



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19820

Proposed No. 2024-0202.2

Sponsors Perry

1 AN ORDINANCE relating to river and floodplain
 2 management, adopting the 2024 King County Flood
 3 Management Plan, and amending Ordinance 11955,
 4 Section 9, as amended, and K.C.C. 2.16.045, Ordinance
 5 9163, Section 2, as amended, and K.C.C. 9.04.020,
 6 Ordinance 9163, Section 5, as amended, and K.C.C.
 7 9.04.050, Ordinance 1709, Section 5, as amended, and
 8 K.C.C. 13.24.060, Ordinance 15053, Section 3, as
 9 amended, and K.C.C. 16.82.051, Ordinance 17270, Section
 10 2, as amended, and K.C.C. 18.25.010, Ordinance 3692,
 11 Section 1, as amended, and K.C.C. 20.12.200, Ordinance
 12 11112, Section 1, as amended, and K.C.C. 20.12.480,
 13 Ordinance 19146, Section 66, and K.C.C. 21A.23.020,
 14 Ordinance 15051, Section 137, as amended, and K.C.C.
 15 21A.24.045, Ordinance, 19128, Section 20, and K.C.C.
 16 21A.24.226, Ordinance, 16267, Section 59, as amended,
 17 and K.C.C. 21A.24.381, Ordinance, 16985, Section 39, as
 18 amended, and K.C.C. 21A.25.160, and Ordinance 3688,
 19 Section 414, as amended, and K.C.C. 21A.25.190.

20 STATEMENT OF FACTS:

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- 21 1. Six major river systems flow through King County, which are the
22 South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green, and
23 White rivers, along with many tributaries of varying size. King County
24 also has one hundred three miles of marine shoreline, and within the
25 boundaries of King County are many urban areas with significant amounts
26 of impervious surface.
- 27 2. River and stream flooding, coastal flooding, and urban flooding impact
28 private property, businesses, and public and private infrastructure such as
29 parks and utilities, and transportation corridors, and can directly and
30 indirectly result in loss of life.
- 31 3. The 2024 King County Flood Management Plan ("the 2024 flood
32 plan") updates and supersedes the 2006 King County Flood Hazard
33 Management Plan ("the 2006 plan") and the 2013 King County Flood
34 Hazard Management Plan Update and Progress Report ("the 2013 plan
35 update"). The 2024 flood plan updates the policies established in the 2006
36 plan and updates the technical information about flooding in King County
37 presented in the 2006 plan and the 2013 plan update.
- 38 4. The 2006 plan was created to respond to aging flood protection
39 infrastructure and unmet maintenance needs, new or updated federal
40 regulatory requirements, environmental impacts of past flood hazard
41 management practices, and changes in watersheds since 1993. The 2013
42 plan update provided an update to the 2006 plan.

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43 5. Policy E-499r of the proposed 2024 King County Comprehensive Plan
44 ("the 2024 Comprehensive Plan") directs that King County's floodplain
45 land use and floodplain management activities shall be carried out in
46 accordance with both the King County Flood Hazard Management Plan or
47 successor plans. The 2024 flood plan was developed to be a successor
48 plan.

49 6. The 2024 flood plan was developed to meet the requirements of the
50 National Flood Insurance Program's Community Rating System ("CRS").
51 King County's Class 2 rating provides a forty percent discount on flood
52 insurance premiums for policyholders in unincorporated King County.
53 The county's CRS program saves property owners and renters
54 approximately one million dollars each year on flood insurance.

55 7. As in previous plans, the 2024 flood plan considers the impact of flood
56 hazard management policies and actions on habitat for Puget Sound
57 Chinook salmon and bull trout, which are listed as threatened under the
58 federal Endangered Species Act.

59 8. The 2024 flood plan proposes a comprehensive suite of actions to
60 reduce flooding risks to people, property, critical public infrastructure, and
61 the region's economy. These actions include floodplain management
62 programs such as the Flood Warning Center and maintenance of flood
63 protection infrastructure, as well as construction projects to address a
64 backlog of levee rehabilitation needs around King County.

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65 9. The 2024 flood plan emphasizes solutions that are resilient to the
66 effects of climate change, that benefit frontline communities consistent
67 with policy E-499qq in the 2024 Comprehensive Plan, and which provide
68 multiple benefits, such as open space and recreational opportunities,
69 habitat protection and enhancement, viable agriculture and commerce, and
70 water quality protection.

71 10. The 2024 flood plan characterizes flood risks countywide, including
72 along rivers and tributaries and in areas affected by coastal and urban
73 flooding.

74 11. The 2024 flood plan recognizes that multiple governments and
75 community partners carry out flood risk reduction activities, and it
76 identifies approaches to protect public safety, valuable public and private
77 property, the regional economy, and the general welfare of King County
78 and its residents.

79 12. The 2024 flood plan recognizes that the King County Flood Control
80 Zone District is a special-purpose district independent of King County
81 with its own priorities, governance, funding source, and budgetary
82 process. The 2024 flood plan does not commit the Flood Control Zone
83 District to funding projects or activities identified in the plan.

84 13. The 2024 flood plan supports the goals of the King County
85 Comprehensive Plan, the King County Equity and Social Justice Strategic
86 Plan, the King County Strategic Climate Action Plan, the King County

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87 Clean Water Healthy Habitat Strategic Plan, the King County Land
88 Conservation Initiative, and the King County Local Food Initiative.

89 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

90 SECTION 1. Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045 are
91 each hereby amended to read as follows:

92 A. The department of natural resources and parks is responsible to manage and
93 be fiscally accountable for the wastewater treatment division, water and land resources
94 division, solid waste division, and parks and recreation division. The department shall
95 administer and implement the requirements of the federal Clean Water Act, federal
96 Endangered Species Act, and other federal and state laws and regulations related to those
97 requirements. The department shall perform the metropolitan water pollution abatement
98 function referred to in this section as "the water quality program," as set forth in chapter
99 35.58 RCW, K.C.C. Title 28, and other federal and state laws and regulations applicable
100 to that function, although financial planning for and administration of the water quality
101 program shall be conducted consistent with financial policies approved by the council.
102 The department shall coordinate the county's National Pollutant Discharge Elimination
103 System municipal stormwater permit program. The department shall provide the support
104 to the county's participation in the regional water supply planning process including the
105 development of reclaimed water and the review of local utility district plans for
106 conformance with county plans and policies and shall participate in the process of
107 preparing coordinated water system plans to ensure conformance with county plans and
108 policies. The department shall provide for the active and passive recreational needs of
109 the region, consistent with the mission of the parks and recreation division described in

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110 subsection E.1. of this section. The department shall designate as natural resource lands
111 those county-owned lands that serve important natural resource functions, including, but
112 not limited to, benefiting and protecting natural drainage systems, drainage basins, flood
113 control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat,
114 and other natural resource purposes. The department shall act to ensure integration of
115 environmental programs across utility and resource functions and to balance stewardship
116 with economic development issues. To ensure integration and balanced stewardship
117 through the director's office the department shall oversee strategic planning using staff
118 resources budgeted in the department's divisions. Strategic planning may include, but not
119 be limited to: integration of land and water resource protection; coordination of ground
120 water, water reuse, and water supply plan approval; development of new funding
121 approaches for resource protection; establishment of new partnerships with businesses,
122 community organizations, and citizens; and better coordination of sewerage and flood
123 control facilities to prevent water quality degradation. The director's office shall manage
124 the county's historic preservation program including landmark designation, protection,
125 and enhancement to support tourism development, downtown revitalization, and
126 environmental and cultural sustainability.

127 B.1. The duties of the wastewater treatment division shall include the following:

128 a. administering the functions and programs related to the operation,
129 maintenance, construction, repair, replacement, and improvement of the metropolitan
130 sewerage system and its financing;

131 b. administering the county's sewage disposal agreements with cities and
132 special districts;

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133 c. providing planning for the water quality capital program;
134 d. providing design, engineering, and construction management services
135 related to the water quality capital programs including new facilities development, and
136 maintenance of the existing infrastructure;

137 e. providing support services such as project management, environmental
138 review, permit and right-of-way acquisitions, scheduling, and project control; and

139 f. regulating industrial discharges into the metropolitan sewerage system.

140 2. The council may assign responsibility for services ancillary to and in support
141 of the operation and maintenance of the metropolitan water pollution abatement system
142 under chapter 35.58 RCW, including, but not limited to, human resources, accounting,
143 budgeting, finance, engineering, fleet administration, maintenance, laboratory,
144 monitoring, inspection, and planning, as it determines appropriate.

145 C. The duties of the water and land resources division shall include the
146 following:

147 1. Proposing or updating, or both, and implementing adopted policies, plans,
148 and programs relating to water and land resources, open space, and other natural
149 resources that protect fisheries, natural resources, water quality, and ground water and
150 that solve and prevent drainage problems;

151 2. Responding to major river floods and addressing drainage problems in
152 unincorporated portions of the county as provided in K.C.C. Title 9, the Surface Water
153 Management Program, in K.C.C. chapter 20.12, the King County Flood (~~Hazard~~
154 ~~Reduction~~) Management Plan Policies, and in other policies established by the council;

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155 3. Within available resources, maintaining major river channels, and surface and
156 storm drainage systems and lands to minimize flood hazards and protect fisheries
157 resources, drainage systems and lands, and water quality;

158 4. Providing coordination and technical assistance within the county and other
159 governments to assist in setting and implementing priorities for water and land resources,
160 including sample collection, laboratory services, monitoring, analysis, and other activities
161 to protect, enhance, and evaluate the quality of land, habitat, and water resources in the
162 county;

163 5. Planning the surface water management capital program, providing design,
164 engineering, and construction management services related to the surface water
165 management capital program including new facilities development and maintenance of
166 the existing infrastructure and providing support services such as project management,
167 environmental review, permit and right-of-way acquisitions, scheduling, and project
168 control;

169 6. Preparing standards for storm water management facilities that are
170 constructed as part of land development;

171 7. Providing technical assistance and education to businesses and the general
172 public to encourage environmental stewardship;

173 8. Implementing the county park, open space, trails, agriculture, forestry, and
174 other natural resources acquisition programs, including planning, site selection,
175 financing, acquisition, project budget management, and purchasing fee and less than fee
176 interests;

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177 9. Monitoring and protecting the county's development rights interests related to
178 agricultural lands;

179 10. Consulting in the preparation of management plans for protection and use of
180 the natural resource values of county owned lands, including natural resource lands,
181 dedicated and deeded open space lands, and lands acquired by the county as a condition
182 of land development approval, and consulting with the parks and recreation division the
183 appropriate means to execute such management plans;

184 11. The office of rural and resource lands shall be a distinct functional unit of
185 the division reporting directly to the water and land resources division manager. The
186 office shall plan, manage, and be responsible for administering the county's rural and
187 resource lands programs including, but not limited to, agriculture, farmlands preservation,
188 current use taxation programs, forestry, noxious weeds, terrestrial wildlife and habitat,
189 rural economic development, and encouraging environmental stewardship;

190 12. Planning, prioritizing, seeking funding for, designing, and implementing
191 restoration projects on natural resource lands, dedicated and deeded open space lands,
192 and lands acquired by the county as a condition of land development approval in
193 coordination with the parks and recreation division; and

194 13. Administering and operating the mitigation reserves program's in-lieu fee
195 program.

196 D. The duties of the solid waste division shall include the following:

197 1. Managing and operating the county's comprehensive solid waste program on
198 a self-supporting basis;

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199 2. Administering the county's solid waste interlocal agreements with cities and
200 towns;

201 3. Diverting as much material as possible from disposal in a manner that
202 reduces the overall costs of solid waste management to county residents and businesses,
203 conserves resources, protects the environment, and strengthens the county's economy;

204 4. Managing and being accountable for all transfer station operations and
205 landfills, as well as the transportation of waste between county facilities;

206 5. Procuring and maintaining all capital and operating equipment specific to the
207 solid waste function;

208 6. Providing planning, design, engineering, and construction management
209 services related to the solid waste capital program including new facilities development
210 and maintenance of existing infrastructure;

211 7. Providing support services such as project management, environmental
212 review, permit acquisitions, scheduling, and project control; and

213 8. Actively pursuing all revenue sources in an effort to maintain the lowest
214 possible rate structure for the benefit of county residents.

215 E. The duties of the parks and recreation division shall include the following:

216 1. Carrying out the county's parks and recreation division mission, which is to
217 provide regional trails, regional passive parks, regional resource and ecological lands, and
218 regional active recreation facilities, rural parks, and local unincorporated area parks
219 within the urban growth boundary until annexed, by employing entrepreneurial strategies
220 that raise revenues to support park operations and facilitating agreements with other
221 jurisdictions and entities to provide for recreational services and other activities;

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222 2. Proposing and implementing adopted policies, plans, and programs related to
223 the provision of regional and rural parks and recreation facilities and programs and
224 natural resource lands in King County and local parks in the unincorporated portion of
225 King County within the urban growth boundary until those areas are annexed;

226 3. Within available resources, managing, operating, and maintaining or
227 facilitating the management, operation, and maintenance of the county parks and
228 recreation facilities;

229 4. Within available resources, maintaining, restoring, or facilitating the
230 maintenance of regional resource and ecological lands in consultation with the water and
231 land resources division;

232 5. Monitoring and protecting the county's real property and development rights
233 interests acquired through the conservation futures and other open space and natural
234 resource programs, with the exception of development rights on agricultural lands,
235 ensuring to the greatest extent practicable that subsequent county land use policies remain
236 compatible with the acquired interests;

237 6. Preparing and implementing in consultation with the water and land resources
238 division the management plans for protection and use of the natural resource values of
239 county owned lands, including natural resource lands, dedicated and deeded open space
240 lands, and lands acquired by the county as a condition of land development approval, and
241 determining appropriate means to execute those management plans;

242 7. Administering, operating, and maintaining those lands designated as natural
243 resource lands, using any work forces as appropriate;

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- 244 8. Developing and monitoring a capital project plan as defined in K.C.C.
245 chapter 4A.100;
- 246 9. Within available resources, developing and facilitating agreements for the
247 development of specific active park and recreation facilities;
- 248 10. Coordinating with other departments and divisions as appropriate in the
249 preparation of grant applications for park and open space acquisition, development, and
250 operations;
- 251 11. Developing, managing, or facilitating agreements for the provision of
252 recreational programs;
- 253 12. Facilitating programs that promote the safe enjoyment of county-owned
254 swimming pools and guarded swim beaches; and
- 255 13. Developing and administering for the wastewater treatment division use
256 agreements under K.C.C. 4.56.150.E.1.d., rental or lease agreements under K.C.C.
257 4.56.150.F., permits under K.C.C. 7.12.040, or special use permits under K.C.C.
258 7.12.050, for the Brightwater Environmental Education and Community Center. The
259 applicable provisions for use of the Brightwater Environmental Education and
260 Community Center facility are contained in K.C.C. chapter 28.84.

261 SECTION 2. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
262 each hereby amended to read as follows:

263 The definitions in this section apply throughout this chapter unless the context
264 clearly requires otherwise.

265 A. "Adjustment" means a department-approved variation in the application of the
266 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular

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267 project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which
268 was used in prior editions of the Surface Water Design Manual.

269 B. "Applicant" means a property owner or a public agency or public or private
270 utility that owns a right-of-way or other easement or has been adjudicated the right to
271 such an easement under RCW 8.12.090, or any person or entity designated or named in
272 writing by the property or easement owner to be the applicant, in an application for a
273 development proposal, permit or approval.

