89. Reduces the critical area setback from 15 feet to 10 feet.
90. Removes a proposed 18" height limitation for uncovered decks in critical area setbacks.

Channel Migration Zones (K.C.C. 21A.24.275)

91. Clarifies that new primary dwelling units, accessory dwelling units or living quarters, and required infrastructure are allowed if located on a legally established lot in existence on or before February 16, 1995.

Geologically Hazardous Areas

Landslide and Steep Slope Hazard Areas (K.C.C. 21A.24.280 and K.C.C. 21A.24.310)

92. Requires alterations on slopes greater than 40% to not decrease slope stability on contiguous properties and the risk of property damage or injury from landsliding is eliminated or minimized.

93. Adds a factor of safety requirement for slope stability for landslide hazard areas and steep slope hazard areas.
94. Requires alterations to comply with a geological critical area report.
95. Recodifies K.C.C. 21A.24.310.

Alluvial Fan Hazard Areas (Section 72)

96. Allows for buffers from alluvial fan hazard areas if needed.
97. Requires alterations in alluvial fans to minimize risk of inundation, sedimentation, channel migration, or erosion on adjacent properties.
98. Prohibits vegetation removal from an alluvial fan hazard area or associated buffer except as part of an allowed alteration.
99. Requires alterations to minimize disturbance to alluvial fan hazard area, slope, and vegetation unless necessary for slope stabilization.

Critical Aquifer Recharge Areas (K.C.C. 21A.24.316)

100. Updates mining to mineral extraction to reflect land uses in K.C.C. chapter 21A.08.
101. Requires a property owner to implement all recommended measures to prevent saltwater intrusion into a well.
102. Adds a requirement to transmit updated critical aquifer recharge area maps by December 31, 2027.

Wetlands (K.C.C. 21A.24.335, 340, 342)

103. Reclassifies moderate-intensity active recreation or open space and passive recreation inside the Urban Growth Area as moderate and low impact land uses, respectively.
104. When buffer averaging is proposed, requires revegetation where native vegetation does not current exist and requires no net loss of wetland functions and values.
105. Requires all wetland complexes inside the Urban Growth Area to include a corridor if buffers do not connect.
106. Allows mixed-use, daycares, and social services within the Urban Growth Area, which have a high intensity impact designation, to be lowered to moderate impacts if certain conditions are met. Revises the measure to require revegetation along the edge of the buffer and where existing vegetation is sparse and requires noise-generating activities to be sited away from the wetland.
107. Increases the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio for Category I forested wetlands from 1:1 R/C and 16:1 E to 1:1 R/C and 20:1 E consistent with Department of Ecology guidance.
108. Increases the rehabilitation ratio for permanent conversion of Category I forested and shrub wetlands into emergent wetlands from 4.5:1 to 6:1.

Aquatic Areas and Riparian Areas (K.C.C. 21A.24.355, .358, .365, .380)

109. Revises the typing for aquatic areas to match the state water typing system in WAC 222-16-030.
110. Standardizes the riparian area width for all Type S and F riparian areas in the Urban Growth Area to 180 feet.

111. Requires revegetation where native vegetation does not current exist when buffer averaging is proposed.
112. Prohibits clearing and other site disturbances from May 1 to October 1 in aquatic areas or riparian areas. Allows modifications or restrictions when required by a state or federal period.
113. Requires projects to minimize the potential for recreational hazards when large wood is proposed in a Type S aquatic area.
114. Requires mitigation plans to include native or climate-adaptive plant species comparable to a nearby relatively undisturbed riparian area.
115. Requires mitigation for riparian areas to include restoration or creation.
116. For alternative mitigation ratios:
    a. Increases the ratio for Type S, F, or N riparian areas with impacts to non-woody vegetation or unvegetated areas from 1:1 to 1.5:1.
    b. Increases the ratio for Type O riparian areas with impacts to woody vegetation.
    c. Allows primary actions in lieu of secondary actions where impacts occur to non-woody vegetation or unvegetated areas
    d. Revises a secondary action for replanting a riparian area addition to adding more riparian area with replanting.
    e. Adds a secondary action option for removal of a fish passage barrier that is required as part of a development permit.
117. Revises the mitigation ratio for illegal alterations to 3:1.

