

Chapter Five

Shoreline Management

I. Introduction

A. Recitals

King County adopts the following, which are based on the Shoreline Management Act legislative findings in RCW 90.58.020. These recitals represent King County's belief and agreement that a coordinated approach to utilizing, managing, and protecting the shoreline resource is necessary and essential. These recitals apply to the shoreline jurisdiction.

1. Shorelines are some of the most valuable and fragile of King County's natural resources. There is appropriate concern throughout the county relating to the utilization, protection, restoration, and preservation of the shoreline jurisdiction.
2. Ever increasing pressures of additional use are being placed on the shoreline jurisdiction, which in turn necessitates increased coordination in its management and development.
3. Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of King County's shoreline jurisdiction.
5. It is the intent of King County to provide for the management of the shoreline jurisdiction by planning for and fostering all reasonable and appropriate uses. This program is designed to insure the development in a manner that, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.
6. King County shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
7. In the implementation of this chapter, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
8. Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines, industrial and commercial developments that are particularly dependent on their location on or use of the shoreline jurisdiction, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.

9. Shorelines and shorelands in King County shall be appropriately designated and these classifications shall be revised when circumstances warrant, regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of King County Shoreline Master Program.
10. Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

B. About King County & King County Shorelines

1. Geography

King County covers 2,130 square miles and extends from Puget Sound in the west to 8,000-foot Mt. Daniel at the Cascade crest in the east. King County's shoreline jurisdiction includes saltwater coastline, river floodplains, and extensive lakes and streams.

2. King County's shoreline jurisdiction

King County's diverse shorelines fringe or flow into Puget Sound. Puget Sound and surrounding lowland lakes and river valleys are relatively young in geologic terms. Puget Sound is a glacially-carved, deep fjord between the Cascade and Olympic mountains.

Puget Sound is King County's link to the Pacific Ocean via two connections: the Strait of Juan de Fuca and the Strait of Georgia. Water, people and a diverse array of fish and wildlife travel freely between the ocean and King County via Puget Sound and these Straits.

Puget Sound is a large estuary complex created by the freshwater it receives from streams, rivers and springs and tidal exchange introduced through the two Straits. It is one of the more prominent and productive estuaries in the world. In 1988, it was identified as an Estuary of National Significance by the United States government. Within Puget Sound are numerous small to large estuaries. The largest estuary in King County is the Green-Duwamish, although it is now a small remnant of its pre-development state.

Puget Sound consists of five basins. King County's portion of Puget Sound lies within the Central Basin and includes Vashon-Maury Island. The Central or Main Basin extends from Admiralty Inlet to Tacoma Narrows. It is the largest and deepest of the basins. The major drainages to the Central Basin, including Cedar River/Lake Washington watershed (including Lake Sammamish and the Sammamish River), the Green-Duwamish watershed, and Puyallup River/White River watershed, drain a total area of about 2,700 square miles and contribute slightly less than 20% of Puget Sound's freshwater input. The Snohomish watershed (including the Snoqualmie River Basin that lies mostly in King County) outlet into Puget Sound lies in Everett.

Puget Sound is located in a region that has great overlap between valuable natural resources and a burgeoning human population. The productivity, diversity and value of the resources are greatly affected by the extent and density of the population. Due to proximity to transportation routes and abundant food and water resources, most of the region's human development since the mid-1800s, when settlers of European descent started to explore and develop the region, has occurred along Puget Sound's shorelines, large lakes and rivers.

C. Washington State's Shoreline Management Act

1. Overview of Shoreline Management Act

Washington's Shoreline Management Act (SMA) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The goal of the SMA is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The act establishes a broad policy giving preference to uses that:

- Protect the quality of water and the natural environment,
- Depend on proximity to the shoreline (“water-dependent uses”), and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The SMA establishes a balance of authority between local and state government. Cities and counties are the primary regulators but the state, through the Department of Ecology (Ecology), has authority to review local shoreline master programs and shoreline permit decisions.

Under the SMA, each city and county adopts a shoreline master program that is based on Ecology's shoreline master program rules or guidelines, but tailored to the specific needs of the community. More than 200 cities and all 39 counties have shoreline master programs. Local shoreline master programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must meet.

Ecology provides technical assistance to local governments undertaking master program amendments. Master programs and master program amendments are only effective after Ecology's approval. In reviewing master programs, Ecology is limited to a decision on whether or not the program is consistent with the policy and provisions of the SMA and Ecology's guidelines.

Local governments may modify master programs to reflect changing local circumstances, new information, or improved shoreline management approaches. All changes to master programs require public involvement and Ecology approval. At a minimum, local governments must hold public hearings.

In 2003, Ecology adopted revised state guidelines. Cities and counties with shoreline master programs are required to update their shoreline master programs to bring them into compliance with these new state guidelines.

2. History of shoreline management in King County

King County adopted its original Shoreline Master Program (SMP) through two ordinances adopted by the King County Council and approved by the King County Executive, John Spellman, on May 2, 1978. Ordinance 3692 adopted the Shoreline Master Plan, which established the goals, objectives, and policies of the King County SMP. Ordinance 3688 adopted the development regulations that implemented the Shoreline Master Plan. By a letter dated June 30, 1978, Ecology stated that it had approved King County's SMP.

The 1978 Shoreline Master Plan addressed the required elements of the shoreline guidelines originally adopted by Ecology in 1972. The 1978 Plan established goals, objectives, and policies for eight different shoreline elements. For each of the four shoreline environments, it also established general policies. The 1978 Plan stated that:

"Each environment represents a particular emphasis in the type of uses and the extent of development that should occur within it. The system is designed to encourage uses in each Environment which enhance the character of the Environment while at the same time requiring reasonable standards and restrictions on development so that the character of the Environment is not destroyed."