274 C. "Basin" means a geographic area that contains and drains to a stream or river
275 named and noted on common maps, such as the Cedar river, Sammamish river, Green
276 river, Snoqualmie river, Skykomish river, or White river, or a geographic area that drains
277 to a nonflowing water body named and noted on common maps, such as Lake
278 Washington or Puget Sound.

279 D. "Basin plan" means a plan and all implementing regulations and procedures
280 including, but not limited to, capital projects, public education activities, and land use
281 management adopted by ordinance for managing surface water and stormwater within the
282 basin.

283 E. "Best management practice" or "BMP" means any schedule of activities,
284 prohibition of practices, maintenance procedure, or structural and/or managerial practice
285 approved by King County that, when used singly or in combination, prevents or reduces
286 the release of pollutants and other adverse impacts to surface water, stormwater, and
287 groundwater.

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288 F. "Closed depression" means an area greater than five thousand square feet at
289 overflow elevation that is low-lying and that has no or such a limited surface water outlet
290 that the area acts as a stormwater retention facility.

291 G. "Construct or modify" means to install a new drainage pipe or ditch or make
292 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
293 that either serves to concentrate previously unconcentrated surface water or stormwater
294 runoff or serves to increase, decrease, or redirect the conveyance of surface water or
295 stormwater runoff. "Construct or modify" does not include installation or maintenance of
296 a driveway culvert installed as part of a single-family residential building permit.

297 H. "Construction stormwater pollution prevention BMP" means a control or
298 measure that prevents or reduces the discharge of pollutants and sediments resulting from
299 construction activities.

300 I. "Conveyance system" means the drainage facilities and features, both natural
301 and constructed, that provide for the collection and transport of surface water or
302 stormwater runoff. The natural elements of the "conveyance system" include swales and
303 small drainage courses, streams, rivers, lakes, and wetlands. The constructed elements of
304 the "conveyance system" include gutters, ditches, pipes, catch basins, channels, and most
305 flow control and water quality facilities.

306 J. "Department" means the department of natural resources and parks or its
307 successor.

308 K. "Development" means any activity that requires a permit or approval,
309 including, but not limited to, a building permit, grading permit, shoreline substantial
310 development permit, conditional use permit, special use permit, zoning variance or

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311 reclassification, subdivision, short subdivision, urban planned development, binding site
312 plan, site development permit, or right-of-way use permit. "Development" does not
313 include forest management activities, as defined in K.C.C. chapter 21A.06.

314 L. "Directed drainage review" means the drainage review for a proposed single
315 family residential project or agricultural project that is not subject to simplified or large
316 project drainage review.

317 M. "Director" means the director of the department of natural resources and
318 parks, or the authorized representatives of the director, including compliance officers and
319 inspectors whose responsibility includes the detection and reporting of code violations.

320 N. "Drainage" means the collection, conveyance, containment, or discharge, or
321 any combination thereof, of stormwater runoff or surface water.

322 O. "Drainage facility" means a constructed or engineered feature that collects,
323 conveys, stores, treats, or otherwise manages stormwater runoff or surface water.
324 "Drainage facility" includes, but is not limited to, a constructed or engineered stream,
325 lake, wetland or closed depression, or a pipe, channel, ditch, gutter, flow control facility,
326 flow control BMP, water quality facility, erosion and sediment control facility, and any
327 other structure and appurtenance that provides for drainage.

328 P. "Drainage review" means an evaluation by King County staff of a proposed
329 project's compliance with the drainage requirements in the Surface Water Design Manual.
330 The types of drainage review include((:)) simplified drainage review, targeted drainage
331 review, directed drainage review, full drainage review, and large project drainage review.

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332 Q. "Erosion and sediment control" means any temporary or permanent measures
 333 taken to reduce erosion, control siltation and sedimentation, and ensure that
 334 sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

335 R. "Financial guarantee" means a form of financial security posted to do one or
 336 more of the following: ensure timely and proper completion of improvements; ensure
 337 compliance with the King County Code; or provide secured warranty of materials, quality
 338 of work of the improvements, and design. "Financial guarantees" include assignments of
 339 funds, cash deposit, surety bonds, or other forms of financial security acceptable to the
 340 department of local services permitting division manager or designee. "Performance
 341 guarantee," "maintenance guarantee," and "defect guarantee" are considered
 342 subcategories of financial guarantee.

343 S. "Flood (~~hazard~~) management plan" means a plan and all implementing goals,
 344 objectives, guiding principles, policies, and programs, including, but not limited to,
 345 capital projects, public outreach and education activities and enforcement programs for
 346 reduction of flood risks and prepared in accordance with RCW 86.12.200.

347 T. "Flow control BMP" means small scale drainage facility or feature that is part
 348 of a development site strategy to use processes such as infiltration, dispersion, storage,
 349 evaporation, transpiration, forest retention, and reduced impervious surface foot print to
 350 mimic predeveloped hydrology and minimize stormwater runoff. "Flow control BMPs"
 351 include the methods and designs specified in the Surface Water Design Manual. Flow
 352 control BMPs are also known as low impact development, or LID, BMPs.

353 U. "Flow control facility" means a drainage facility designed in accordance with
 354 the drainage requirements in this chapter to mitigate the impacts of increased stormwater

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355 runoff generated by site development. A "flow control facility" is designed either to hold
356 water for a considerable length of time and then release it by evaporation, plant
357 transpiration or infiltration into the ground or to hold runoff for a short period of time and
358 then release it to the conveyance system.

359 V. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for
360 any proposed project, unless the project is subject to simplified drainage review, directed
361 drainage review targeted drainage review or large project drainage review, that:

362 1. Would result in two thousand square feet or more of new impervious surface,
363 replaced impervious surface, or new plus replaced impervious surface; or

364 2. Would result in seven thousand square feet or more of land disturbing
365 activity.

366 W. "Groundwater" means all water found in the soil and stratum beneath the land
367 surface or beneath the bed of any surface water.

368 X. "High-use site" means the area of a commercial, industrial or road intersection
369 site that generates a higher than average number of vehicle turnovers or has other
370 characteristics that generate the potential for chronic oil accumulation. "High use site"
371 includes:

372 1. The area of a commercial or industrial site subject to:

373 a. an expected daily traffic count greater than one hundred vehicles per one
374 thousand square feet of gross building area;

375 b. petroleum storage or transfer in excess of one thousand five hundred gallons
376 per year, not including routine heating oil storage or transfer at the end-user point of
377 delivery; or

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378 c. use, storage, or maintenance of a fleet of twenty-five or more diesel or jet
379 fuel vehicles each weighing over ten tons; or

380 2. A road intersection with average daily traffic counts of twenty-five thousand
381 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
382 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

383 Y. "Hydraulically connected" means connected through surface flow or water
384 features such as wetlands or lakes.

385 Z. "Impervious surface" means a hard surface area that either prevents or retards
386 the entry of water into the soil mantle as under natural conditions before development or
387 that causes water to run off the surface in greater quantities or at an increased rate of flow
388 from the flow present under natural conditions before development. Common
389 impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways,
390 parking lots, storage areas, areas that are paved, graveled or made of packed or oiled
391 earthen materials, or other surfaces that similarly impede the natural infiltration of
392 surface water or stormwater. For purposes of applying the impervious surface thresholds
393 in this chapter, permeable pavement, vegetated roofs, and underdrained pervious surfaces
394 are considered "impervious surface," while an open uncovered flow control or water
395 quality facility is not.

396 AA. "Improvement" means a permanent, human-made, physical change to land
397 or real property including, but not limited to, buildings, streets, driveways, sidewalks,
398 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, and
399 landscaping.

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400 BB. "Land disturbing activity" means an activity that results in a change in the
401 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

402 "Land disturbing activity" includes, but is not limited to, demolition, construction,
403 clearing, grading, filling, excavation, and compaction. "Land disturbing activity" does
404 not include tilling conducted as part of agricultural practices, landscape maintenance, or
405 gardening.

406 CC. "Lake management plan" means a plan describing the lake management
407 recommendations and requirements adopted by public rule for managing water quality
408 within individual lake basins.

409 DD. "Large project drainage review" means the evaluation required by K.C.C.
410 9.04.030 for any proposed project that:

411 1. Has an urban plan development land use designation in the King County
412 Comprehensive Plan land use map;

413 2. Would, at full buildout of the project site, result in fifty acres or more of
414 new impervious surface within a drainage subbasin, or a number of subbasins
415 hydraulically connected across subbasin boundaries; or

416 3. Has a project site of fifty acres or more within a critical aquifer recharge area,
417 as defined in K.C.C. Title 21A.

418 EE. "Licensed civil engineer" means a person registered with the ((S))state of
419 Washington as a professional engineer in civil engineering.

420 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse,
421 or cessation in the use of currently serviceable structures, facilities, equipment, or
422 systems, if there is no expansion of the structure, facilities, equipment, or system and

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423 there are no significant hydrologic impacts. "Maintenance" includes the repair or
424 replacement of nonfunctional facilities or the replacement of existing structures with
425 different types of structures, if the repair or replacement is required by one or more
426 environmental permits or to meet current engineering standards and the functioning
427 characteristics of the original facility or structure are not changed.

428 GG. "Master drainage plan" means a comprehensive drainage control plan
429 required for projects subject to large project drainage review and intended to prevent
430 significant adverse impacts to surface water and groundwater, both onsite and offsite.

431 HH. "Native vegetated surface" means a surface in which the soil conditions,
432 ground cover, and species of vegetation are like those of the original native condition for
433 the site, as more specifically set forth in the Surface Water Design Manual.

434 II. "Natural discharge location" means the location where runoff leaves the
435 project site under existing site conditions as defined in the Surface Water Design Manual.

436 JJ. "Natural hazard" means a condition in land or water, or both, that arises in
437 whole or in part out of natural processes and that creates a threat of immediate and
438 substantial harm. A "natural hazard" may include, but is not limited to, a beaver dam, a
439 debris dam in a stream, severe erosion at the base of a steep slope, or a stream displaced
440 from its original channel.

441 KK. "New impervious surface" means the creation of impervious surface or the
442 addition of a more compacted surface such as the paving of existing dirt or gravel.

443 LL. "New pervious surface" means the conversion of a native vegetated surface
444 or other native surface to a nonnative pervious surface, including, but not limited to,
445 pasture land, grassland, cultivated land, lawn, landscaping, or bare soil or any alteration

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446 of existing nonnative pervious surface that results in increased stormwater runoff as
447 defined in the Surface Water Design Manual.

448 MM. "Pollution-generating impervious surface" means an impervious surface
449 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
450 generating impervious surface" includes those surfaces subject to: vehicular use;
451 industrial activities; or storage of erodible or leachable materials, wastes, or chemicals,
452 and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking
453 area would be included if runoff from uphill could regularly run through it or if rainfall
454 could regularly blow in and wet the pavement surface. Metal roofs are also considered
455 pollution-generating impervious surface unless they are treated to prevent leaching.
456 Roofs exposed to the venting of significant amounts of dusts, mists, or fumes from
457 manufacturing, commercial, or other indoor activities are also included, as are vegetated
458 roofs exposed to pesticides, fertilizers, or loss of soil.

459 NN. "Pollution-generating pervious surface" means a nonimpervious surface
460 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
461 generating pervious surfaces" include: surfaces subject to vehicular use, industrial
462 activities, storage of erodible or leachable materials, wastes or chemicals, and that receive
463 direct rainfall or the run-on or blow-in of rainfall; or surfaces subject to the use of
464 pesticides and fertilizers to the loss of soil. "Pollution-generating pervious surface"
465 includes, but is not limited to, the lawn and landscaped areas of a residential, commercial
466 or industrial site or land use, golf course, park, sports field, and county-standard grassed
467 modular grid pavement.

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468 OO. "Project" means any proposed action to alter or develop a site that may also
469 require drainage review.

470 PP. "Project site" means the portion of a site and any offsite areas subject to
471 proposed project activities, alterations, and improvements including those required by
472 this chapter.

473 QQ. "Redevelopment project" means a project that proposes to add, replace, or
474 modify impervious surface for purposes other than a residential subdivision or
475 maintenance on a site that:

476 1. Is already substantially developed in a manner that is consistent with its
477 current zoning or with a legal nonconforming use; or

478 2. Has an existing impervious surface coverage of thirty-five percent or more.

479 RR. "Replaced impervious surface" means an existing impervious surface
480 proposed to be removed and reestablished as impervious surface, excluding impervious
481 surface removed for the sole purpose of installing utilities or performing maintenance.
482 For structures, "removed" means the removal of buildings down to the foundation. For
483 other impervious surfaces, "removed" means the removal down to base course or bare
484 soil. For purposes of this definition, "base course" means the layer of crushed rock that
485 typically underlies an asphalt or concrete pavement.

486 SS. "Salmon conservation plan" means a plan and all implementing regulations
487 and procedures including, but not limited to, land use management adopted by ordinance,
488 capital projects, public education activities, and enforcement programs for conservation
489 and recovery of salmon within a water resource inventory area designated by the state
490 under WAC 173-500-040.

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491 TT. "Shared facility" means a drainage facility designed to meet one or more of
492 the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a
493 basin. Shared facilities usually include shared financial commitments for those drainage
494 facilities.

495 UU. "Simplified drainage review" means the drainage review for a proposed
496 single-family residential project or agricultural project that:

497 1. Would result in impervious and new pervious surface insufficient to require a
498 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface
499 Water Design Manual; and

500 2. Meets the simplified drainage requirements and BMPs specified in the
501 Surface Water Design Manual, including flow control BMPs, construction stormwater
502 pollution prevention BMPs, and drainage plan submittal requirements.

503 VV. "Site" means a single parcel, or either two or more contiguous parcels that
504 are under common ownership or documented legal control or a portion of single parcel
505 under documented legal control separate from the remaining parcel, used as a single
506 parcel for a proposed project for purposes of applying for authority from King County to
507 carry out a proposed project. For projects located primarily within dedicated rights-of-
508 way, "site" includes the entire width of right-of-way subject to improvements proposed
509 by the project.

510 WW. "Stormwater" means the water produced during precipitation or snowmelt,
511 which runs off, soaks into the ground, or is dissipated into the atmosphere. Stormwater
512 that runs off or soaks into the ground ultimately becomes surface water or groundwater.

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513 XX. "Stormwater compliance plan" means a plan or study and all regulations and
514 procedures that have been adopted by the county to implement the plan or study,
515 including, but not limited to, capital projects, public education activities, and enforcement
516 programs for managing stormwater quantity and quality discharged from the county's
517 municipal separate storm sewer system in compliance with the National Pollutant
518 Discharge Elimination System permit program under the Clean Water Act.

519 YY. "Stormwater runoff" means stormwater that flows over, or just below, the
520 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface
521 water or groundwater.

522 ZZ. "Subbasin" means a geographic area that:

- 523 1. Drains to a stream or water body named and noted on common maps; and
- 524 2. Is contained within the basin of the stream or water body.

525 AAA. "Surface water" means the water that exists on land surfaces before,
526 during, and after stormwater runoff occurs and includes, but is not limited to, the water
527 found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds,
528 lakes, wetlands, and Puget Sound. It also includes shallow groundwater.

529 BBB. "Surface Water Design Manual" means the manual, and supporting
530 documentation referenced or incorporated in the manual, describing surface and
531 stormwater design and analysis requirements, procedures, and guidance. The "Surface
532 Water Design Manual" is formally adopted by rule under the procedures of K.C.C.
533 chapter 2.98 and is available from the department of local services, permitting division,
534 or the department of natural resources and parks, water and land resources division, or
535 their successors.