Wildlife Habitat Networks (K.C.C. 21A.24.385)

118. Removes references to urban planned developments and fully contained communities.

Grazing livestock (K.C.C. 21A.30)

119. For sites with farm management plans:
    a. Requires the livestock management component to comply with the farm management plan requirements in K.C.C. 21A.24.051.
    b. Clarifies that grazed wet meadows have no grazing area buffer.
    c. Clarifies that grazing area buffers may be modified consistent with the farm management plan public rule.
    d. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
    e. Clarifies that clearing of land for new grazing areas must comply with critical area widths or buffer widths.
    f. Removes special requirements to submit a final farm management plan with a livestock component to the County.
    g. Removes a hearing examiner appeal process of farm management plans to reflect current practice.
    h. Identifies measurement methods for grazing area widths.
120. For sites without farm management plan:
    a. Revisions to the section to be applicable to any site with livestock without a farm management plan;

b. Removes a 50-foot grazing area buffer for Category IV wetland and maintains the 25-foot grazing area buffer.
c. Clarifies that grazed wet meadows have no grazing area buffer.
d. Removes a 25-foot grazing area buffer reduction where there is existing diverse, mature vegetation.
e. Clarifies that clearing of lands cannot occur in wetlands, wetland buffers, or riparian areas with predominantly native cover.
f. Removes an allowance for manure storage on tilled wet meadows.
g. Identifies measurement methods for grazing area widths.

Development Permit Fees (K.C.C. 27.10.130)

121. Modifies fees for critical area designations based on site size.

Comprehensive Plan (Attachment A)

122. In Chapter 3, adds a policy exploring implementation of a Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District.
123. In Chapter 5, adds a policy recognizing Indigenous Knowledge as an important aspect in developing rules, regulations, projects, and programs for the protection of critical areas.
124. In Chapter 5, adds lead-in text regarding supporting critical area protections and the long-term viability of agriculture and Voluntary Stewardship Programs. Adds a policy on exploring adaptive management techniques within or adjacent to agricultural activities, such as enrollment through the Voluntary Stewardship Program, collection of data, engagement with Indian tribes, the King Conservation District, farmers, and other interested parties.
125. In Chapter 5, adds a policy on consideration of species and habitats of cultural importance to Indian tribes in planning, development review, and capital projects.
126. In the Glossary, modifies the definition of habitat, wetland functions and wetland values for consistency with K.C.C. chapter 21A.06.

King County

2025 Update to 2024 King County Comprehensive Plan

August 2025

In Chapter 3, Rural & Natural Resources, on page 3-36, after Policy R-755, amend as follows:

R-755a **King County should explore implementing the Voluntary Stewardship Program within the Snoqualmie Valley Agricultural Production District through engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

Commented [EA1]: New policy calling for exploring Voluntary Stewardship Program in the Snoqualmie Valley.

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.**

Commented [EA2]: New policy recognizing Indigenous Knowledge in informing County rules, regulations, projects, and programs for 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.

Commented [EA3]: New lead-in text and new policy calling for adaptive management techniques in managing critical areas on agricultural lands.

E-905 **King County should explore adaptive management techniques to protect and enhance critical areas within or adjacent to agricultural activities, such as through enrollment in the Voluntary Stewardship Program, collection of data, and engagement with the Indian tribes, the King Conservation District, farmers, and other interested parties.**

In Chapter 5, Environment, on page 5-24, after Policy E-334, amend as follows:

E-334a **King County should consider species and habitats of cultural importance to Indian tribes in its planning, development review, and capital projects.**

Commented [EA4]: New policy calling for consideration of culturally important species and habitats in County planning, development review, and capital projects.

In the Glossary, on page G-10, amend as follows:

Habitat

Commented [EA5]: Changes to definitions in the Glossary for consistency with the King County Code.

Habitat is the ((~~area where wildlife normally lives and grows. Habitat components include food, water, cover (security, breeding, thermal) and space~~)) the locality, site and particular type of environment occupied by an organism at any stage in its life cycle.

In the Glossary, on page G-25, amend as follows:

Wetland Functions

The physical, biological, chemical, and geologic interactions among different components of the environment that occur within a wetland. Wetland((~~s perform~~)) functions ((~~that are grouped into three categories:~~)) include, but are not limited to, functions that improve water quality, functions that change the water regime in a watershed such as flood storage, and functions that provide habitat for plants and animals. (See Chapter 5, Environment)

Wetland Values

Values are estimates((~~, usually subjective,~~)) of the worth, merit, quality, or importance of wetland processes, characteristics, or attributes that are considered to ((~~valuable and beneficial to~~)) benefit society. Values vary by watershed or ((~~human~~)) community. Examples of wetland values include ((~~E~~))education, research, aesthetics, and recreation ((~~are examples of other wetland attributes that may be considered values in that they are beneficial to society~~)).