Finally, the 1978 SMP included general policies for a variety of different shoreline use activities, including agriculture, mining, recreation, and residential development. Associated shoreline regulations establish the designation criteria, the allowed uses, and development standards for the four shoreline environments recognized by the 1972 state guidelines.

In 1990, the King County Council adopted regulations governing environmentally sensitive areas, some of which include areas also within shoreline jurisdiction. (Ordinance 9614) King County updated its critical areas regulations effective January 1, 2005. (Ordinances 15032, 15033, and 15034) King County's Critical Areas Regulations and its SMP both provide that the regulations that are most protective of the environment apply in the case of a conflict.

3. Shoreline jurisdiction under the SMA

Shorelines of the State in King County, as defined by the SMA, include all marine waters, lakes greater than 20 acres, and rivers and streams with a minimum of 20 cubic feet per second (cfs) mean annual flow. The shoreline jurisdiction includes these water bodies and shorelands. Shorelands are defined as those areas extending landward for two hundred feet from the ordinary high water mark, floodways and contiguous floodplain areas landward two hundred feet from such floodways, and all associated wetlands and river deltas. King County currently includes the 100-year floodplain in its shoreline jurisdiction. Shoreline jurisdiction under the Shoreline Management Act does not include tribal reservation lands or lands held in trust by the federal government for the tribes.

Table S-1 below shows the number of shoreline miles managed under King County's SMP.

Table S-1. Miles of shoreline under King County's jurisdiction

Shoreline (miles)		
Lake	River/Stream	Marine
234	1,696	51

D. King County's Shoreline Master Program

The SMP adopted by King County provides a legal framework for decision making on land use and other activities that complies with the SMA. This section describes the elements of the SMP, with the details being further developed throughout this chapter.

1. Components of the Shoreline Master Program

The King County SMP consists of this chapter and the implementing shoreline management regulations.

This chapter describes King County's shoreline goals and policies. It addresses the shoreline jurisdiction, overall shoreline policy goals, shoreline element policies, SMP relationship to other laws, shoreline environment designations, environmental protection, shoreline use and modification, and administrative policies. The following documents provide supporting information for these goals and policies:

King County Shoreline Protection and Restoration Plan (September 2010): The Shoreline Protection and Restoration Plan summarizes the methods and results of King County's shoreline analysis with respect to restoration planning, the elements and applicability of the restoration plan, and the ways in which shoreline restoration is expected to occur over time.

King County Shoreline Public Access Plan (September 2010): The Shoreline Public Access Plan includes an inventory of existing formal and informal shoreline public access opportunities in the unincorporated area, and identifies gaps in public access opportunities. The Shoreline Public Access Plan describes King County's priorities for providing new public access to major shorelines in the unincorporated area.

King County Shoreline Cumulative Impacts Assessment (September 2010): The Shoreline Cumulative Impacts Assessment provides a mechanism for examining the potential success of county policies and regulations in meeting the goal of no net loss of shoreline ecological processes and functions.

King County Shoreline Inventory and Characterization (May 2007): The Shoreline Inventory and Characterization includes the data and analytic methods used to develop King County's shoreline inventory and shoreline characterization (including evaluation of existing physical and shoreline ecological processes and functions, public access and recreation, land use and economic development, public facilities and utilities, and archaeological and historic resources). In addition, the Shoreline Inventory and Characterization includes methodologies for cumulative impact analysis associated with shoreline management and comprehensive shoreline restoration planning. Specific data can be found at:
<http://www.metrokc.gov/shorelines/shorelines-plan-update.aspx>.

King County Shoreline Map Folio (September 2010): The Shoreline Map Folio includes all maps produced and referenced as part of the SMP update, with the exception of those maps included in this chapter. All geographic information can be found at:
<http://www.kingcounty.gov/shorelines/shorelines-plan-update.aspx>

The terms "Shoreline Master Program," "SMP," "Shoreline Program" and "Program" are all used throughout this chapter to describe King County's shoreline policies (this chapter) and shoreline management regulations in their entirety.

2. Shoreline policies

The SMP contains specific policies relating to a wide variety of shoreline uses and issues.

Shoreline policies establish broad shoreline management directives. They are statements of intent by King County that direct or authorize a course of action or specify criteria for regulatory or non-regulatory action. The policies serve as the basis for regulations that govern use and development along the shoreline.

King County's shoreline policies must:

1. Be consistent with the SMA;
2. Address the master program elements of RCW 90.58.100;
3. Include policies for environmental designations as described in WAC 173-26-211;
4. Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on regulation of private property; and
5. Be consistent with the King County Comprehensive Plan and functional plans adopted as components of the Comprehensive Plan.

Shoreline policies provide a comprehensive foundation for the SMP regulations, which are more specific standards that are used to evaluate shoreline development proposals. King County must evaluate permit applications in light of the shoreline policies and may approve a permit only after determining that the development conforms to the policies in the Shoreline Master Plan.

In addition, shoreline policies assist in prioritizing King County's spending on facilities and services within shorelines of the state. Finally, the shoreline policies provide direction for regional issues such as resource management, environmental protection, transportation, inter-governmental coordination and regional planning.

3. Shoreline Environments

The SMA requires that shoreline management programs classify shoreline areas into specific environment designations. Ecology's guidelines recommend six different environment designations, but does not require that local programs adopt this particular scheme. King County's 1978 SMP adopted the four environment designations recommended by Ecology at that time: Urban, Rural, Conservancy, and Natural. In this update, King County is adopting eight environment designations in total, based on the recommendations from Ecology. These environment designations are:

High Intensity Shoreline Environment: Applied to areas that provide high-intensity water-oriented commercial, transportation, and industrial uses.