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536 CCC. "Targeted drainage review" means an abbreviated evaluation required by
 537 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
 538 project drainage review. Targeted drainage review may be required for some projects in
 539 simplified drainage review.

540 DDD. "Water quality facility" means a drainage facility designed in accordance
 541 with the drainage requirements in this chapter to mitigate the impacts of increased
 542 pollutants in stormwater runoff generated by site development. A "water quality facility"
 543 uses processes that include but are not limited to settling, filtration, adsorption, and
 544 absorption to decrease pollutant concentrations and loadings in stormwater runoff.

545 SECTION 3. Ordinance 9163, Section 5, as amended, and K.C.C. 9.04.050 are
 546 each hereby amended to read as follows:

547 A. A proposed project required to have drainage review by K.C.C. 9.04.030 must
 548 meet each of the following core requirements, which are described in detail in the Surface
 549 Water Design Manual. Projects subject only to simplified drainage review that meet the
 550 simplified drainage requirements and BMPs specified in the Surface Water Design
 551 Manual, including flow control BMPs, construction stormwater pollution prevention
 552 BMPs, and drainage plan submittal requirements are deemed to comply with the
 553 following core requirements:

554 1. Core requirement 1: Discharge at the natural location. All stormwater runoff
 555 and surface water from a project shall be discharged at the natural location so as not to be
 556 diverted onto, or away from, downstream properties. The manner in which stormwater
 557 runoff and surface water are discharged from the project site shall not create a significant
 558 adverse impact or significantly aggravate an existing adverse impact to downhill

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559 properties or drainage facilities as specified in the discharge requirements of the Surface
560 Water Design Manual;

561 2. Core requirement 2: Offsite analysis. The initial application submittal for
562 proposed projects shall include an offsite analysis report that assesses potential offsite
563 drainage and water quality impacts associated with development of the proposed site and
564 proposes appropriate mitigations to those impacts. This initial submittal shall include, at
565 minimum, a Level One downstream analysis as described in the Surface Water Design
566 Manual. If impacts are identified, the proposed projects shall meet any applicable
567 problem-specific requirements as specified in the Surface Water Design Manual;

568 3. Core requirement 3: Flow control facilities. Proposed projects that would
569 result in five thousand square feet or more of new plus replaced impervious surface or
570 three quarters of an acre or more of new pervious surface shall provide flow control
571 facilities to control stormwater runoff generated by new impervious surface, new
572 pervious surface, replaced impervious surface and any existing impervious surface added
573 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow
574 control facilities shall meet the area-specific flow control facility requirements and the
575 flow control facility implementation requirements applicable to the project site as
576 specified in the Surface Water Design Manual. Projects subject to area-specific flow
577 control facility requirements shall meet one of the flow control facility performance
578 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water
579 Design Manual:

580 a. Level One shall match the predeveloped site's peak discharge rates for the
581 two-year and ten-year return periods;

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582 b. Level Two shall meet Level One criteria and also match the predeveloped
583 site's discharge durations for the predeveloped peak discharge rates between the fifty
584 percent of the two-year peak flow through the fifty-year peak flow; or

585 c. Level Three shall meet Level Two criteria and also match the predeveloped
586 site's peak discharge rate for the one((-))hundred-year return period;

587 4. Core requirement 4: Conveyance system. All engineered conveyance system
588 elements for proposed projects shall be analyzed, designed, and constructed to provide
589 the minimum level of protection against overtopping, flooding, erosion, and structural
590 failure as specified by the conveyance requirements for new and existing systems and
591 conveyance implementation requirements described in the Surface Water Design Manual;

592 5. Core requirement 5: Construction stormwater pollution prevention. All
593 proposed projects that will conduct construction activities onsite or offsite or will clear,
594 grade, or otherwise disturb the site shall provide stormwater pollution prevention
595 controls, spill controls, and erosion and sediment controls-to-prevent, reduce, or eliminate
596 the discharge of pollutants including sediment to onsite or adjacent drainage facilities,
597 adjacent properties, and surface water or groundwater. Erosion and sediment controls
598 shall be applied in accordance with K.C.C. chapter 16.82 and as specified by the
599 temporary erosion and sediment control measures and performance criteria and
600 implementation requirements in the King County Surface Water Design Manual;

601 6. Core requirement 6: Maintenance and operation. Maintenance of all
602 drainage facilities in compliance with King County maintenance standards is the
603 responsibility of the applicant or property owner as described in the Surface Water
604 Design Manual, except those facilities for which King County assumes maintenance and

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605 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design
606 Manual;

607 7. Core requirement 7: Financial guarantees and liability. All drainage
608 facilities constructed or modified for projects, except downspout infiltration and
609 dispersion systems for single family residential lots, must comply with the liability
610 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title
611 27A;

612 8. Core requirement 8: Water quality facilities. Proposed projects that would
613 result in five thousand square feet or more of new plus replaced pollution generating
614 impervious surface or three quarters of an acre or more of new pollution-generating
615 pervious surface, or that are redevelopment projects that would result in a total of five
616 thousand square feet or more of new and replaced pollution-generating impervious
617 surface, shall provide water quality facilities to treat polluted stormwater runoff generated
618 by new or replaced pollution-generating impervious surface, new pollution-generating
619 pervious surface, and any existing pollution-generating impervious surface added on or
620 after January 8, 2001, as specified in the Surface Water Design Manual. However,
621 pervious surfaces are specifically excluded if there is a good faith agreement with the
622 King Conservation District to implement a farm management plan for agricultural uses,
623 and pervious areas for other uses are specifically excluded if King County department of
624 local services, permitting division, approves a landscape management plan that controls
625 solids, pesticides, fertilizers, and other erodible or leachable materials leaving the site.
626 Water quality facilities shall meet the area-specific water quality facility requirements
627 and the water quality implementation requirements applicable to the project site as

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628 specified in the Surface Water Design Manual. The facilities specified by these
629 requirements are designed to reduce pollutant loads according to the applicable annual
630 average performance goals listed in a. through d. of this subsection A.8. for ninety-five
631 percent of the annual average runoff volume:

632 a. for basic water quality: remove eighty percent of the total suspended solids;

633 b. for enhanced basic water quality: remove sixty percent dissolved zinc and
634 thirty percent of dissolved copper;

635 c. for sensitive lake protection: remove fifty percent of the total phosphorus;
636 and

637 d. for sphagnum bog protection: remove fifty percent of the total phosphorus
638 and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of
639 less than 6.5 and an alkalinity of less than ten milligrams per liter.

640 9. Core requirement 9: Flow control BMPs. Proposed projects that would
641 result in two thousand square feet or more of new plus replaced impervious surface or
642 seven thousand square feet or more of land disturbing activity shall provide flow control
643 BMPs that use processes such as infiltration, dispersion, storage, evaporation,
644 transpiration, forest retention and reduced impervious surface footprint to mimic pre-
645 developed hydrology and minimize stormwater runoff generated by new impervious
646 surface, new pervious surface, replaced impervious surface and any existing impervious
647 surface added on or after January 8, 2001, as specified in the Surface Water Design
648 Manual. Flow control BMPs shall be applied to manage stormwater runoff from the
649 aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs
650 specific to the project location, size, and impervious coverage; or as required to

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651 demonstrate that developed discharge durations from the surfaces match (~~pre-~~
652 ~~developed~~) predeveloped durations for those surfaces for the range of predeveloped
653 discharge rates from eight percent of the two-year peak flow to fifty percent of the two-
654 year peak flow as specified in the Surface Water Design Manual.

655 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall
656 meet any of the following special requirements that apply to the site and that are
657 described in detail in the Surface Water Design Manual. The department performing
658 drainage review as specified in K.C.C. 9.04.070 shall verify if a proposed project is
659 subject to and must meet any of the following special requirements.

660 1. Special requirement 1: Other adopted area-specific requirements. If a
661 proposed project is in a designated critical drainage area, or is in an area included in an
662 adopted master drainage plan, basin plan, salmon conservation plan, stormwater
663 compliance plan, flood (~~hazard~~) management plan, lake management plan, or shared
664 facility plan, then the proposed project shall meet the applicable drainage requirements of
665 the critical drainage area, master drainage plan, basin plan, salmon conservation plan,
666 stormwater compliance plan, flood (~~hazard~~) management plan, lake management plan,
667 or shared facility plan;

668 2. Special requirement 2: Floodplain/floodway delineation. If a proposed
669 project contains or is adjacent to a stream, lake, wetland, or closed depression, or if other
670 King County regulations require study of flood hazards relating to the proposed project,
671 the one-hundred-year floodplain boundaries and floodway shall be determined and
672 delineated on the site improvement plans and profiles and any final maps prepared for the

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673 proposed project. The flood hazard study shall be prepared as specified in the Surface
674 Water Design Manual;

675 3. Special requirement 3: Flood protection facilities. If a proposed project
676 contains or is adjacent to a stream that has an existing flood protection facility, such as a
677 levee, revetment, or berm, or proposes to either construct a new or modify an existing
678 flood protection facility, then the flood protection facilities shall be analyzed and
679 designed as specified in the Surface Water Design Manual;

680 4. Special requirement 4: Source Control. If a proposed project requires a
681 commercial building or commercial site development permit, then water quality source
682 controls shall be applied to prevent rainfall and runoff from coming into contact with
683 pollutants to the maximum extent practicable. Water quality source controls shall be
684 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution
685 prevention manual, and the Surface Water Design Manual. All structural source controls
686 shall be identified on the site improvement plans and profiles or final maps prepared for
687 the proposed project; and

688 5. Special requirement 5: Oil control. If a proposed project is any of the
689 following, then oil control shall be applied to all runoff from the high-use portion of a site
690 as specified in the Surface Water Design Manual:

- 691 a. a project that creates a high-use site;
- 692 b. a redevelopment project proposing one hundred thousand dollars or more of
693 improvements to an existing high-use site; or

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694 c. a redevelopment project that results in new plus replaced pollution-
695 generating impervious surface of five thousand square feet or more or new pollution-
696 generating pervious surface of three quarters of an acre or more.

697 C.1. An adjustment to the requirements contained in this section or other
698 requirements in the Surface Water Design Manual may be proposed. The resulting
699 development shall be subject to all of the remaining terms and conditions of this chapter
700 and the adjustment shall:

- 701 a. produce a compensating or comparable result in the public interest; and
- 702 b. meet this chapter's objectives of safety, function, appearance, environmental
703 protection, and maintainability based upon sound engineering judgment.

704 2. If complying with subsection C.1.a. of this section will deny all reasonable
705 use of a property, the best practicable alternative shall be obtained as determined by the
706 department of local services permitting division manager or designee according to the
707 adjustment process defined in the Surface Water Design Manual.

708 3. Requests for adjustments that may conflict with the requirements of any other
709 King County division shall require review and concurrence with that division. The
710 director shall coordinate to resolve conflicts between adjustments to the Surface Water
711 Design Manual and requirements of other((s)) divisions.

712 4. A request for an adjustment is a Type 1 land use decision as provided for in
713 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in
714 the Surface Water Design Manual.

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715 5. The county may require monitoring of experimental designs and technology
716 or untested applications proposed by the applicant in order to determine compliance with
717 subsection C.1. of this section and the approved plans and conditions.

718 6. The applicant may appeal an adjustment decision by following the appeal
719 procedures as specified in the Surface Water Design Manual.

720 D. The drainage review requirements in this section and in the Surface Water
721 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

722 SECTION 4. Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060 are
723 each hereby amended to read as follows:

724 Comprehensive plans approved by the county shall be consistent with the
725 following:

726 A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and water
727 mains;

728 B. State and local health standards;

729 C. The creation and maintenance of logical service areas consistent with the
730 relevant coordinated water system plans approved under chapters 43.20 and 70.116 RCW
731 and the duty to serve under RCW 43.20.260;

732 D. Service area boundary requirements as identified in RCW 90.03.386;

733 E. The elimination or prevention, or both, of duplicate facilities;

734 F. The promotion of the most reliable and healthful service to the public,
735 including the delivery of potable water by existing public water systems on a permanent
736 or interim basis whenever feasible;

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737 G. The provision of service at a reasonable cost and maximization of the use of
738 existing public facilities;

739 H. The reduction of the number of entities providing sewer or water service in
740 King County that may be achieved through the use of satellite ownership and
741 management and conditional approvals for new water systems under RCW 70.119A.060;

742 I. The King County Comprehensive Plan and other pertinent county adopted
743 plans and policies, including, but not limited to, the King County Flood (~~Hazard~~
744 ~~Reduction~~) Management Plan and the King County Emergency Response Plan;

745 J. Coordinated water system plans under chapter 70.116 RCW;

746 K. Basinwide or multibasin water plans, sewerage plans or water and sewerage
747 plans, when approved by the state Department of Ecology and the state Department of
748 Health;

749 L. Applicable state water quality, water conservation and waste management
750 standards;

751 M. The state Water Resources Act, chapter 90.54 RCW;

752 N. The state Growth Management Act, chapter 36.70A RCW;

753 O. Adopted ground water management plans under RCW 90.44.400 and chapter
754 173-100 WAC;

755 P. Federally approved habitat conservation plans and recovery plans approved in
756 accordance with the Endangered Species Act;

757 Q. Requirements under chapter 77.85 RCW for salmon recovery, water resource
758 plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in

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759 accordance with chapter 90.82 RCW and regional water supply or water resource
760 management plans; and

761 R. Applicable requirements to evaluate opportunities for the use of reclaimed
762 water under chapter 90.46 RCW.

763 SECTION 5. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are
764 each hereby amended to read as follows:

765 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06
766 apply to the activities described in this section.

767 B. The following activities are excepted from the requirement of obtaining a
768 clearing or grading permit before undertaking forest practices or clearing or grading
769 activities, as long as those activities conducted in critical areas are in compliance with the
770 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may
771 be included in more than one activity category, the most-specific description of the
772 activity shall govern whether a permit is required. For activities involving more than one
773 critical area, compliance with the conditions applicable to each critical area is required.
774 Clearing and grading permits are required when a cell in this table is empty and for
775 activities not listed on the table. Activities not requiring a clearing and grading permit
776 may require other permits, including, but not limited to, a floodplain development permit.

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"NP" in a cell means no clearing or grading permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	Out of Critical Area Land* Buffer	Coal Mine Hazard d	Erosion Hazard d	Flood Hazard d	Channel Migration	Landslide Hazard and Buffer	Seismic Hazard d	Volcanic Hazard d	Steep Slope Hazard and Buffer	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	Wildlife Area and Buffer
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 24	NP 3	NP 3 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	NP 25		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

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Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		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	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19

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Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													

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Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

777

C. The following conditions apply:

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778 1. Excavation less than five feet in vertical depth, or fill less than three feet in
779 vertical depth that, cumulatively over time, does not involve more than one hundred
780 cubic yards on a single site.

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

787 3. Cumulative clearing of less than seven thousand square feet including, but
788 not limited to, collection of firewood and removal of vegetation for fire safety. This
789 exception shall not apply to development proposals:

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

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

792 c. subject to clearing limits included in property-specific development

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

794 d. subject to urban growth area significant tree retention standards under

795 K.C.C. 16.82.156 and 21A.38.230.

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

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

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

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

804 8. Cumulative clearing of less than seven thousand square feet and either:
805 a. conducted in accordance with a farm management plan, forest management
806 plan, or a rural stewardship plan; or

807 b. limited to removal with hand labor.

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

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

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

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

819 a. slope stabilization or vegetation removal on slopes; or

820 b. ditches that are used by salmonids.

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

822 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

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

825 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
826 culvert, or other improved area being maintained.