Residential Shoreline Environment: Applied to accommodate residential uses at urban densities, while allowing for non-residential uses that are consistent with the protection of the shoreline jurisdiction.

Rural Shoreline Environment: Applied to accommodate rural residential shoreline development, while allowing for rural non-residential uses that are consistent with the protection of the shoreline.

Conservancy Shoreline Environment: Applied to protect and conserve the shoreline for ecological, public safety, and recreation, purposes. Includes areas with important shoreline ecological processes and functions, valuable historic and cultural features, flood and geological hazards and recreational opportunities. Residential areas can also be designated as conservancy shorelines.

Resource Shoreline Environment: Applied to allow for mining and agriculture land uses, except for shorelines that are relatively intact or that have minimally degraded shoreline processes and functions.

Forestry Shoreline Environment: Applied in areas to allow for forest production and protect municipal water supplies.

Natural Shoreline Environment: Applied to shorelines that are relatively intact or have minimally degraded shoreline processes and functions that are intolerant of human use.

Aquatic Shoreline Environment: Applied to the areas waterward of the ordinary high water mark.

4. Shoreline program elements

The SMA identifies eight "program elements" that must be addressed and included in local shoreline master programs:

Economic development element that considers the location and design of industries, industrial projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce, and other developments that are particularly dependent on shorelines of the state.

Public access element that considers public access to publicly owned land along shorelines of the state.

Recreational element that identifies recreational opportunities along shorelines, such as parks, tidelands, beaches, and recreational areas, and that pursues acquisition through implementation of the King County SMP.

Circulation element that consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities.

Land use element that considers the general distribution and location, as well as the extent of use on the shorelines and adjacent areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private use of the land.

Conservation element that addresses the preservation of natural resources including, but not limited to, scenic vistas, aesthetics, and vital estuarine areas for fish and wildlife.

Historic, cultural, scientific and educational element that prevents the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Tribes, and the state office of archaeology and historic preservation.

Flood hazard element that considers the prevention and minimization of flood damages.

5. Shoreline modifications and uses

The SMA requires that local shoreline master programs distinguish between shoreline modifications and shoreline uses.

Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but can include other actions such as clearing, grading or application of chemicals. A shoreline modification is usually undertaken in support of or in preparation for a shoreline use.

Shoreline uses are classified as "water-dependent," "water-related," "water-enjoyment," or "water-oriented."

A water-dependent use is a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.

A water-related use is a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive or more convenient.

A water-enjoyment use is a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which, through location, design and operation, ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

A water-oriented use is a use that is water-dependent, water-related, water-enjoyment, or a combination of such uses.

II. SHORELINE JURISDICTION

A. King County's Responsibility to Regulate Shorelines

1. King County assumes primary responsibility for shoreline planning and regulation
King County has primary responsibility for shoreline management planning and for the administration of shoreline regulations within its jurisdiction.

S-101 King County has primary responsibility within its boundaries for planning required by the Shoreline Management Act and for administering its shoreline regulatory program.

King County recognizes that its SMP is subject to review and approval by the Washington State Department of Ecology and that the SMP must be consistent with the policies and provisions of the SMA (RCW 90.58)

2. King County's Shoreline Master Program is intended to be consistent with the Shoreline Management Act & Guidelines

King County's SMP is intended to be consistent with the required elements of Ecology's guidelines for implementing the SMA that are found in WAC 173-26 and 173-28. King County's SMP shall be interpreted consistently with the SMA. In the event of a conflict between SMA and King County's SMP, the SMP should be interpreted to give meaning and effect to the SMA.

S-102 King County's Shoreline Master Program is to be interpreted consistently with the policies and requirements of the Shoreline Management Act (RCW 90.58).

S-103 King County's Shoreline Master Program is to be interpreted consistently with the required elements of the shoreline guidelines found in WAC 173-26 and 173-28.

3. King County's Shoreline Master Program is to be liberally construed

The SMA explicitly provides that it is exempt from the rule of strict construction and must be liberally construed to give full effect to the Act's objectives and purposes. By adopting a liberal standard of construction, the state Legislature demonstrated the importance it attached to protecting the shoreline and accomplishing the goals and policies of the SMA. Consistent with this mandate, and because King County believes that accomplishing the goals and objectives of the SMA within the county is of primary importance, the SMP is to be liberally construed to accomplish its objectives and purpose.

S-104 King County's Shoreline Master Program is exempted from the rules of strict construction and shall be construed liberally to give full effect to its objectives and purpose.

B. Shoreline Jurisdiction

1. Shoreline jurisdiction extends over all "shorelines" and "shorelines of statewide significance" within unincorporated King County

The SMA applies to all “shorelines of the state.” “Shorelines of the state” are defined to include “shorelines” and “shorelines of statewide significance.”

It is important to understand the distinction between the terms “shorelines” and “shorelines of statewide significance.” Both terms are used throughout the SMA and define the scope of King County’s shoreline jurisdiction. The distinction is important because the SMA imposes greater and more specific obligations when dealing with shorelines of statewide significance.

a. “Shorelines”

Shorelines are defined in the SMA as follows:

“Shorelines” means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

b. “Shorelines of statewide significance”

Shorelines of statewide significance, as specifically defined in the SMA include:

- Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tides;
- Lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark; and
- Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more.

In unincorporated King County, the water bodies that qualify as shorelines of statewide significance include:

- The marine waters around Vashon-Maury Island
- Northeast Lake Washington (north of Kirkland) and southwest Lake Washington (west of Renton)
- Lake Sammamish at Marymoor State Park and Lake Sammamish State Park
- Mud Mountain Reservoir and White River from river mile 15.5 to river mile 46 (excluding the Muckleshoot Indian Reservation between river mile 8.9 and river mile 15.5)
- Green River from its confluence with the Duwamish River to river mile 95
- Duwamish River from river mile 3.5 to river mile 5
- Chester Morse Lake (Reservoir)
- Tolt Reservoir
- Mainstem Snoqualmie River to river mile 43 and Middle Fork Snoqualmie River to river mile 39
- South Fork Skykomish River to river mile 30

Associated shorelands that are adjacent to shorelines of statewide significance are included within the shoreline of statewide significance jurisdiction.

c. “Shorelands”

Shorelines includes “associated shorelands” which are defined in the SMA as follows:

“Shorelands” or “shoreland areas” means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from

such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter.

d. Shoreline jurisdiction

King County's shoreline jurisdiction consists of the combination of shorelines, shorelines of statewide significance, and shorelands.

S-105 King County's shoreline jurisdiction extends over all shorelines of the state, as that term is defined in the Shoreline Management Act, in unincorporated King County. This includes jurisdiction over shorelines, shorelines of statewide significance and shorelands.

e. Options to extend geographic jurisdiction over shorelines and shorelines of statewide significance

The SMA gives King County two options concerning the scope of its shoreline jurisdiction.

The first option allows the county to include one-hundred year floodplains:

Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom. (RCW 90.58.030(2)(f)(i))

In its original SMP adopted in 1977, King County included the one-hundred year floodplain. The continued regulation of the one-hundred year floodplain is necessary to comply with certain federal requirements under the National Flood Insurance Program. Therefore, King County continues to extend its shoreline jurisdiction to cover one-hundred year floodplains.

S-106 King County includes within its shoreline jurisdiction the one-hundred year floodplains of shorelines of the state.

The second option allows the extension of shoreline jurisdiction to include land necessary for buffers for critical areas that extend beyond the 200 foot shoreland jurisdiction:

Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to non-forest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter. (RCW 90.58.030(2)(f)(ii))

King County is not exercising its option to extend its shoreline jurisdiction to include lands for buffers for critical areas.

S-107 Where critical areas are located within the unincorporated King County shorelands, the shoreline jurisdiction shall not include the critical area buffers that extend outside of the shoreline jurisdiction boundary.

2. Jurisdictional map

Applying these definitions within King County has involved an extensive survey of the shoreline jurisdiction, which is discussed in detail in the King County Shorelines Inventory and Characterization (May 2007). The Shorelines of the State map at the end of this chapter shows the complete scope of King County's shorelines and shorelines of statewide significance.

III. SHORELINE POLICY GOALS

A. Introduction to Shoreline goals

King County's shoreline has a long history of settlement because of the abundant natural resources, availability of water, and usefulness as transportation routes. The shoreline also draws people to enjoy the aesthetic and recreational value that marine beaches, lakes, and rivers provide. The shoreline supports some of the region's most important industries, such as shipping, fishing, and tourism.

Because of the unique and irreplaceable value of the shorelines of the state, King County recognizes that it is in the public interest to protect shoreline ecological processes and functions, while allowing reasonable and necessary use of shorelines to support the regional economy and provide recreational opportunities for the public.

The high demand for shoreline use over time has degraded shoreline ecological processes and functions in many areas. Many segments of King County's shoreline jurisdiction are devoid of native vegetation, the banks are hardened with additions of rock and other materials, sediment movement is no longer driven by natural forces, and valuable fish and wildlife habitat is gone or impaired to a significant extent. Unaltered shorelines are increasingly rare. It has become critical to restore and enhance degraded shorelines.

A vast majority of the shoreline jurisdiction, particularly in the lower parts of the regional watersheds and along the marine shorelines, is in private ownership, giving the citizens of King County an important role in protecting unique and irreplaceable shoreline values. The challenge for King County is to manage these lands in a manner that protects, restores, and enhances King County's shoreline jurisdiction, while respecting private property rights and protecting the public interest.

King County has established a set of general policy goals that provide overarching guidance for discretionary decision-making, support shoreline regulations, and define the vision that King County has for the use, protection, restoration and enhancement of the shorelines of the state. These policy goals reflect the wide range of SMA mandates, while at the same time preserving the maximum possible flexibility for King County to address the unique shoreline conditions within its jurisdiction.

B. Statement of Applicability

The SMA includes a requirement that development proposals must obtain a shoreline substantial development permit. However, the SMA includes a number of exemptions from this requirement. For example, proposals to construct a single family residence or to construct a bulkhead to protect a single family residence are exempt from the requirement to obtain a substantial development permit. Activities that do not require a shoreline substantial development permit can, individually and cumulatively, adversely impact adjacent properties and natural resources. King County has both the authority and the responsibility to enforce SMP regulations on all uses and development in the shoreline jurisdiction. In order to ensure that permit-exempt activities comply with the SMA and the County's SMP, King County generally requires applicants with exempt projects to apply for a shoreline exemption.

Because there has been confusion in the past regarding the scope of the SMA, Ecology requires that all master programs contain the following policy statement:

S-201 All proposed uses and development occurring within King County's shoreline jurisdiction must conform to the Shoreline Management Act and to King County's Shoreline Master Program.

C. Shoreline Preferred Uses

The SMA establishes mandatory preferences for uses that are unique to or dependant upon a shoreline location. These preferred uses apply to the entire shoreline jurisdiction, both the shorelines and shorelines of statewide significance. The SMA preferred uses are recognized in the following policies.