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

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

- 835 a. The King Conservation District;
- 836 b. King County department of natural resources and parks;
- 837 c. King County department of local services, permitting division; or
- 838 d. Washington state Department of Fish and Wildlife.

839 16. Only if consistent with an adopted farm plan in accordance with K.C.C.
840 Title 21A.

841 17. Only if consistent with a farm plan.

842 18. In accordance with a franchise permit.

843 19. Only within the roadway in accordance with a franchise permit.

844 20. When:

- 845 a. conducted by a public agency;
-

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- 846 b. the height of the facility is not increased;
- 847 c. the linear length of the facility is not increased;
- 848 d. the footprint of the facility is not expanded waterward;
- 849 e. done in accordance with the Regional Road Maintenance Guidelines;
- 850 f. done in accordance with the adopted King County Flood ((Hazard))
- 851 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 852 State Aquatic Habitat Guidelines Program, 2002); and
- 853 ((f.)) g. monitoring is conducted for three years following maintenance or
- 854 repair and an annual report is submitted to the department.
- 855 21. Only if:
- 856 a. the activity is not part of a mitigation plan associated with another
- 857 development proposal or is not corrective action associated with a violation; and
- 858 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 859 resource management as its primary function or a federally((-)) recognized tribe, and the
- 860 activity is limited to:
- 861 (1) revegetation of the critical area and its buffer with native vegetation or the
- 862 removal of noxious weeds or invasive vegetation;
- 863 (2) placement of weirs, log controls, spawning gravel, woody debris, and
- 864 other specific salmonid habitat improvements;
- 865 (3) hand labor except:
- 866 (a) the use of riding mower or light mechanical cultivating equipment and
- 867 herbicides or biological control methods when prescribed by the King County noxious
- 868 weed control board for the removal of noxious weeds or invasive vegetation; or

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

871 22. If done with hand equipment and does not involve any clearing.

872 23. Limited to removal of vegetation for forest fire prevention purposes in
873 accordance with best management practices approved by the King County fire marshal.

874 24. Limited to the removal of downed trees.

875 25. Except on properties that are:

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

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

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

882 a. King Conservation District;

883 b. department of natural resources and parks;

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

885 d. Washington state Department of Fish and Wildlife.

886 SECTION 6. Ordinance 17270, Section 2, as amended, and K.C.C. 18.25.010 are
887 each hereby amended to read as follows:

888 A.1. The county developed a strategic climate action plan in 2012 to establish
889 long-term targets and guide actions within county services and operations to reduce
890 greenhouse gas emissions and adapt to a changing climate. In accordance with this
891 chapter, the executive updates the strategic climate action plan. Each update to the

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892 strategic climate action plan shall be developed with an environmental justice framework
893 in partnership with those communities disproportionately impacted by climate change
894 and in a manner consistent with Ordinance 16948, which establishes the county's fair and
895 just principle. The strategic climate action plan shall include the following:

896 a. the identification of specific goals, strategies, measures, targets, and priority
897 actions for county services and operations to reduce emissions consistent with the
898 countywide goal of reducing greenhouse gas emissions twenty-five percent by 2020, fifty
899 percent by 2030, and eighty percent by 2050, compared to a 2007 baseline. The strategic
900 climate action plan should address five goal areas for reducing greenhouse gas emissions:
901 transportation and land use; building and facilities energy; green building; consumption
902 and materials management, including the environmental purchasing program; and
903 forestry and agriculture. Each goal area shall address environmental justice and ensure
904 that the strategies promote an equitable distribution of any environmental benefit. The
905 strategic climate action plan should establish explicit and, whenever possible,
906 quantifiable connections between the overarching climate goals and specific strategies
907 and actions;

908 b.(1) a green jobs strategy. For purposes of this subsection A., a "green job"
909 means one that generates an income large enough to support a household in King County
910 and provides a benefit to the environment. The intent of the green jobs strategy is to
911 encourage the development of green jobs along the career spectrum.

912 (2) the green jobs strategy shall be developed in consultation with members
913 of the King County climate and equity community taskforce identified in subsection
914 A.1.b.(2)(f) of this section, labor and workforce development organizations directed in

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915 subsection A.7. of this section, and representatives of an environmental justice and
916 climate equity organization, education, business, building managers, utilities, scientists
917 with knowledge of the latest research on strategies to reduce emissions, tribes, local
918 governments, and regional groups such as the King County-Cities Climate Collaboration
919 and the Puget Sound Regional Council, and shall include:

920 (a) specific actions King County and its partners can take to increase the
921 number of green jobs and apprenticeships throughout the region, including jobs in energy
922 efficiency, renewable energy, green vehicles, and carbon sequestration, and King County
923 administrative, executive, policy, and technical jobs;

924 (b) a proposal for and budget to develop a green job pipeline that focuses
925 especially on communities that have historically been underserved, and is informed by
926 recommendations of the climate and equity community task force;

927 (c) identification of the industry sectors and job types with high-demand
928 green jobs in King County;

929 (d) actions King County can take to develop the green energy skills of King
930 County's own workforce, such as collaboration on development of apprenticeship and
931 pre-apprenticeship programs in sectors including energy efficiency, electrification,
932 electric vehicle maintenance, the maintenance of electric vehicle infrastructure, and
933 carbon sequestration technologies; and

934 (e) an initial green jobs strategy in the 2020 Strategic Climate Action Plan
935 update, with findings and recommendations along with recommended next steps for
936 refining the green jobs strategy as part of plan implementation, biennial budgets, and
937 future plan updates; and

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938 (f) a community-driven strategy to achieve sustainable and resilient
939 communities. In order to achieve a community driven strategy, the executive shall
940 convene and partner with the King County climate and equity community task force to
941 develop the sustainable and resilient community strategy. The King County climate and
942 equity community task force shall be a racially and ethnically diverse group representing
943 various communities in King County that are on the frontline of climate change. The task
944 force shall develop goals and guide priority areas for climate action based on community
945 values and concerns. The sustainable and resilient community strategy shall:

946 i. identify how climate change will impact communities of color, low-
947 income communities and those disproportionately impacted by climate change;

948 ii. identify opportunities to take actions to address those impacts that could
949 include increasing the number of affordable housing units, developing pathways to green
950 jobs, preventing neighborhood displacement, increasing access to green spaces, providing
951 access to zero emissions mobility options, improving food security, reducing pollution,
952 and addressing health disparities; and

953 iii. based on assessment of climate impacts and extreme weather events
954 like heat waves on vulnerable communities, make recommendations for preparedness
955 strategies and actions to include in county emergency response plans, the flood ((hazard))
956 management plan, and the regional hazard mitigation plan;

957 c. the current assessment of climate change impacts in King County and
958 identification of goals, strategies, measures, targets and priority actions within county
959 services and county operations to address climate change impacts. Each goal and

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960 strategy shall address environmental justice and ensure that the strategies promote an
961 equitable distribution of any environmental benefit;

962 d. performance measures and related targets for both operational emissions and
963 implementation of priority strategies, including the green job strategy, that advance the
964 strategic climate action plan and provide for assessment of progress relative to
965 overarching climate goals at the community scale; and

966 e. an assessment of cost effectiveness for key county services and operations
967 building on the pilot cost effectiveness assessment in the 2015 strategic climate action
968 plan update.

969 2. Consistent with the county's strategic planning cycle, updates will occur at
970 least every five years, unless more frequent updates are needed to respond to changing
971 information about emissions sources, performance relative to targets, new technologies,
972 or a changing regulatory context. The executive shall transmit updates to the strategic
973 climate action plan to the council for adoption by motion.

974 3. In developing future updates to the strategic climate action plan, the
975 executive shall continue to review climate change-related plans being developed by other
976 municipalities, including the city of Seattle's climate action plan, and identify
977 opportunities and strengthen recommendations for partnership with cities, businesses, and
978 nonprofit organizations to advance actions to reduce greenhouse gas emissions and
979 prepare for climate change impacts.

980 4. The council recognizes that science related to climate change and successful
981 climate solutions is evolving, and each update to the strategic climate action plan should

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982 build upon and refine the strategies, activities, and performance targets in accordance
983 with best available science, practices, and progress toward emissions reductions targets.

984 5. Future updates shall include the requirements of subsection A.1. of this
985 section.

986 6. Progress in achieving strategic climate action plan performance measure
987 targets and accomplishment of priority actions identified in subsection A.1. of this
988 section, as well as findings outlining recommendations for changes in policies, priorities,
989 and capital investments, shall be reported and transmitted to council biennially. The
990 progress report shall be included as part of the report required in K.C.C. 18.50.010.

991 7. The executive shall convene a strategic climate action plan labor advisory
992 council or seek input from county labor and workforce development organizations,
993 including the Martin Luther King, Jr. County Labor Council of Washington, the Seattle
994 Building and Construction Trades Council, and the Workforce Development Council of
995 Seattle-King County, on recommendations for policies, programs, and partnerships to
996 strengthen pathways to local green jobs and to provide guidance on each update.

997 B. Future updates to climate-related objectives and strategies should be informed
998 by the strategic climate action plan.

999 C. The executive must transmit the legislation and reports required to be
1000 submitted by this section in the form of a paper original and an electronic copy with the
1001 clerk of the council, who shall retain the original and provide an electronic copy to all
1002 councilmembers, the council chief of staff, and the lead staff for the transportation,
1003 economy, and environment committee or its successor.

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1004 SECTION 7. Ordinance 3692, Section 1, as amended, and K.C.C. 20.12.200 are
1005 each hereby amended to read as follows:

1006 A. The King County shoreline master program consists of the following
1007 elements, enacted on or before (~~July 20, 2023~~) the date of enactment of this ordinance
1008 (Proposed Ordinance 2024-0202):

- 1009 1. The King (~~(e)~~)County Comprehensive Plan chapter six;
- 1010 2. K.C.C. chapter 21A.25;
- 1011 3. The following sections of K.C.C. chapter 21A.24:
 - 1012 a. K.C.C. 21A.24.045;
 - 1013 b. K.C.C. 21A.24.051;
 - 1014 c. K.C.C. 21A.24.055;
 - 1015 d. K.C.C. 21A.24.070.A., D. and E.;
 - 1016 e. K.C.C. 21A.24.125;
 - 1017 f. K.C.C. 21A.24.130;
 - 1018 g. K.C.C. 21A.24.133;
 - 1019 h. K.C.C. 21A.24.200;
 - 1020 i. K.C.C. 21A.24.210;
 - 1021 j. K.C.C. 21A.24.220;
 - 1022 k. K.C.C. 21A.24.275;
 - 1023 l. K.C.C. 21A.24.280;
 - 1024 m. K.C.C. 21A.24.290;
 - 1025 n. K.C.C. 21A.24.300;
 - 1026 o. K.C.C. 21A.24.310;

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- 1027 p. K.C.C. 21A.24.316;
- 1028 q. K.C.C. 21A.24.318;
- 1029 r. K.C.C. 21A.24.325;
- 1030 s. K.C.C. 21A.24.335;
- 1031 t. K.C.C. 21A.24.340;
- 1032 u. K.C.C. 21A.24.355;
- 1033 v. K.C.C. 21A.24.358;
- 1034 w. K.C.C. 21A.24.365;
- 1035 x. K.C.C. 21A.24.380;
- 1036 y. K.C.C. 21A.24.382;
- 1037 z. K.C.C. 21A.24.386; and
- 1038 aa. K.C.C. 21A.24.388;
- 1039 4. The following:
 - 1040 a. K.C.C. 20.18.040;
 - 1041 b. K.C.C. 20.18.050;
 - 1042 c. K.C.C. 20.18.056;
 - 1043 d. K.C.C. 20.18.057;
 - 1044 e. K.C.C. 20.18.058;
 - 1045 f. K.C.C. 20.22.160;
 - 1046 g. K.C.C. 21A.32.045;
 - 1047 h. K.C.C. 21A.44.090;
 - 1048 i. K.C.C. 21A.44.100; and
 - 1049 j. K.C.C. 21A.50.030;

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1050 5. The 2024 King County Flood Management Plan.

1051 B. The shoreline management goals and policies constitute the official policy of
 1052 King County regarding areas of the county subject to shoreline management jurisdiction
 1053 under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local
 1054 administrative, enforcement, and permit review procedures shall conform to chapter
 1055 90.58 RCW but shall not be a part of the master program.

1056 C. Amendments to the shoreline master program do not apply to the shoreline
 1057 jurisdiction until approved by the Washington state Department of Ecology as provided
 1058 in RCW 90.58.090. The department of local services, permitting division, shall, within
 1059 ten days after the date of the Department of Ecology's approval, file a copy of the
 1060 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the
 1061 council, who shall retain the original and provide electronic copies to all
 1062 councilmembers, the chief of staff, and the lead staff of the local services and land use
 1063 committee, or its successor.

1064 SECTION 8. Ordinance 11112, Section 1, as amended, and K.C.C. 20.12.480 are
 1065 each hereby amended to read as follows:

1066 The ~~((2006 King County Flood Hazard Management Plan, as shown in~~
 1067 ~~Attachment A to Ordinance 15673, is hereby amended by the 2013 Flood Management~~
 1068 ~~Plan Update, as shown in Attachment B to Ordinance 17697 and amended)) 2024 King
 1069 County Flood Management Plan, as shown in Attachment A to this ordinance, is adopted
 1070 as a functional plan to guide King County's river and floodplain management program
 1071 and to meet the intent of the natural environment, and facilities and services policies of
 1072 the King County Comprehensive Plan. ~~((The 2013 Flood Hazard Management Plan~~~~

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1073 Update, Attachment A to Ordinance 17697, amends the 2006 King County Flood Hazard
1074 Management Plan, Attachment A to Ordinance 15673, by adding new text to Chapters 1
1075 through 6 of the 2006 Plan, by replacing Chapter 7 of the 2006 Plan with a new Chapter
1076 7, and by replacing Appendices A through G of the 2006 Plan with new Appendices A
1077 through L.) As an amplification and augmentation of the King County Comprehensive
1078 Plan, the ((flood hazard management plan as amended by the update)) 2024 King County
1079 Flood Management Plan constitutes official county policy with regard to river and
1080 floodplain management in King County. ((For each site-specific project, such as levee
1081 improvements or concentrated areas of home buyouts or elevations, a project summary is
1082 included to provide a better understanding of the flood or erosion conditions of concern
1083 and the action or actions proposed to address them. Project summaries, and references to
1084 easements, buffers or levee improvements, including levee laybacks, in connection with
1085 such project summaries)) Site-specific projects and program activities are intended to
1086 function at the level of a planning document((s)) and do not assume that the nature and
1087 scope of each of the described projects are the final project or action ((that are described
1088 in this chapter 5 of Attachment A to Ordinance 17673, as amended by Chapter 5 of
1089 Attachment B to Ordinance 17697 or in Appendices E, F and G of Attachment B to
1090 Ordinance 17697)). The proposed projects and ((actions)) other activities are not
1091 intended to substitute for the site-specific analysis to determine what is required for each
1092 of the site-specific capital projects that will be recommended and adopted as part of ((an
1093 annual)) biennial capital improvement plans. The priority, scope, nature, and cost of the
1094 proposed projects or actions may change as the hydraulic, engineering, and geotechnical
1095 conditions at each site are analyzed in greater detail, and as engineering alternatives are