- S-202** In establishing and implementing shoreline policies and development regulations, King County shall give preference to uses that are unique to or dependent upon a shoreline location.
- S-203** King County, when determining allowable uses and resolving use conflicts in the shoreline jurisdiction, shall apply the following preferences and priorities in the order listed below:
1. Reserve appropriate areas for protecting and restoring shoreline ecological processes and functions to control pollution and prevent damage to the natural environment and to public health.
 2. Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the State Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities, such as transportation and utilities, should be reserved for water-dependent and water-related uses that are associated with commercial navigation, unless adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Shoreline mixed-use developments may be allowed if they include and support water-dependent uses and address specific conditions that affect water-dependent uses.
 3. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.
 4. Locate single-family residential uses where they are appropriate and can be developed without significant impact to shoreline ecological processes and functions or displacement of water-dependent uses.
 5. Limit nonwater-oriented uses to those locations that are inappropriate for higher priority uses or where the nonwater-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.
- S-204** In particular circumstances, the preferred use policies, the local economic and land use conditions, and the policies and regulations that assure protection of shoreline resources may result in a determination that other uses may be considered as necessary or appropriate. These other uses may be accommodated, provided that the preferred uses are reasonably provided for throughout the shoreline jurisdiction.

D. General Policy Goals

The SMA policies of protecting shoreline ecological processes and functions, fostering reasonable use, and maintaining the public right of navigation and corollary uses result in certain mandatory policy goals for the shoreline jurisdiction.

These policies apply to both shorelines and shorelines of statewide significance. The policies are not ranked in a specific order. King County reserves the right to balance these general policies based on the unique circumstances, location and physical condition of the shoreline.

- S-205** The following policy goals apply to all of the shoreline jurisdiction. The goals are not ranked in importance and have been assigned a number for identification purposes only.
1. The use of the shoreline jurisdiction for those economically productive uses that are particularly dependent on shoreline location or use.
 2. The use of the shoreline jurisdiction for public access and recreation.
 3. Protection and restoration of the ecological processes and functions of shoreline natural resources.
 4. Protection of the public right of navigation and corollary uses of waters of the state.
 5. The protection and restoration of buildings and sites having historic, cultural, and educational value.
 6. Planning for public facilities and utilities correlated with other shorelines uses.
 7. Prevention and minimization of flood damage.
 8. Recognizing and protecting private property rights.
 9. Preferential accommodation of single-family residential uses.
 10. Coordination of shoreline management with other relevant local, state and federal programs.

E. Shorelines of Statewide Significance Policy Goals

The Shoreline Management Act identifies certain shorelines as "shorelines of statewide significance" and raises their status by setting use priorities and by calling for a higher level of effort in implementing the SMP. The state legislature has declared that the interest of all people shall be paramount in the management of shorelines of statewide significance.

- S-206** **The interests of all people shall be paramount in the management of shorelines of statewide significance within King County.**

The legislature has established policy goals that govern shorelines of statewide significance. Significantly, these policy goals are ranked in order of preference, i.e., the first goal must be given priority over all subsequent goals.

The following policy recognizes and accepts the policy goals as directed by the SMA for shorelines of statewide significance:

- S-207** **In developing and implementing its Shoreline Master Program for shorelines of statewide significance, King County shall give preference, in the following order of preference, to uses that:**
1. Recognize and protect the statewide interest over local interest;
 2. Preserve the natural character of the shoreline;
 3. Result in long-term over short-term benefit;
 4. Protect the resources and ecology of the shoreline;
 5. Increase public access to publicly owned areas of the shorelines;
 6. Increase recreational opportunities for the public in the shoreline; and
 7. Provide for any other element as defined in RCW 90.58.100.
- S-208** **In developing and implementing policies relating to shorelines of statewide significance, King County shall provide for optimum implementation of policies that satisfy the statewide interest.**

F. State-Owned Shoreline Policy Goals

The state also owns property within King County. The SMA requires that certain policies be adopted with regard to shoreline land owned by the state. This is distinct from shorelines of statewide significance, which may or may not be in state ownership. Because state-owned shoreline is often adapted to providing recreational activities for the public, King County has given special consideration to these factors in developing the SMP.

S-209 King County should encourage and help facilitate the use of state-owned shorelines for public recreational activities, where appropriate.

G. Balancing Policy Goals

The policy goals for the management of the shoreline jurisdiction have the potential for conflict. King County shorelines are considered among the most valuable and fragile of King County's natural resources. These shorelines are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research, and education. They are fragile because shorelines depend upon a balance between physical, biological, and chemical systems that may be significantly altered by both natural forces (earthquakes, volcanic eruptions, landslides, storms, droughts, floods) and human activities (industrial, commercial, residential, recreation, navigational). Unbridled use of the shorelines ultimately could destroy their utility and value for human use.

S-210 The policy goals of King County's Shoreline Master Program relate both to the use and protection of the extremely valuable and vulnerable shoreline resources of the state.

S-211 King County shall accommodate in the shoreline jurisdiction all reasonable and appropriate uses consistent with protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and consistent with public rights of navigation.

S-212 The policy of achieving both shoreline use and protection is reflected in the provision that permitted uses in the shoreline jurisdiction shall be designed and conducted in a manner to avoid or minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water.

S-213 King County shall balance shoreline use and shoreline protection when meeting the policy goals of the Shoreline Management Act.

H. Multiple Approaches to Accomplishing Policy Goals

The policy goals in the SMP may be achieved through a variety of methods that go beyond simply regulating development within the shoreline jurisdiction. There are a wide range of non-regulatory tools available that provide incentives for property owners to work cooperatively with King County to achieve these policy goals. In addition, King County works closely with other public and non-profit groups to achieve mutually beneficial objectives.

S-214 The King County Shoreline Master Program policies may be achieved by a number of different means, both regulatory and non-regulatory. These include, but are not limited to:

- 1. Regulations controlling development within the shoreline jurisdiction;**

- 2. Acquisition of land and easements by purchase, lease, or gift, either alone or in concert with other local governments;**
- 3. Accepting grants, contributions, and appropriations from any public or private agency or individuals;**
- 4. Public facility and park planning;**
- 5. Watershed planning;**
- 6. Voluntary salmon recovery projects; and**
- 7. Incentive programs, such as the transfer of development rights or the public benefit rating system.**

IV. SHORELINE ELEMENT POLICY GOALS

A. Need for shoreline elements

The SMA requires local master programs to include a number of elements that range from use of shorelines for economic benefit and accommodating necessary infrastructure to protecting both cultural and natural resources. These elements are addressed separately throughout this chapter and are based on the following overarching King County Shoreline Master Program element policy goals.

B. Economic Development Element

King County's economy is the largest and most significant in the Puget Sound Region and in Washington State. With almost half of the state's nonagricultural jobs and almost 83,900 businesses, it is essential that the King County accommodate the industries and infrastructure to support a healthy and vibrant economy. Most of the county's industry and infrastructure lies within the incorporated cities and is not subject to the King County Shoreline Master Program. However, there are some portions of the shoreline jurisdiction in unincorporated King County that provide for economic development of the region.

S-301 King County should plan for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

C. Public Access Element

King County believes the shoreline should be accessible to the general public to enjoy and use within the limitations of private property rights and ecological considerations. Since a significant amount of shoreline property is in private ownership, the responsibility to maintain and provide public access falls primarily on public projects. Not all sites are appropriate for use by the public and must be evaluated carefully to ensure that public access can be safely provided without harm. Provisions should also be retained and sought to provide opportunities for the public to enjoy views of the water and shoreline.

S-302 King County shall:

- 1. Support the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety, as well as considering impacts on shoreline ecological processes and functions.**
- 2. Protect the rights of navigation and the space necessary for water-dependent uses.**
- 3. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.**
- 4. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public's use of the water.**

When planning shoreline public access, King County should try to achieve an integrated system that can supplement, and be coordinated with, multimodal transportation planning. King County has identified areas of potential public access that will be assessed in more detail through shoreline permits and public projects. The King County Shoreline Public Access Plan (July 2009) provides details on the analysis of existing shoreline public access in King County, identified public access gaps and opportunities, and the resulting shoreline Public Access Plan.

- S-303** **The King County Shoreline Master Program should increase the amount and diversity of public access to the shoreline jurisdiction in areas identified within a shoreline public access gap. New public access should minimize impacts to shoreline ecological processes and functions, preserve natural shoreline character as much as possible, protect private property rights and consider public safety.**
- S-304** **Public agencies, including local governments, port districts, state agencies, and public utility districts, should include public access in their development proposals if public access is compatible with the activity and can be provided safely. An assessment of the impact of public access on the shoreline and constructed features should also be conducted.**
- S-305** **King County shall require public access to shorelines of the state for water-enjoyment, water-related, and nonwater-dependent non-residential uses and for subdivisions of land into more than four parcels unless:**
- 1. The development proposal is not compatible with public access;**
 - 2. There is a safety or security concern;**
 - 3. Inclusion of public access will have an environmental impact that cannot be mitigated; or**
 - 4. There are legal limitations on allowing public access.**
- S-306** **King County shall adopt development regulations that establish maximum building height limits, setbacks, and view corridors to minimize the impact to existing views from public property or a substantial number of residences. Where providing direct public access or allowing for water dependent shoreline uses conflicts with maintaining existing views, the direct public access or water dependent shoreline uses shall have priority.**

D. Recreational Element

Shorelines provide many opportunities for recreation, such as boating, swimming, beach combing, hiking, and nature viewing. Since much of the shoreline jurisdiction is in private ownership, using public lands for recreation will become increasingly important. Opportunities should be sought through public projects to protect and enhance recreational opportunities.

- S-307** **King County should protect and, when possible, expand recreational opportunities, including but not limited to parks, beaches, tidelands, swimming beaches and boat launches.**
- S-308** **King County should evaluate opportunities to acquire shoreline property for purposes of public recreation from willing sellers of private property.**

E. Circulation Element

Circulation and transportation planning is conducted at many levels in King County. The overarching transportation planning agency in the Puget Sound region is the Puget Sound Regional Council, an association of cities, towns, counties, ports, and state agencies that serves as a forum for developing policies and making decisions about growth and transportation issues in the Puget Sound region. At the local level, cities and counties approve local circulation patterns for their individual jurisdictions. King County should consider the policy goals in this Shoreline Master Program when participating in regional and local transportation planning discussions.

S-309 **The King County Shoreline Master Program should guide the county's transportation plans and projects within the shoreline jurisdiction.**

F. Land Use Element

Land use in King County is established through implementation of the Washington State Growth Management Act (GMA). To implement the GMA, King County relies primarily on the King County Comprehensive Plan and functional plans that are adopted as part of this Comprehensive Plan for facilities and services. This Comprehensive Plan establishes an urban growth line and designates land use and zoning for the unincorporated portions of King County. It also delineates and protects agricultural production districts, forest production districts and mineral resource sites.

S-310 **The King County Comprehensive Plan should consider the policy goals of the King County Shoreline Master Program when designating land use and zoning on shorelines of the state and adjacent lands.**

G. Conservation Element

The SMA requires local master programs to include a conservation element for the preservation of natural resources, including critical areas, scenic vistas, aesthetics, and vital freshwater, saltwater and estuarine areas for fish and wildlife.