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1096 developed, analyzed, reviewed, and negotiated with federal, state, local, and tribal
 1097 agencies and affected property owner or owners. However, while the plan sets forth what
 1098 the county currently believes are best practices, nothing in this plan creates or precludes
 1099 the creation of new land use requirements, laws, or regulations. ~~((For the reach of the
 1100 Tukwila 205 levee and any extensions thereof between South 180th Street and South
 1101 204th Street, the setback, easement, and slope design recommendations of the 2006 King
 1102 County Flood Hazard Management Plan, Attachment A to Ordinance 15763, as amended
 1103 by the 2013 Flood Hazard Management Plan Update, Attachment B to Ordinance 17697,
 1104 are satisfied if the repair, extension or modification of an existing levee or the design of a
 1105 new levee meet the design guidelines and factors of safety in United States Army Corps
 1106 of Engineers Engineering Manual for the Design and Construction of Levees (EM 1110-
 1107 2-1913) dated April 30, 2000, as most currently updated.))~~

1108 SECTION 9. Ordinance 19146, Section 66, and K.C.C. 21A.23.020 are each
 1109 hereby amended to read as follows:

1110 A. The director may approve sea level rise risk area variances to this chapter. In
 1111 reviewing and evaluating sea level rise risk area variance applications, the director shall
 1112 consider all technical evaluations and relevant factors, including, but not limited to:

- 1113 1. The danger that materials may be swept onto other lands to the injury of
 1114 others;
- 1115 2. The danger to life and property due to coastal flooding or erosion damage;
- 1116 3. The susceptibility of the proposed building or facility and its contents to flood
 1117 damage and the effect of the damage on the individual owner;

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- 1118 4. The importance of the services provided by the proposed building or facility
1119 to the community;
- 1120 5. The necessity to the building or facility of a waterfront location;
- 1121 6. The availability of alternative locations for the proposed use that are not
1122 subject to flooding or erosion damage;
- 1123 7. The potential of the proposed development to create an adverse effect on a
1124 federally or state-protected species or habitat;
- 1125 8. The compatibility of the proposed use with existing and anticipated
1126 development;
- 1127 9. The relationship of the proposed use to the Comprehensive Plan, shoreline
1128 master program, and ~~((f))Flood ((hazard-m))Management ((p))Plan~~;
- 1129 10. The safety of access to the property in times of flooding for ordinary and
1130 emergency vehicles;
- 1131 11. The expected heights, velocity, duration, rate of rise, sediment transport of
1132 the floodwaters, and effects of wave action expected at the site;
- 1133 12. The costs of providing governmental services during and after flood
1134 conditions, including emergency management services and maintenance and repair of
1135 public utilities and facilities such as sewer, gas, electrical, water systems, streets, and
1136 bridges; and
- 1137 13. Current and future risks from sea level rise conditions anticipated to occur
1138 over the next fifty years.
- 1139 B. The director may only approve a sea level rise risk area variance upon a
1140 determination that:

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1141 1. Failure to grant the sea level rise risk area variance would result in an
1142 exceptional hardship to the applicant;

1143 2. The granting of a sea level rise risk area variance will not result in additional
1144 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or
1145 victimization of the public, or conflict with existing laws or ordinances; and

1146 3. The sea level rise risk area variance is the minimum necessary, considering
1147 the flood or erosion hazard, to afford relief.

1148 C. An applicant for sea level rise risk area variance shall be given a written notice
1149 that the approval of the sea level rise risk area variance to construct a structure below the
1150 sea level rise protection elevation established in this chapter ((~~h~~)) may result in higher
1151 future flood insurance premium rates up to amounts as high as twenty-five dollars per one
1152 hundred dollars of coverage and that the construction below the sea level rise protection
1153 elevation increases risks to life and property.

1154 D.1. An application for a sea level rise risk area variance shall be submitted in
1155 writing to the department of local services, permitting division, together with any
1156 supporting documentation that demonstrates how the proposal meets the criteria in this
1157 section.

1158 2. An application for a sea level rise risk area variance under this section shall
1159 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

1160 3. Sea level rise risk area variances that allow the establishment of a use not
1161 otherwise permitted in the zone where the proposal is located shall not be permitted.

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1162 4. The variance standards in K.C.C. 21A.44.030 and the alteration exception
1163 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk
1164 area regulations of this chapter.

1165 5. The department shall maintain in perpetuity a record of all requests for
1166 variances, including justification for their issuance.

1167 SECTION 10. Ordinance 15051, Section 137, as amended, and K.C.C.
1168 21A.24.045 are each hereby amended to read as follows:

1169 A. Within the following seven critical areas and their buffers all alterations are
1170 allowed if the alteration complies with the development standards, impact avoidance and
1171 mitigation requirements and other applicable requirements established in this chapter:

- 1172 1. Critical aquifer recharge area;
- 1173 2. Coal mine hazard area;
- 1174 3. Erosion hazard area;
- 1175 4. Flood hazard area except in the severe channel migration hazard area;
- 1176 5. Landslide hazard area under forty percent slope;
- 1177 6. Seismic hazard area; and
- 1178 7. Volcanic hazard areas.

1179 B. Within the following seven critical areas and their buffers, unless allowed as
1180 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
1181 subsection C. of this section are allowed if the alteration complies with conditions in
1182 subsection D. of this section and the development standards, impact avoidance and
1183 mitigation requirements and other applicable requirements established in this chapter:

- 1184 1. Severe channel migration hazard area;

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- 1185 2. Landslide hazard area over forty percent slope;
- 1186 3. Steep slope hazard area;
- 1187 4. Wetland;
- 1188 5. Aquatic area;
- 1189 6. Wildlife habitat conservation area; and
- 1190 7. Wildlife habitat network.

1191 C. In the following table where an activity is included in more than one activity
 1192 category, the numbered conditions applicable to the most specific description of the activity
 1193 governs. Where more than one numbered condition appears for a listed activity, each of
 1194 the relevant conditions specified for that activity within the given critical area applies. For
 1195 alterations involving more than one critical area, compliance with the conditions applicable
 1196 to each critical area is required.

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservati on Area and Wildlife Habitat Network
Structures					
Construction of new single			A 1	A 2	

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detached dwelling unit					
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14,

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					18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or	A 28	A 28	A 28	A 28	A 28

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private access road					
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	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	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, 27
Construction of a new bridge	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	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of	A 67	A 67	A 66	A 66	A 4, 66

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a hydroelectric generating facility					
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface			A 32	A 32	A 4, 32

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water quality treatment facility					
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science					

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projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of			A 56	A 56	

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a farm pad					
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
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
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

1197

D. The following alteration conditions apply:

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1198 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1199 limitations of subsection D.3. of this section.

1200 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was
1201 created before January 1, 2005, if:

1202 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
1203 seventy-five percent of the lake frontage, whichever constitutes the most developable lake
1204 frontage, has existing density of four dwelling units per acre or more;

1205 b. the development proposal, including mitigation required by this chapter, will
1206 have the least adverse impact on the critical area;

1207 c. existing native vegetation within the critical area buffer will remain
1208 undisturbed except as necessary to accommodate the development proposal and required
1209 building setbacks;

1210 d. access is located to have the least adverse impact on the critical area and
1211 critical area buffer;

1212 e. the site alteration is the minimum necessary to accommodate the development
1213 proposal and in no case in excess of five thousand square feet;

1214 f. the alteration is no closer than:

1215 (1) on a site with a shoreline environment designation of high intensity or
1216 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on
1217 either side of the subject property, as measured from the ordinary high water mark of the
1218 lake shoreline;

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1219 (2) on a site with a shoreline environment designation of rural, conservancy,
1220 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots
1221 on either side of the subject property, as measured from the ordinary high water mark; and

1222 (3) on a site with a shoreline environment designation of natural, the greater of
1223 one hundred feet or the average of the setbacks on adjacent lots on either side of the subject
1224 property, as measured from the ordinary high water mark; and

1225 g. to the maximum extent practical, alterations are mitigated on the development
1226 proposal site by enhancing or restoring remaining critical area buffers.

1227 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
1228 buffers of wetlands or aquatic areas where:

1229 a. the site is predominantly used for the practice of agriculture;

1230 b. the structure is in compliance with an approved farm management plan in
1231 accordance with K.C.C. 21A.24.051;

1232 c. the structure is either:

1233 (1) on or adjacent to existing nonresidential impervious surface areas,
1234 additional impervious surface area is not created waterward of any existing impervious
1235 surface areas and the area was not used for crop production;

1236 (2) higher in elevation and no closer to the critical area than its existing
1237 position; or

1238 (3) at a location away from existing impervious surface areas that is determined
1239 to be the optimum site in the farm management plan;

1240 d. all best management practices associated with the structure specified in the
1241 farm management plan are installed and maintained;

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1242 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
1243 require the development of a farm management plan if required best management practices
1244 are followed and the installation does not require clearing of critical areas or their buffers;
1245 and

1246 f. in a severe channel migration hazard area portion of an aquatic buffer only if:

1247 (1) there is no feasible alternative location on-site;

1248 (2) the structure is located where it is least subject to risk from channel
1249 migration;

1250 (3) the structure is not used to house animals or store hazardous substances; and

1251 (4) the total footprint of all accessory structures within the severe channel
1252 migration hazard area will not exceed the greater of one thousand square feet or two
1253 percent of the severe channel migration hazard area on the site.

1254 4. No clearing, external construction or other disturbance in a wildlife habitat
1255 conservation area is allowed during breeding seasons established under K.C.C.
1256 21A.24.382.

1257 5. Allowed for structures when:

1258 a. the landslide hazard poses little or no risk of injury;

1259 b. the risk of landsliding is low; and

1260 c. there is not an expansion of the structure.

1261 6. Within a severe channel migration hazard area allowed for:

1262 a. existing legally established primary structures if:

1263 (1) there is not an increase of the footprint of any existing structure; and

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1264 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1265 and

1266 b. existing legally established accessory structures if:

1267 (1) additions to the footprint will not make the total footprint of all existing

1268 structures more than one-thousand square feet; and

1269 (2) there is not an expansion of the footprint towards any source of channel

1270 migration hazard, unless the applicant demonstrates that the location is less subject to risk

1271 and has less impact on the critical area.

1272 7. Allowed only in grazed wet meadows or the buffer or building setback outside

1273 a severe channel migration hazard area if:

1274 a. the expansion or replacement does not increase the footprint of a

1275 nonresidential structure;

1276 b.(1) for a legally established dwelling unit, the expansion or replacement,

1277 including any expansion of a legally established accessory structure allowed under this

1278 subsection B.7.b., does not increase the footprint of the dwelling unit and all other

1279 structures by more than one thousand square feet, not including any expansion of a

1280 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent

1281 practical, the replacement or expansion of a drainfield in the buffer should be located

1282 within areas of existing lawn or landscaping, unless another location will have a lesser

1283 impact on the critical area and its buffer;

1284 (2) for a structure accessory to a dwelling unit, the expansion or replacement is

1285 located on or adjacent to existing impervious surface areas and does not result in a

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1286 cumulative increase in the footprint of the accessory structure and the dwelling unit by
1287 more than one thousand square feet;

1288 (3) the location of the expansion has the least adverse impact on the critical
1289 area; and

1290 (4) a comparable area of degraded buffer area shall be enhanced through
1291 removal of nonnative plants and replacement with native vegetation in accordance with an
1292 approved landscaping plan;

1293 c. the structure was not established as the result of an alteration exception,
1294 variance, buffer averaging or reasonable use exception;

1295 d. to the maximum extent practical, the expansion or replacement is not located
1296 closer to the critical area or within the relic of a channel that can be connected to an aquatic
1297 area; and

1298 e. The expansion of a residential structure in the buffer of a Type S aquatic area
1299 that extends towards the ordinary high water mark requires a shoreline variance if:

1300 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

1301 (2) the expansion is between thirty-five and fifty feet of the ordinary high water
1302 mark and the area of the expansion extending towards the ordinary high water mark is
1303 greater than three hundred square feet.

1304 8. Allowed upon another portion of an existing impervious surface outside a
1305 severe channel migration hazard area if:

1306 a. except as otherwise allowed under subsection D.7. of this section, the
1307 structure is not located closer to the critical area;

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1308 b. except as otherwise allowed under subsection D.7. of this section, the existing
1309 impervious surface within the critical area or buffer is not expanded; and

1310 c. the degraded buffer area is enhanced through removal of nonnative plants and
1311 replacement with native vegetation in accordance with an approved landscaping plan.

1312 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or
1313 its buffer or along a lake shoreline or its buffer where:

1314 a. the vegetation where the alteration is proposed does not consist of dominant
1315 native wetland herbaceous or woody vegetation six feet in width or greater and the lack of
1316 this vegetation is not the result of any violation of law;

1317 b. the wetland or lake shoreline is not a salmonid spawning area;

1318 c. hazardous substances or toxic materials are not used; and

1319 d. if located in a freshwater lake, the pier or dock conforms to the standards for
1320 docks under K.C.C. 21A.25.180.

1321 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
1322 materials are not used.

1323 11. Allowed on type S or F aquatic areas outside of the severe channel migration
1324 hazard area if in compliance with K.C.C. 21A.25.180.

1325 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

1326 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
1327 grading activity.

1328 14. The following are allowed in the severe channel migration hazard area if
1329 conducted more than one hundred sixty-five feet from the ordinary high water mark in the

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1330 rural area and natural resource lands and one-hundred fifteen feet from the ordinary high
1331 water mark in the urban area:

- 1332 a. grading of up to fifty cubic yards on lot less than five acres; and
- 1333 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
1334 percent of the severe channel migration hazard area.

1335 15. Only where erosion or landsliding threatens a structure, utility facility,
1336 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
1337 practical, stabilization work does not disturb the slope and its vegetative cover and any
1338 associated critical areas.

1339 16. Allowed when performed by, at the direction of or authorized by a
1340 government agency in accordance with regional road maintenance guidelines.

1341 17. Allowed when not performed under the direction of a government agency
1342 only if:

- 1343 a. the maintenance or expansion does not involve the use of herbicides,
1344 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or
1345 their buffers; and

- 1346 b. when maintenance, expansion or replacement of bridges or culverts involves
1347 water used by salmonids:

- 1348 (1) the work is in compliance with ditch standards in public rule; and

- 1349 (2) the maintenance of culverts is limited to removal of sediment and debris
1350 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
1351 damaged bank or channel immediately adjacent to the culvert and shall not involve the
1352 excavation of a new sediment trap adjacent to the inlet.

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1353 18. Allowed for the removal of hazard trees and vegetation as necessary for
1354 surveying or testing purposes.

1355 19. The limited trimming, pruning or removal of vegetation under a vegetation
1356 management plan approved by the department:

1357 a. in steep slope and landslide hazard areas, for the making and maintenance of
1358 view corridors; and

1359 b. in all critical areas for habitat enhancement, invasive species control or forest
1360 management activities.

1361 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits,
1362 for restoration and enhancement projects is allowed.

1363 21. Cutting of firewood is subject to the following:

1364 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

1365 b. within a wildlife network, cutting shall be in accordance with a management
1366 plan approved under K.C.C. 21A.24.386; and

1367 c. within a critical area buffer, cutting shall be for personal use and in
1368 accordance with an approved forest management plan or rural stewardship plan.

1369 22. Allowed only in buffers if in accordance with best management practices
1370 approved by the King County fire marshal.