1. Critical areas

King County's critical areas ordinance is based on best available science and protects coal mine hazard areas; erosion hazard areas; flood hazard areas; seismic hazard areas; landslide hazard areas; volcanic hazard areas; steep slope hazard areas; critical aquifer recharge areas; wetlands; aquatic areas (including lakes, rivers and streams and marine areas); and wildlife habitat conservation areas. The GMA requires that a shoreline master program provide a level of protection for critical areas located within shorelines that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. Policy S-403 adopts this requirement.

Past development of the shorelines has degraded the habitat for many species by activities such as armoring banks against wave action and the erosive force of water flowing downstream; removal of vegetation; straightening channels; installing in-stream structures for flood control, hydroelectricity and water supply; and allowing stormwater runoff that degrades water quality. Degraded shorelines should be restored and shorelines that are in good condition should be preserved.

S-311 **King County shall protect shoreline critical areas and, where possible, should restore degraded habitat and critical area functions and values.**

2. Scenic vistas

The natural topography of King County provides numerous scenic vistas of the shoreline. King County should ensure that development occurring both within and outside the shorelines of the state avoids impacts on scenic vistas and protects view corridors while balancing other policy goals of this plan.

S-312 **King County should consider and, when possible, require protection of scenic vistas of the shoreline jurisdiction when reviewing public and private development proposals.**

3. Aesthetics

Natural shorelines are visually aesthetic in their natural state. When these shorelines are altered through development, the aesthetic value of the shoreline should be preserved as much as possible. In areas where shorelines have already been developed with little consideration of the aesthetics, restoration should return the shoreline to an aesthetically-pleasing environment.

S-313 King County should ensure that public and private development proposals protect and restore the aesthetic quality of shorelines in the project design.

H. Historic, Cultural, Scientific and Educational Element

The historic, cultural, scientific and educational element provides for protection and restoration of historic resources. Historic resources include historic building, sites, objects, districts and landscapes, prehistoric and historic archaeological resources and traditional cultural places.

- S-314** Historic resources in the shoreline jurisdiction should be protected to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state and federal authorities, including affected Tribes.
- 1.** Sites should be protected in collaboration with appropriate Tribal, state, federal, and other local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.
 - 2.** Where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.
 - 3.** Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and incorporated into public and private programs and development.
- S-315** King County should work with Tribal, state, federal and local governments to maintain an inventory of all known historic resources. King County shall protect these inventories from public disclosure to the extent permitted or required under applicable federal and state law. As appropriate, such sites should be preserved and restored for study, education and public enjoyment to the maximum possible extent.
- S-316** Provisions for historic resource preservation, restoration and education should be incorporated with open space or recreation areas in site development plans whenever compatible and possible.
- S-317** Cooperation among involved private and public parties should be encouraged to achieve these historic, cultural, scientific and educational objectives.
- S-318** Private and public owners of historic resources should be encouraged to provide public access and educational opportunities at levels consistent with long term protection of both historic values and shoreline ecological processes and functions. Site-specific conditions may require public site access to be restricted at times, but educational means should be provided whenever possible.
- S-319** Historic resource development should be planned and carried out so as to prevent impacts to the resource. Impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels.
- S-320** Owners of historic resource are encouraged to make substantial development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, Tribes and others, may have ample time to assess the site and make arrangements to preserve historic, cultural, scientific and educational values as applicable.

S-321

If development is proposed adjacent to an historic resource, the proposed development should be designed and operated so as to be compatible with continued protection of the historic, cultural or archaeological resource.

V. SHORELINE PLAN RELATIONSHIP TO OTHER LAWS

A. Washington's Growth Management Act (Chapter 36.70A RCW)

The GMA, passed by the Washington State Legislature in 1990 and 1991, seeks to further protect the quality of life in Washington State. The GMA requires that the state's most populous and fastest growing counties and their cities prepare comprehensive land use plans that anticipate growth for a 20-year horizon. Smaller communities and those communities that are experiencing a slow rate of growth may choose to plan under the GMA, but are not required to do so. Comprehensive plans adopted in accordance with GMA must manage growth so that development is directed to designated urban areas and away from the Rural Area. The GMA also requires local governments to designate and protect critical areas and to identify and protect natural resource lands, which include commercially significant forestry, agriculture, and mining areas. In 1997, the Washington State Legislature amended both the GMA and the SMA in an effort to achieve consistency between the two statutes. Among the amendments to the GMA was a provision that makes the policies and goals of the SMA also policies and goals of the GMA. See RCW 36.70A.480.

S-401 The King County Shoreline Master Program must be consistent with the Washington State Growth Management Act.

B. King County Countywide Planning Policies

King County, along with the City of Seattle, City of Bellevue, and suburban cities established the Growth Management Planning Council (GMPC) to prepare a coordinated policy framework for future development in King County. In July 1992, the GMPC adopted Phase 1 of the Countywide Planning Policies. Phase 2 was adopted in 1994. The King County Countywide Planning Policies have been ratified by a majority of the jurisdictions in King County and therefore apply to all jurisdictions. The Countywide Planning Policies address critical areas, land use patterns, transportation, community character and open space, affordable housing, development and provision of urban services, siting of public capital facilities, economic development, and regional financing and governance.

S-402 The King County Shoreline Master Program must be consistent with and coordinated with the King County Countywide Planning Policies.

C. Critical Areas Regulations

Critical areas located within shorelines are regulated under the SMA and implemented through local shoreline master programs. The GMA requires that shoreline master programs provide a level of protection for shoreline critical areas that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

S-403 The King County Shoreline Master Program and implementing regulations shall provide a level of protection for critical areas in the shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

The SMA provides options for assuring consistency with the GMA protection of critical areas. These options range from including the GMA critical areas regulations in the SMP to preparing a discrete set of shoreline regulations.