1371 23. Allowed as follows:

1372 a. if conducted in accordance with an approved forest management plan, farm
1373 management plan, or rural stewardship plan; or

1374 b. without an approved forest management plan, farm management plan, or rural
1375 stewardship plan, only if:

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1376 (1) removal is undertaken with hand labor, including hand-held mechanical
1377 tools, unless the King County noxious weed control board otherwise prescribes the use of
1378 riding mowers, light mechanical cultivating equipment or herbicides or biological control
1379 methods;

1380 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1381 (3) the cleared area is revegetated with native vegetation and stabilized against
1382 erosion; and

1383 (4) herbicide use is in accordance with federal and state law;

1384 24. Allowed to repair or replace existing on site wastewater disposal systems in
1385 accordance with the applicable public health standards within Marine Recovery Areas
1386 adopted by the ~~((Public))~~Public Health – Seattle & King County and:

1387 a. there is no alternative location available with less impact on the critical area;

1388 b. impacts to the critical area are minimized to the maximum extent practicable;

1389 c. the alterations will not subject the critical area to increased risk of landslide or
1390 erosion;

1391 d. vegetation removal is the minimum necessary to accommodate the septic
1392 system; and

1393 e. significant risk of personal injury is eliminated or minimized in the landslide
1394 hazard area.

1395 25. Only if in compliance with published Washington state Department of Fish
1396 and Wildlife and Washington state Department of Natural Resources Management
1397 standards for the species. If there are no published Washington state standards, only if in

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1398 compliance with management standards determined by the county to be consistent with
1399 best available science.

1400 26. Allowed only if:

1401 a. there is not another feasible location with less adverse impact on the critical
1402 area and its buffer;

1403 b. the corridor is not located over habitat used for salmonid rearing or spawning
1404 or by a species listed as endangered or threatened by the state or federal government unless
1405 the department determines that there is no other feasible crossing site.

1406 c. the corridor width is minimized to the maximum extent practical;

1407 d. the construction occurs during approved periods for instream work;

1408 e. the corridor will not change or diminish the overall aquatic area flow peaks,
1409 duration or volume or the flood storage capacity; and

1410 f. no new public right-of-way is established within a severe channel migration
1411 hazard area.

1412 27. To the maximum extent practical, during breeding season established under
1413 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
1414 equipment are not operated within a wildlife habitat conservation area.

1415 28. Allowed only if:

1416 a. an alternative access is not available;

1417 b. impact to the critical area is minimized to the maximum extent practical
1418 including the use of walls to limit the amount of cut and fill necessary;

1419 c. the risk associated with landslide and erosion is minimized;

1420 d. access is located where it is least subject to risk from channel migration; and

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- 1421 e. construction occurs during approved periods for instream work.
- 1422 29. Only if in compliance with a farm management plan in accordance with
1423 K.C.C. 21A.24.051.
- 1424 30. Allowed only if:
- 1425 a. the new construction or replacement is made fish passable in accordance with
1426 the most recent Washington state Department of Fish and Wildlife manuals or with the
1427 National Marine and Fisheries Services guidelines for federally listed salmonid species;
1428 and
- 1429 b. the site is restored with appropriate native vegetation.
- 1430 31. Allowed if necessary to bring the bridge or culvert up to current standards and
1431 if:
- 1432 a. there is not another feasible alternative available with less impact on the
1433 aquatic area and its buffer; and
- 1434 b. to the maximum extent practical, the bridge or culvert is located to minimize
1435 impacts to the aquatic area and its buffers.
- 1436 32. Allowed in an existing roadway if conducted consistent with the regional road
1437 maintenance guidelines.
- 1438 33. Allowed outside the roadway if:
- 1439 a. the alterations will not subject the critical area to an increased risk of landslide
1440 or erosion;
- 1441 b. vegetation removal is the minimum necessary to locate the utility or construct
1442 the corridor; and

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1443 c. significant risk of personal injury is eliminated or minimized in the landslide
1444 hazard area.

1445 34. Limited to the pipelines, cables, wires and support structures of utility
1446 facilities within utility corridors if:

1447 a. there is no alternative location with less adverse impact on the critical area and
1448 critical area buffer;

1449 b. new utility corridors meet ~~((the))~~ all of the following to the maximum extent
1450 practical:

1451 (1) are not located over habitat used for salmonid rearing or spawning or by a
1452 species listed as endangered or threatened by the state or federal government unless the
1453 department determines that there is no other feasible crossing site;

1454 (2) the mean annual flow rate is less than twenty cubic feet per second; and

1455 (3) paralleling the channel or following a down-valley route near the channel is
1456 avoided;

1457 c. to the maximum extent practical utility corridors are located so that:

1458 (1) the width is the minimized;

1459 (2) the removal of trees greater than twelve inches diameter at breast height is
1460 minimized;

1461 (3) an additional, contiguous and undisturbed critical area buffer, equal in area
1462 to the disturbed critical area buffer area including any allowed maintenance roads, is
1463 provided to protect the critical area;

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1464 d. to the maximum extent practical, access for maintenance is at limited access
1465 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
1466 maintenance road is necessary the following standards are met:

1467 (1) to the maximum extent practical the width of the maintenance road is
1468 minimized and in no event greater than fifteen feet; and

1469 (2) the location of the maintenance road is contiguous to the utility corridor on
1470 the side of the utility corridor farthest from the critical area;

1471 e. the utility corridor or facility will not adversely impact the overall critical area
1472 hydrology or diminish flood storage capacity;

1473 f. the construction occurs during approved periods for instream work;

1474 g. the utility corridor serves multiple purposes and properties to the maximum
1475 extent practical;

1476 h. bridges or other construction techniques that do not disturb the critical areas
1477 are used to the maximum extent practical;

1478 i. bored, drilled or other trenchless crossing is laterally constructed at least four
1479 feet below the maximum depth of scour for the base flood;

1480 j. bridge piers or abutments for bridge crossing are not placed within the FEMA
1481 floodway or the ordinary high water mark;

1482 k. open trenching is only used during low flow periods or only within aquatic
1483 areas when they are dry. The department may approve open trenching of type S or F
1484 aquatic areas only if there is not a feasible alternative and equivalent or greater
1485 environmental protection can be achieved; and

1486 l. minor communication facilities may collocate on existing utility facilities if:

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- 1487 (1) no new transmission support structure is required; and
- 1488 (2) equipment cabinets are located on the transmission support structure.
- 1489 35. Allowed only for new utility facilities in existing utility corridors.
- 1490 36. Allowed for onsite private individual utility service connections or private or
- 1491 public utilities if the disturbed area is not expanded and no hazardous substances, pesticides
- 1492 or fertilizers are applied.
- 1493 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 1494 maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.
- 1495 38. Allowed if:
- 1496 a. conveying the surface water into the wetland or aquatic area buffer and
- 1497 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 1498 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 1499 than if the surface water were discharged at the buffer's edge and allowed to naturally drain
- 1500 through the buffer;
- 1501 b. the volume of discharge is minimized through application of low impact
- 1502 development and water quality measures identified in the King County Surface Water
- 1503 Design Manual;
- 1504 c. the conveyance and outfall are installed with hand equipment where feasible;
- 1505 d. the outfall shall include bioengineering techniques where feasible; and
- 1506 e. the outfall is designed to minimize adverse impacts to critical areas.
- 1507 39. Allowed only if:
- 1508 a. there is no feasible alternative with less impact on the critical area and its
- 1509 buffer;

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1510 b. to the maximum extent practical, the bridge or culvert is located to minimize
1511 impacts to the critical area and its buffer;

1512 c. the bridge or culvert is not located over habitat used for salmonid rearing or
1513 spawning unless there is no other feasible crossing site;

1514 d. construction occurs during approved periods for in-stream work; and

1515 e. bridge piers or abutments for bridge crossings are not placed within the
1516 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
1517 water mark.

1518 40. Allowed for an open, vegetated stormwater management conveyance system
1519 and outfall structure that simulates natural conditions if:

1520 a. fish habitat features necessary for feeding, cover and reproduction are
1521 included when appropriate;

1522 b. vegetation is maintained and added adjacent to all open channels and ponds, if
1523 necessary to prevent erosion, filter out sediments or shade the water; and

1524 c. bioengineering techniques are used to the maximum extent practical.

1525 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

1526 a. necessary to avoid erosion of slopes; and

1527 b. bioengineering techniques are used to the maximum extent practical.

1528 42. Allowed in a severe channel migration hazard area or an aquatic area buffer to
1529 prevent bank erosion only:

1530 a. if consistent with the Integrated Streambank Protection Guidelines

1531 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

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1532 techniques are used to the maximum extent practical, unless the applicant demonstrates that
1533 other methods provide equivalent structural stabilization and environmental function;

1534 b. based on a critical areas report, the department determines that the new flood
1535 protection facility will not cause significant impacts to upstream or downstream properties;
1536 and

1537 c. to prevent bank erosion for the protection of:

1538 (1) public roadways;

1539 (2) sole access routes in existence before February 16, 1995;

1540 (3) new primary dwelling units, accessory dwelling units or accessory living
1541 quarters and residential accessory structures located outside the severe channel migration
1542 hazard area if:

1543 (a) the site is adjacent to or abutted by properties on both sides containing
1544 buildings or sole access routes protected by legal bank stabilization in existence before
1545 February 16, 1995. The buildings, sole access routes or bank stabilization must be located
1546 no more than six hundred feet apart as measured parallel to the migrating channel; and

1547 (b) the new primary dwelling units, accessory dwelling units, accessory living
1548 quarters or residential accessory structures are located no closer to the aquatic area than
1549 existing primary dwelling units, accessory dwelling units, accessory living quarters or
1550 residential accessory structures on abutting or adjacent properties; or

1551 (4) existing primary dwelling units, accessory dwelling units, accessory living
1552 quarters or residential accessory structures if:

1553 (a) the structure was in existence before the adoption date of a King County
1554 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

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1555 (b) the structure is in imminent danger, as determined by a geologist,
1556 engineering geologist or geotechnical engineer;

1557 (c) the applicant has demonstrated that the existing structure is at risk, and the
1558 structure and supporting infrastructure cannot be relocated on the lot further from the
1559 source of channel migration; and

1560 (d) nonstructural measures are not feasible.

1561 43. Applies to lawfully established existing structures if:

1562 a. the height of the facility is not increased, unless the facility is being replaced
1563 in a new alignment that is landward of the previous alignment and enhances aquatic area
1564 habitat and process;

1565 b. the linear length of the facility is not increased, unless the facility is being
1566 replaced in a new alignment that is landward of the previous alignment and enhances
1567 aquatic area habitat and process;

1568 c. the footprint of the facility is not expanded waterward;

1569 d. consistent with the Integrated Streambank Protection Guidelines (Washington
1570 State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used
1571 to the maximum extent practical;

1572 e. the site is restored with appropriate native vegetation and erosion protection
1573 materials; and

1574 f. based on a critical areas report, the department determines that the
1575 maintenance, repair, replacement or construction will not cause significant impacts to
1576 upstream or downstream properties.

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1577 44. Allowed in type N and O aquatic areas if done in least impacting way at least
1578 impacting time of year, in conformance with applicable best management practices, and all
1579 affected instream and buffer features are restored.

1580 45. Allowed in a type S or F water when such work is:

1581 a. included as part of a project to evaluate, restore or improve habitat, and

1582 b. sponsored or cosponsored by a public agency that has natural resource

1583 management as a function or by a federally recognized tribe.

1584 46. Allowed as long as the trail is not constructed of impervious surfaces that will
1585 contribute to surface water run-off, unless the construction is necessary for soil stabilization
1586 or soil erosion prevention or unless the trail system is specifically designed and intended to
1587 be accessible to handicapped persons.

1588 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the
1589 buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

1590 a. the trail surface is made of pervious materials, except that public multipurpose
1591 trails may be made of impervious materials if they meet all the requirements in K.C.C.

1592 chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised
1593 boardwalk or bridge;

1594 b. to the maximum extent practical, buffers are expanded equal to the width of
1595 the trail corridor including disturbed areas;

1596 c. there is not another feasible location with less adverse impact on the critical
1597 area and its buffer;

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1598 d. the trail is not located over habitat used for salmonid rearing or spawning or
1599 by a species listed as endangered or threatened by the state or federal government unless
1600 the department determines that there is no other feasible crossing site;

1601 e. the trail width is minimized to the maximum extent practical;

1602 f. the construction occurs during approved periods for instream work; and

1603 g. the trail corridor will not change or diminish the overall aquatic area flow
1604 peaks, duration or volume or the flood storage capacity.

1605 h. the trail may be located across a critical area buffer for access to a viewing
1606 platform or to a permitted dock or pier;

1607 i. A private viewing platform may be allowed if it is:

1608 (1) located upland from the wetland edge or the ordinary high water mark of an
1609 aquatic area;

1610 (2) located where it will not be detrimental to the functions of the wetland or
1611 aquatic area and will have the least adverse environmental impact on the critical area or its
1612 buffer;

1613 (3) limited to fifty square feet in size;

1614 (4) constructed of materials that are nontoxic; and

1615 (5) on footings located outside of the wetland or aquatic area.

1616 48. Only if the maintenance:

1617 a. does not involve the use of herbicides or other hazardous substances except
1618 for the removal of noxious weeds or invasive vegetation;

1619 b. when salmonids are present, the maintenance is in compliance with ditch
1620 standards in public rule; and

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1621 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
1622 culvert, engineered slope or other improved area being maintained.

1623 49. Limited to alterations to restore habitat forming processes or directly restore
1624 habitat function and value, including access for construction, as follows:

1625 a. projects sponsored or cosponsored by a public agency that has natural
1626 resource management as a primary function or by a federally recognized tribe;

1627 b. restoration and enhancement plans prepared by a qualified biologist; or

1628 c. conducted in accordance with an approved forest management plan, farm
1629 management plan or rural stewardship plan.

1630 50. Allowed in accordance with a scientific sampling permit issued by
1631 Washington state Department of Fish and Wildlife or an incidental take permit issued under
1632 Section 10 of the Endangered Species Act.

1633 51. Allowed for the minimal clearing and grading, including site access,
1634 necessary to prepare critical area reports.

1635 52. The following are allowed if associated spoils are contained:

1636 a. data collection and research if carried out to the maximum extent practical by
1637 nonmechanical or hand-held equipment;

1638 b. survey monument placement;

1639 c. site exploration and gage installation if performed in accordance with state-
1640 approved sampling protocols and accomplished to the maximum extent practical by hand-
1641 held equipment and; or similar work associated with an incidental take permit issued under
1642 Section 10 of the Endangered Species Act or consultation under Section 7 of the
1643 Endangered Species Act.

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1644 53. Limited to activities in continuous existence since January 1, 2005, with no
1645 expansion within the critical area or critical area buffer. "Continuous existence" includes
1646 cyclical operations and managed periods of soil restoration, enhancement or other fallow
1647 states associated with these horticultural and agricultural activities.

1648 54. Allowed for expansion of existing or new agricultural activities where:

1649 a. the site is predominantly involved in the practice of agriculture;

1650 b. there is no expansion into an area that:

1651 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
1652 practice permit; or

1653 (2) is more than ten thousand square feet with tree cover at a uniform density
1654 more than ninety trees per acre and with the predominant mainstream diameter of the trees
1655 at least four inches diameter at breast height, not including areas that are actively managed
1656 as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;

1657 c. the activities are in compliance with an approved farm management plan in
1658 accordance with K.C.C. 21A.24.051; and

1659 d. all best management practices associated with the activities specified in the
1660 farm management plan are installed and maintained.

1661 55. Only allowed in grazed or tilled wet meadows or their buffers if:

1662 a. the facilities are designed to the standards of an approved farm management
1663 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
1664 accordance with K.C.C. chapter 21A.30;

1665 b. there is not a feasible alternative location available on the site; and

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1666 c. the facilities are located close to the outside edge of the buffer to the
1667 maximum extent practical.

1668 56. Only allowed in:

1669 a.(1) a severe channel migration hazard area located outside of the shorelines
1670 jurisdiction area;

1671 (2) grazed or tilled wet meadow or wet meadow buffer; or

1672 (3) aquatic area buffer; and only if:

1673 b.(1) the applicant demonstrates that adverse impacts to the critical area and
1674 critical area buffers have been minimized;

1675 (2) there is not another feasible location available on the site that is located
1676 outside of the critical area or critical area buffer;

1677 (3) the farm pad is designed to the standards in an approved farm management
1678 plan in accordance with K.C.C. 21A.24.051; and

1679 (4) for proposals located in the severe channel migration hazard area, the farm
1680 pad or livestock manure storage facility is located where it is least subject to risk from
1681 channel migration.

1682 57. Allowed for new agricultural drainage in compliance with an approved farm
1683 management plan in accordance with K.C.C. 21A.24.051 and all best management
1684 practices associated with the activities specified in the farm management plan are installed
1685 and maintained.

1686 58. If the agricultural drainage is used by salmonids, maintenance shall be in
1687 compliance with an approved farm management plan in accordance with K.C.C.
1688 21A.24.051.

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1689 59. Allowed within existing landscaped areas or other previously disturbed areas.

1690 60. Allowed for residential utility service distribution lines to residential
1691 dwellings, including, but not limited to, well water conveyance, septic system conveyance,
1692 water service, sewer service, natural gas, electrical, cable and telephone, if:

1693 a. there is no alternative location with less adverse impact on the critical area or
1694 the critical area buffer;

1695 b. the residential utility service distribution lines meet ~~((the))~~ all of the
1696 following, to the maximum extent practical:

1697 (1) are not located over habitat used for salmonid rearing or spawning or by a
1698 species listed as endangered or threatened by the state or federal government unless the
1699 department determines that there is no other feasible crossing site;

1700 (2) not located over a type S aquatic area;

1701 (3) paralleling the channel or following a down-valley route near the channel is
1702 avoided;

1703 (4) the width of clearing is minimized;

1704 (5) the removal of trees greater than twelve inches diameter at breast height is
1705 minimized;

1706 (6) an additional, contiguous and undisturbed critical area buffer, equal in area
1707 to the disturbed critical area buffer area is provided to protect the critical area;

1708 (7) access for maintenance is at limited access points into the critical area
1709 buffer.

1710 (8) the construction occurs during approved periods for instream work;

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1711 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
1712 laterally constructed at least four feet below the maximum depth of scour for the base
1713 flood; and

1714 (10) open trenching across Type O or Type N aquatic areas is only used during
1715 low flow periods or only within aquatic areas when they are dry.

1716 61. Allowed if sponsored or cosponsored by the countywide flood control zone
1717 district and the department determines that the project and its location:

1718 a. is the best flood risk reduction alternative practicable;

1719 b. is part of a comprehensive, long-term flood management strategy;

1720 c. is consistent with the King County Flood ((Hazard)) Management Plan
1721 policies;

1722 d. will have the least adverse impact on the ecological functions of the critical
1723 area or its buffer, including habitat for fish and wildlife that are identified for protection in
1724 the King County Comprehensive Plan; and

1725 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

1726 62.a. Not allowed in wildlife habitat conservation areas;

1727 b. Only allowed if:

1728 (1) the project is sponsored or cosponsored by a public agency whose primary
1729 function deals with natural resources management;

1730 (2) the project is located on public land or on land that is owned by a nonprofit
1731 agency whose primary function deals with natural resources management;

1732 (3) there is not a feasible alternative location available on the site with less
1733 impact to the critical area or its associated buffer;

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- 1734 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 1735 (5) the project minimizes the footprint of structures and the number of access
1736 points to any critical areas; and
- 1737 (6) the project meets the following design criteria:
- 1738 (a) to the maximum extent practical size of platform shall not exceed one
1739 hundred square feet;
- 1740 (b) all construction materials for any structures, including the platform,
1741 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
1742 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass
1743 or cured concrete that the department determines will not have an adverse impact on water
1744 quality;
- 1745 (c) the exterior of any structures are sufficiently camouflaged using netting or
1746 equivalent to avoid any visual deterrent for wildlife species to the maximum extent
1747 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 1748 (d) structures shall be located outside of the wetland or aquatic area landward
1749 of the Ordinary High Water Mark or open water component (if applicable) to the maximum
1750 extent practical on the site;
- 1751 (e) construction occurs during approved periods for work inside the Ordinary
1752 High Water Mark;
- 1753 (f) construction associated with bird blinds shall not occur from March 1
1754 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
1755 rearing seasons;

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1756 (g) to the maximum extent practical, provide accessibility for persons with
1757 physical disabilities in accordance with the International Building Code;

1758 (h) trail access is designed in accordance with public rules adopted by the
1759 department;

1760 (i) existing native vegetation within the critical area will remain undisturbed
1761 except as necessary to accommodate the proposal. Only minimal hand clearing of
1762 vegetation is allowed; and

1763 (j) disturbed bare ground areas around the structure must be replanted with
1764 native vegetation approved by the department.

1765 63. Not allowed in the severe channel migration zone, there is no alternative
1766 location with less adverse impact on the critical area and buffer and clearing is minimized
1767 to the maximum extent practical.

1768 64. Only structures wholly or partially supported by a tree and used as accessory
1769 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
1770 following:

1771 a. not allowed in wildlife habitat conservation areas or severe channel migration
1772 hazard areas;

1773 b. the structure's floor area shall not exceed two hundred square feet, excluding a
1774 narrow access stairway or landing leading to the structure;

1775 c. the structure shall be located as far from the critical area as practical, but in no
1776 case closer than seventy-five feet from the critical area;

1777 d. only one tree-supported structure within a critical area buffer is allowed on a
1778 lot;

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1779 e. all construction materials for the structure, including the platform, pilings,
1780 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
1781 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass
1782 or cured concrete that the department determines will not have an adverse impact on water
1783 quality;

1784 f. to the maximum extent practical, the exterior of the structure shall be
1785 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and
1786 visibility from the critical area. The camouflage shall be maintained to retain concealment
1787 effectiveness;

1788 g. the structure must not adversely impact the long-term health and viability of
1789 the tree. The evaluation shall include, but not be limited to, the following:

1790 (1) the quantity of supporting anchors and connection points to attach the tree
1791 house to the tree shall be the minimum necessary to adequately support the structure;

1792 (2) the attachments shall be constructed using the best available tree anchor bolt
1793 technology; and

1794 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement of
1795 the tree house and shall submit a report discussing how the tree's long-term health and
1796 viability will not be negatively impacted by the tree house or associated infrastructure;

1797 h. exterior lighting shall meet the following criteria:

1798 (1) limited to the minimum quantity of lights necessary to meet the building
1799 code requirements to allow for safe exiting of the structure and stairway; and

1800 (2) exterior lights shall be fully shielded and shall direct light downward, in an
1801 attempt to minimize impacts to the nighttime environment;

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1802 i. unless otherwise approved by the department, all external construction shall be
1803 limited to September 1 through March 1 in order to avoid disturbance to wildlife species
1804 during typical breeding, nesting and rearing seasons;

1805 j. trail access to the structure shall be designed in accordance with trail standards
1806 under subsection D.47. of this section;

1807 k. to the maximum extent practical, existing native vegetation shall be left
1808 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1809 l. vegetated areas within the critical area buffer that are temporarily impacted by
1810 construction of the structure shall be restored by planting native vegetation according to a
1811 vegetation management plan approved by the department.

1812 65. Shoreline water dependent and shoreline water oriented uses are allowed in
1813 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
1814 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

1815 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
1816 21A.08.100B.14., and only as follows:

1817 a. there is not another feasible location within the aquatic area with less adverse
1818 impact on the critical area and its buffer;

1819 b. the facility and corridor is not located over habitat used for salmonid rearing or
1820 spawning or by a species listed as endangered or threatened by the state or federal
1821 government unless the department determines that there is no other feasible location;

1822 c. the facility is not located in Category I wetlands or Category II wetlands with a
1823 habitat score of 8 points or greater;

1824 d. the corridor width is minimized to the maximum extent practical;

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- 1825 e. paralleling the channel or following a down-valley route within an aquatic
1826 area buffer is avoided to the maximum extent practical;
- 1827 f. the construction occurs during approved periods for instream work;
- 1828 g. the facility and corridor will not change or adversely impact the overall aquatic
1829 area flow peaks, duration or volume or the flood storage capacity;
- 1830 h. the facility and corridor is not located within a severe channel migration
1831 hazard area;
- 1832 i. to the maximum extent practical, buildings will be located outside the buffer
1833 and away from the aquatic area or wetland;
- 1834 j. to the maximum extent practical, access for maintenance is at limited access
1835 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
1836 maintenance road is necessary the following standards are met:
- 1837 (1) to the maximum extent practical the width of the maintenance road is
1838 minimized and in no event greater than fifteen feet; and
- 1839 (2) the location of the maintenance road is contiguous to the utility corridor on
1840 the side of the utility corridor farthest from the critical area;
- 1841 k. the facility does not pose an unreasonable threat to the public health, safety or
1842 welfare on or off the development proposal site and is consistent with the general purposes
1843 of this chapter and the public interest; and
- 1844 l. the facility connects to or is an alteration to a public roadway, public trail, a
1845 utility corridor or utility facility or other infrastructure owned or operated by a public
1846 utility.

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1847 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.

1848 21A.08.100.B.14, and only as follows:

1849 a. there is not another feasible location with less adverse impact on the critical
1850 area and its buffer;

1851 b. the alterations will not subject the critical area to an increased risk of landslide
1852 or erosion;

1853 c. the corridor width is minimized to the maximum extent practical;

1854 d. vegetation removal is the minimum necessary to locate the utility or construct
1855 the corridor;

1856 e. the facility and corridor do not pose an unreasonable threat to the public health,
1857 safety or welfare on or off the development proposal site and is consistent with the general
1858 purposes of this chapter, and the public interest and significant risk of personal injury is
1859 eliminated or minimized in the landslide hazard area; and

1860 f. the facility connects to or is an alteration to a public roadway, public trail, a
1861 utility corridor or utility facility or other infrastructure owned or operated by a public
1862 utility.

1863 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
1864 only as follows:

1865 a. the heat exchanger must be a closed loop system that does not draw water
1866 from or discharge to the lake;

1867 b. the lake bed shall not be disturbed, except as required by the county or a state
1868 or federal agency to mitigate for impacts of the heat exchanger;

1869 c. the in-water portion of system is only allowed where water depth exceeds six

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1870 feet; and

1871 d. system structural support for the heat exchanger piping shall be attached to an
1872 existing dock or pier or be attached to a new structure that meets the requirements of
1873 K.C.C. 21A.25.180.

1874 69. Only for maintenance of agricultural waterways if:

1875 a. the purpose of the maintenance project is to improve agricultural production
1876 on a site predominately engaged in the practice of agriculture;

1877 b. the maintenance project is conducted in compliance with a hydraulic project
1878 approval issued by the Washington state Department of Fish and Wildlife pursuant to
1879 chapter 77.55 RCW;

1880 c. the maintenance project complies with the King County agricultural drainage
1881 assistance program as agreed to by the Washington state Department of Fish and Wildlife,
1882 the department of local services, permitting division, and the department of natural
1883 resources and parks, and as reviewed by the Washington state Department of Ecology;

1884 d. the person performing the maintenance and the (~~land owner~~)landowner have
1885 attended training provided by King County on the King County agricultural drainage
1886 assistance program and the best management practices required under that program; and

1887 e. the maintenance project complies with K.C.C. chapter 16.82.

1888 SECTION 11. Ordinance, 19128, Section 20, and K.C.C. 21A.24.226 are each
1889 hereby amended to read as follows:

1890 A. The director may approve variances to floodplain development regulations not
1891 otherwise allowed by this chapter. In reviewing and evaluating these variance applications,

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1892 the director shall consider all technical evaluations, all relevant factors, applicable
1893 standards specified in other sections of the King County Code and:

1894 1. The danger that materials may be swept onto other lands to the injury of others;

1895 2. The danger to life and property due to flooding, erosion damage or channel
1896 migration;

1897 3. The susceptibility of the proposed floodplain development and the contents of
1898 any building or structure to flood damage and the effect of such damage on the individual
1899 owner;

1900 4. The importance of the services provided by the proposed floodplain
1901 development to the community;

1902 5. The necessity to the floodplain development of a waterfront location, where
1903 applicable;

1904 6. The availability of alternative locations for the proposed use that are not subject
1905 to flooding, erosion damage, or channel migration;

1906 7. The potential of the proposed floodplain development to create an adverse
1907 effect on a federally or state-protected species or habitat;

1908 8. The compatibility of the proposed floodplain development with existing and
1909 anticipated development;

1910 9. The relationship of the proposed use to the Comprehensive Plan, shoreline
1911 master program, and Flood ((Hazard)) Management Plan;

1912 10. The safety of access to the property in times of flooding for ordinary and
1913 emergency vehicles;

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1914 11. The expected heights, velocity, duration, rate of rise and sediment transport of
1915 the floodwaters, and effects of wave action, if applicable, expected at the site; and

1916 12. The costs of providing governmental services during and after flood
1917 conditions, including emergency management services and maintenance and repair of
1918 public utilities and infrastructure such as sewer, gas, electrical, water systems, streets, and
1919 bridges.

1920 B. The director may approve variances to floodplain development regulations as
1921 follows:

1922 1. A variance shall only be approved upon a showing by the applicant of good and
1923 sufficient cause and also upon a determination that failure to grant the variance would
1924 result in an exceptional hardship. An exceptional hardship shall not include economic or
1925 financial hardship or personal circumstances of the applicant, including inconvenience,
1926 aesthetic considerations, physical handicaps, personal preferences, or disapproval of
1927 neighbors;

1928 2. A variance shall only be approved based upon a determination that the granting
1929 of the variance will not result in increased flood heights;

1930 3. A variance shall only be approved based upon a determination that the granting
1931 of the variance will not result in additional threats to public safety, extraordinary public
1932 expense, create nuisances, cause fraud on or victimization of the public, or conflict with
1933 existing laws or ordinances;

1934 4. A variance may be approved for new construction and substantial
1935 improvements to be erected on a lot of one-half acre or less in size contiguous to and
1936 surrounded by lots with existing buildings constructed below the flood protection elevation,

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1937 but only if subsection A. of this section has been fully considered and all other criteria in
1938 this subsection B. have been met. As the lot size increases beyond one-half acre, the
1939 technical justification required for issuing the variance increases;

1940 5. A variance shall not be approved within the FEMA floodway or the zero-rise
1941 floodway if any increase in water surface elevations would result;

1942 6. A variance shall only be approved upon a determination that the variance is the
1943 minimum necessary, considering the flood, erosion, or channel migration hazard, to afford
1944 relief;

1945 7. A variance shall not be approved that would conflict with K.C.C.
1946 21A.24.260.C.;

1947 8. A variance shall not be approved that allows establishment of a use that is not
1948 otherwise permitted in the zone in which the proposal is located; and

1949 9. A variance to the nonresidential elevation and dry floodproofing standards in
1950 K.C.C. 21A.24.240.F. for agricultural buildings that equal or exceed a maximum assessed
1951 value of sixty-five thousand dollars must meet all criteria in this section as well as all
1952 criteria in K.C.C. 21A.24.228. The more restrictive requirements shall apply where there
1953 is a conflict.

1954 C. For a proposal where an applicant submits both a request for a variance as
1955 allowed under this section and a critical areas alteration exception request as allowed under
1956 K.C.C. 21A.24.070, the two requests shall be evaluated concurrently and the director's
1957 determination on both requests shall be issued at the same time.

1958 D. An applicant for a variance shall be given a written notice that the approval of
1959 the variance to construct a building below the flood protection elevation will result in

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1960 increased flood insurance premium rates up to amounts as high as twenty-five dollars per
1961 one hundred dollars of coverage and will increase risks to life and property.

1962 E.1. An application for a variance to floodplain development regulations shall be
1963 submitted in writing to the department of local services, permitting division, together with
1964 any supporting documentation that demonstrates how the proposal meets the criteria in this
1965 section.

1966 2. An application for a variance to floodplain development regulations under this
1967 section shall be reviewed as a Type II land use decision in accordance with K.C.C.
1968 20.20.020.

1969 F. The department shall maintain in perpetuity a record of all requests for
1970 variances, including justification for their issuance.

1971 G. The variance standards in K.C.C. 21A.44.030 and the alteration exception
1972 standards in K.C.C. 21A.24.070 shall not be used for variances or exceptions to the
1973 floodplain regulations of this chapter.

1974 SECTION 12. Ordinance, 16267, Section 59, as amended, and K.C.C.
1975 21A.24.381 are each hereby amended to read as follows:

1976 To ensure that agriculture will remain the predominate use in the agriculture
1977 production district, the department shall only approve an aquatic habitat restoration project,
1978 a floodplain restoration project or a project under the mitigation reserves program that is
1979 proposed for a site located within an agricultural production district, as follows:

1980 A. The project shall be allowed only when supported by owners of the land where
1981 the proposed project is to be sited;

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1982 B. Except as provided in subsection C. of this section, the project shall be located
1983 on lands that the department of natural resources and parks determines are unsuitable for
1984 direct agricultural production purposes, such as portions of property that have not
1985 historically been farmed due to soil conditions or frequent flooding and that it determines
1986 cannot be returned to productivity by drainage maintenance; and

1987 C. If the project is located on land determined by the department of natural
1988 resources and parks to be suitable for direct agriculture, then:

1989 1. The applicant shall demonstrate to the satisfaction of the department that there
1990 are no unsuitable lands available within the agricultural production district that meet the
1991 technical or locational requirements of the project;

1992 2. The applicant shall demonstrate to the satisfaction of the department of natural
1993 resources and parks that the project will not reduce the ability to farm in the area and that
1994 agriculture will remain the predominate use in the agricultural production district; and

1995 3. The project must either:

1996 a. be included in, or be consistent with, an approved Water Resources Inventory
1997 Area Plan, Farm Management Plan, Flood ((Hazard)) Management Plan, or other similar
1998 watershed scale plan; or

1999 b. not reduce the baseline agricultural productivity within the agricultural
2000 production district.

2001 SECTION 13. Ordinance, 16985, Section 39, as amended, and K.C.C.

2002 21A.25.160 are each hereby amended to read as follows:

2003 A. The shoreline modification table in this section determines whether a
2004 specific shoreline modification is allowed within each of the shoreline environments.

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2005 The shoreline environment is located on the vertical column and the specific use is
2006 located on the horizontal row of the table. The specific modifications are grouped by the
2007 shoreline modification categories in WAC 173-26-231. The table should be interpreted
2008 as follows:

2009 1. If the cell is blank in the box at the intersection of the column and the
2010 row, the modification is prohibited in that shoreline environment;

2011 2. If the letter "P" appears in the box at the intersection of the column and
2012 the row, the modification may be allowed within the shoreline environment;

2013 3. If the letter "C" appears in the box at the intersection of the column and
2014 the row, the modification may be allowed within the shoreline environment subject to the
2015 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

2016 4. If a number appears in the box at the intersection of the column and the
2017 row, the modification may be allowed subject to the appropriate review process indicated
2018 in this section and the specific development conditions indicated with the corresponding
2019 number immediately following the table, and only if the underlying zoning allows the
2020 modification. If more than one number appears at the intersection of the column and
2021 row, both numbers apply;

2022 5. If more than one letter-number combination appears in the box at the
2023 intersection of the column and the row, the modification is allowed within that shoreline
2024 environment subject to different sets of limitations or conditions depending on the review
2025 process indicated by the letter, the specific development conditions indicated in the
2026 development condition with the corresponding number immediately following the table;

2027 6. A shoreline modification may be allowed in the aquatic environment

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2028 only if that shoreline modification is allowed in the adjacent shoreland environment; and
 2029 7. This section does not authorize a shoreline modification that is not
 2030 allowed by the underlying zoning, but may add additional restrictions or conditions or
 2031 prohibit specific modifications within the shoreline jurisdiction. All shoreline
 2032 modifications in the shoreline jurisdiction must comply with all relevant county code
 2033 provisions and with the King County shoreline master program.

2034 B. Shoreline modifications.

	High Intens ity	Residenti al	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aquat ic
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	P3	P3	P3	C3	C3	C3		P3 C3

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facilities								
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	P7	P7	P7	P7	P7	P7	P7	P7

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systems enhancement projects								
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

2035 C. Development conditions.

2036 1. New shoreline stabilization, including bulkheads, must meet the

2037 standards in K.C.C. 21A.25.170;

2038 2.a. Flood protection facilities must be consistent with the standards in

2039 K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024

2040 King County Flood ((Hazard)) Management Plan ((~~adopted January 16, 2007~~)), and the

2041 Integrated Stream Protection Guidelines (Washington state departments of Fish and

2042 Wildlife, Ecology and Transportation, 2003). New structural flood hazard protection

2043 measures are allowed in the shoreline jurisdiction only when the applicant demonstrates

2044 by a scientific and engineering analysis that the structural measures are necessary to

2045 protect existing development, that nonstructural measures are not feasible and that the

2046 impact on ecological functions and priority species and habitats can be successfully

2047 mitigated so as to assure no net loss of shoreline ecological functions. New flood

2048 protection facilities designed as shoreline stabilization must meet the standards in K.C.C.

2049 21A.25.170.

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2050 b. Relocation, replacement or expansion of existing flood control facilities
2051 within the Natural environment are permitted, subject to the requirements of the King
2052 ~~((county))~~ County Flood ~~((Hazard Reduction))~~ Management Plan and consistent with the
2053 Washington State Aquatic Guidelines Program's Integrated Streambank Protection
2054 Guidelines and bioengineering techniques used to the maximum extent practical. New
2055 facilities would only be permitted consistent with an approved watershed resources
2056 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

2057 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the
2058 standards in K.C.C. 21A.25.180;

2059 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

2060 b. A shoreline conditional use permit is required to:

2061 (1) Place fill waterward of the ordinary high water mark for any use
2062 except ecological restoration or for the maintenance and repair of flood protection
2063 facilities; and

2064 (2) Dispose of dredged material within shorelands or wetlands within a
2065 channel migration zone;

2066 c. Fill shall not placed in critical saltwater habitats except when all of the
2067 following conditions are met:

2068 (1) the public's need for the proposal is clearly demonstrated and the
2069 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2070 (2) avoidance of impacts to critical saltwater habitats by an alternative
2071 alignment or location is not feasible or would result in unreasonable and disproportionate
2072 cost to accomplish the same general purpose;

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2073 (3) the project including any required mitigation, will result in no net loss
2074 of ecological functions associated with critical saltwater habitat; and

2075 (4) the project is consistent with the state's interest in resource protection
2076 and species recovery.

2077 d. In a channel migration zone, any filling shall protect shoreline
2078 ecological functions, including channel migration.

2079 5.a. Breakwaters, jetties, groins and weirs:

2080 (1) are only allowed where necessary to support water dependent uses,
2081 public access, approved shoreline stabilization or other public uses, as determined by the
2082 director;

2083 (2) are not allowed in the Maury Island Aquatic Reserve except as part of
2084 a habitat restoration project or as an alternative to construction of a shoreline stabilization
2085 structure;

2086 (3) shall not intrude into or over critical saltwater habitats except when
2087 all of the following conditions are met:

2088 (a) the public's need for the structure is clearly demonstrated and the
2089 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2090 (b) avoidance of impacts to critical saltwater habitats by an alternative
2091 alignment or location is not feasible or would result in unreasonable and disproportionate
2092 cost to accomplish the same general purpose;

2093 (c) the project including any required mitigation, will result in no net
2094 loss of ecological functions associated with critical saltwater habitat; and

2095 (d) the project is consistent with the state's interest in resource

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2096 protection and species recovery.

2097 b. Groins are only allowed as part of a restoration project sponsored or
2098 cosponsored by a public agency that has natural resource management as a primary
2099 function.

2100 c. A conditional shoreline use permit is required, except for structures
2101 installed to protect or restore shoreline ecological functions.

2102 6. Excavation, dredging and filling must meet the standards in K.C.C.
2103 21A.25.190. A shoreline conditional use permit is required to dispose of dredged
2104 material within shorelands or wetlands within a channel migration zone.

2105 7.a. If the department determines the primary purpose is restoration of the
2106 natural character and ecological functions of the shoreline, a shoreline habitat and natural
2107 systems enhancement project may include shoreline modification of vegetation, removal
2108 of nonnative or invasive plants, shoreline stabilization, including the installation of large
2109 woody debris, dredging and filling. Mitigation actions identified through biological
2110 assessments required by the National Marine Fisheries Services and applied to flood
2111 hazard mitigation projects may include shoreline modifications of vegetation, removal of
2112 nonnative or invasive plants, shoreline stabilization, including the installation of large
2113 woody debris, dredging and filling.

2114 b. Within the Urban Growth Area, the county may grant relief from
2115 shoreline master program development standards and use regulations resulting from
2116 shoreline restoration projects consistent with criteria and procedures in WAC 173-27-
2117 215.

2118 8. Within the critical area and critical area buffer, vegetation removal is

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2119 subject to K.C.C. chapter 21A.24.

2120 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing
2121 native vegetation located outside of the critical area and critical area buffer shall be
2122 retained to the maximum extent practical. Within the critical area and critical area buffer,
2123 vegetation removal is subject to K.C.C. chapter 21A.24.

2124 SECTION 14. Ordinance, 3688, Section 414, as amended, and K.C.C.
2125 21A.25.190 are each hereby amended to read as follows:

2126 A. Fill or excavation landward of the ordinary high water mark shall be
2127 subject to K.C.C. chapters 16.82 and 21A.24;

2128 B. Fill may be permitted below the ordinary high water mark only:

2129 1. When necessary to support a water dependent use;

2130 2. To provide for public access;

2131 3. When necessary to mitigate conditions that endanger public safety,
2132 including flood risk reduction projects;

2133 4. To allow for cleanup and disposal of contaminated sediments as part of
2134 an interagency environmental cleanup plan;

2135 5. To allow for the disposal of dredged material considered suitable under,
2136 and conducted in accordance with, the dredged material management program of the
2137 Washington state Department of Natural Resources;

2138 6. For expansion or alteration of transportation or utility facilities currently
2139 located on the shoreline and then only upon demonstration that alternatives to fill are not
2140 feasible; or

2141 7. As part of mitigation actions, environmental restoration projects and

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2142 habitat enhancement projects;

2143 C. Fill or excavations shall be permitted only when technical information
2144 demonstrates water circulation, littoral drift, aquatic life and water quality will not be
2145 substantially impaired and that the fill or excavation will not obstruct the flow of the
2146 ordinary high water, flood waters or cutoff or isolate ((~~hydrolic~~))hydraulic features from
2147 each other;

2148 D. Dredging and dredged material disposal below the ordinary high water
2149 mark shall be permitted only:

- 2150 1. When necessary for the operation of a water dependent use;
- 2151 2. When necessary to mitigate conditions that endanger public safety or
2152 fisheries resources;
- 2153 3. As part of and necessary to roadside or agricultural ditch maintenance
2154 that is performed consistent with best management practices promulgated through
2155 administrative rules under the critical areas provisions of K.C.C. chapter 21A.24 and if:
 - 2156 a. the maintenance does not involve any expansion of the ditch beyond its
2157 previously excavated size. This limitation shall not restrict the county's ability to require
2158 mitigation, under K.C.C. chapter 21A.24, or other applicable laws;
 - 2159 b. the ditch was not constructed or created in violation of law;
 - 2160 c. the maintenance is accomplished with the least amount of disturbance to
2161 the stream or ditch as possible;
 - 2162 d. the maintenance occurs during the summer low flow period and is timed
2163 to avoid disturbance to the stream or ditch during periods critical to salmonids; and
 - 2164 e. the maintenance complies with standards designed to protect salmonids

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2165 and salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection
2166 D.3.e. shall not be construed to permit the mining or quarrying of any substance below
2167 the ordinary high water mark;

2168 4. For establishing, maintaining, expanding, relocating or reconfiguring
2169 navigation channels and basins when necessary to ensure safe and efficient
2170 accommodation of existing navigation uses when:

2171 a. significant ecological impacts are minimized;

2172 b. mitigation is provided;

2173 c. maintained to the existing authorized location, depth and width;

2174 5. For restoration projects when;

2175 a. the site where the fill is placed is located waterward of the ordinary high
2176 water mark; and

2177 b. the project is associated with a habitat project under the Model Toxics
2178 Control Act or the Comprehensive Environmental Response, Compensation, and
2179 Liability Act; or

2180 c. any habitat enhancement or restoration project; and

2181 6. For flood risk reduction projects conducted in accordance with Policy
2182 ~~((RCM-3))~~ 9 of the King County Flood ~~((Hazard))~~ Management Plan;

2183 E. Dredging is not allowed waterward of the ordinary high water mark for
2184 the primary purpose of obtaining fill material or creating a new marina;

2185 F. Disposal of dredged material shall be done only in approved deep water
2186 disposal sites or approved upland disposal sites and is not allowed within wetlands or
2187 channel migration zones;

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2188 G. Stockpiling of dredged material in or under water is prohibited; and

2189 H. In order to insure that operations involving dredged material disposal and
2190 maintenance dredging are consistent with the King County shoreline master program as
2191 required by RCW 90.58.140(1), no dredging may commence in any shoreline
2192 environment without the responsible person having first obtained either a substantial
2193 development permit or a statement of exemption when required under K.C.C.
2194 21A.25.290. A statement of exemption or shoreline permit is not required before
2195 emergency dredging needed to protect property from imminent damage by the elements,
2196 if statement of exemption or substantial development permit is subsequently obtained
2197 following the procedures in K.C.C. 16.82.065.

2198 SECTION 15. The executive shall submit the 2024 King County Flood
2199 Management Plan in Attachment A to this ordinance to the state Department of Ecology
2200 for its approval, as provided in RCW 90.58.090.

2201 SECTION 16. The 2024 King County Flood Management Plan in
2202 Attachment A to this ordinance takes effect within the shoreline jurisdiction fourteen
2203 days after the state Department of Ecology provides written notice of final action stating


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2204 that the proposal is approved, in accordance with RCW 90.58.090. The executive shall
2205 provide the written notice of final action to the clerk of the council.


Ordinance 19820 was introduced on 6/11/2024 and passed by the Metropolitan King County Council on 9/17/2024, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Dunn, Mosqueda,
Upthegrove, von Reichbauer and Zahilay
Excused: 1 - Perry

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

APPROVED this ____ day of 9/24/2024, _____.

Signed by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: A. King County Flood Management Plan, dated September 2024

Certificate Of Completion

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Source Envelope:	
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	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

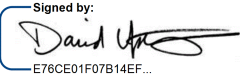
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Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
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Signature

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Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
Security Level: Email, Account Authentication (None)

Signed by:

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Completed	Security Checked	9/24/2024 4:12:55 PM

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