S-404 **The King County Shoreline Master Program includes by reference portions of the King County critical areas regulations into the Shoreline Master Program to meet the requirements of RCW 90.58.090(3) and 90.58.090(4).**

D. Zoning, Clearing and Grading, and Stormwater Regulations

King County has adopted a wide array of development regulations that protect various aspects of the environment and implement other King County policies. These regulations generally include King County's surface water management regulations, clearing and grading regulations, and zoning. In the shoreline jurisdiction, the Shoreline Master Program may impose additional requirements. Shoreline development regulations must:

1. Be sufficient in scope and detail to ensure implementation of the SMA statewide shoreline management policies, this chapter, and the King County Comprehensive Plan and functional plans adopted to implement the Comprehensive Plan;
2. Include regulations that apply to the environmental designations classified under WAC 173-26-211;
3. Include general regulations, specific use regulations that address issues of concern in regard to specific uses, and modification regulations;
4. Include clearing and grading and stormwater regulations that protect the ecological processes and functions of the shorelines; and
5. Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. (RCW 90.58.100)

However, to the extent that it can, consistent with requirements of the SMA, King County will rely on its existing regulations to meet the requirements of the SMA.

S-405 **To the maximum extent practical, King County's Shoreline Master Program shall rely on King County's existing regulations, including critical areas regulations, surface water management regulations, clearing and grading regulations, and zoning in order to comply with the Shoreline Management Act and the Ecology's guidelines.**

E. Flood Hazard Management Plan

The King County Flood Hazard Management Plan directs floodplain management within King County. This plan was developed in coordination with incorporated cities within King County as directed by RCW 86.12.210 and is binding on each jurisdiction located within King County. The goals of the King County Flood Hazard Management Plan are:

1. To reduce the risks from flood and channel migration hazards.
2. To avoid or minimize the environmental impacts of flood hazard management.
3. To reduce the long-term costs of flood hazard management.

Flood hazard regulations are implemented within unincorporated King County. Each jurisdiction within King County is required under the Flood Hazard Management Plan to adopt flood hazard management regulations that meet the minimum requirements of the National Flood Insurance Program.

In 2007, the King County Council approved the formation of a countywide flood control zone district under the authority in RCW 86.15.025. The overarching countywide strategies and objectives include:

1. Improving levee protection through major commercial, industrial and residential areas;
2. Improving flood water conveyance and capacity;
3. Reducing hazards by removing flood, erosion, and landslide prone residential structures;
4. Providing safe access to homes and businesses by protecting key transportation routes;
5. Minimizing creation of new risks to public safety from development pressure.

The King County Flood Control Zone District (FCZD) is governed by a District Board of Supervisors that consists of the members of the King County Council. An advisory committee advises the board of supervisors of the FCZD on regional flood protection issues by providing recommendations to the board of supervisors on the district's work program and budget, including capital improvement program projects. King County will rely on the Flood Hazard Management Plan and the FCZD to meet the general shoreline master program provisions for flood hazard reduction in WAC 173-26-221(3).

S-406 The King County Shoreline Master Program will rely on the policies and programs established in the King County Flood Hazard Management Plan and flood hazard regulations to meet the requirements of the Shoreline Management Act and the Department of Ecology's guidelines for flood hazard reduction.

VI. SHORELINE ENVIRONMENT DESIGNATIONS

A. Introduction to shoreline environment designations

Shoreline management addresses a wide range of physical conditions and development settings. The SMP classifies shoreline reaches into defined environment designations, based on the existing use pattern, the current biological and physical character of the shoreline, and the goals and aspirations of the community. King County prescribes environmental protection measures, allowable use provisions, and development standards for each shoreline environment designation.

King County has established eight shoreline environment designations:

- A. High Intensity Shoreline
- B. Residential Shoreline
- C. Rural Shoreline
- D. Conservancy Shoreline
- E. Resource Shoreline
- F. Forestry Shoreline
- G. Natural Shoreline
- H. Aquatic

This section sets forth the purpose, criteria and management policies for each shoreline environment. The Shoreline Environment Designation maps at the end of this chapter show how the environment designations apply to shoreline reaches within the shoreline jurisdiction in unincorporated King County. Shoreline areas that meet the jurisdictional criteria, but that are not mapped or designated, are assigned a Conservancy designation until the SMP is amended to assign a shoreline environment to that shoreline reach.

Environment Designation Criteria

King County has a long history of comprehensive planning and basin planning. Beginning in the 1980s, basin plans were developed throughout the county and helped identify fragile aquatic resources. Relying on these plans, King County has assigned zoning that is appropriate given the nature of the resources that need protection. As a result, fragile resources generally have zoning classifications that permit only low intensity development. King County's zoning regulations limit high intensity development to urban areas designated under the County-Wide Planning Policies and the King County Comprehensive Plan.

King County recognizes, however, that zoning by itself is insufficient to determine the shoreline environment designations. Other factors are also important in assuring that the shoreline environment designations help King County achieve the goals of the SMA. These factors include, for a given shoreline:

- Existing development patterns together with zoning, the King County Comprehensive Plan land use designations and other officially adopted plans;
- Existing shoreline ecological processes and functions and the degree of human alteration;
- Whether the reach has a restoration priority that demonstrates it has both basin conditions and existing shoreline condition that support extra efforts to maintain shoreline ecological processes and functions and the length of such reaches;
- Federal, State, County, Tribal and municipal watershed ownership status;
- The goals of King County citizens for their shorelines as set forth in this chapter;
- Pursuant to RCW 90.58.100(4), for state-owned shorelines the public demand for wilderness beaches and other recreational activities and for ecological study areas; and

- Other state policies in the SMA and the Ecology's guidelines (RCW 90.58.020 and WAC 173-26, respectively).

Figure S-1 depicts the decision making process that is used to determine the appropriate shoreline environment designation for a given shoreline.

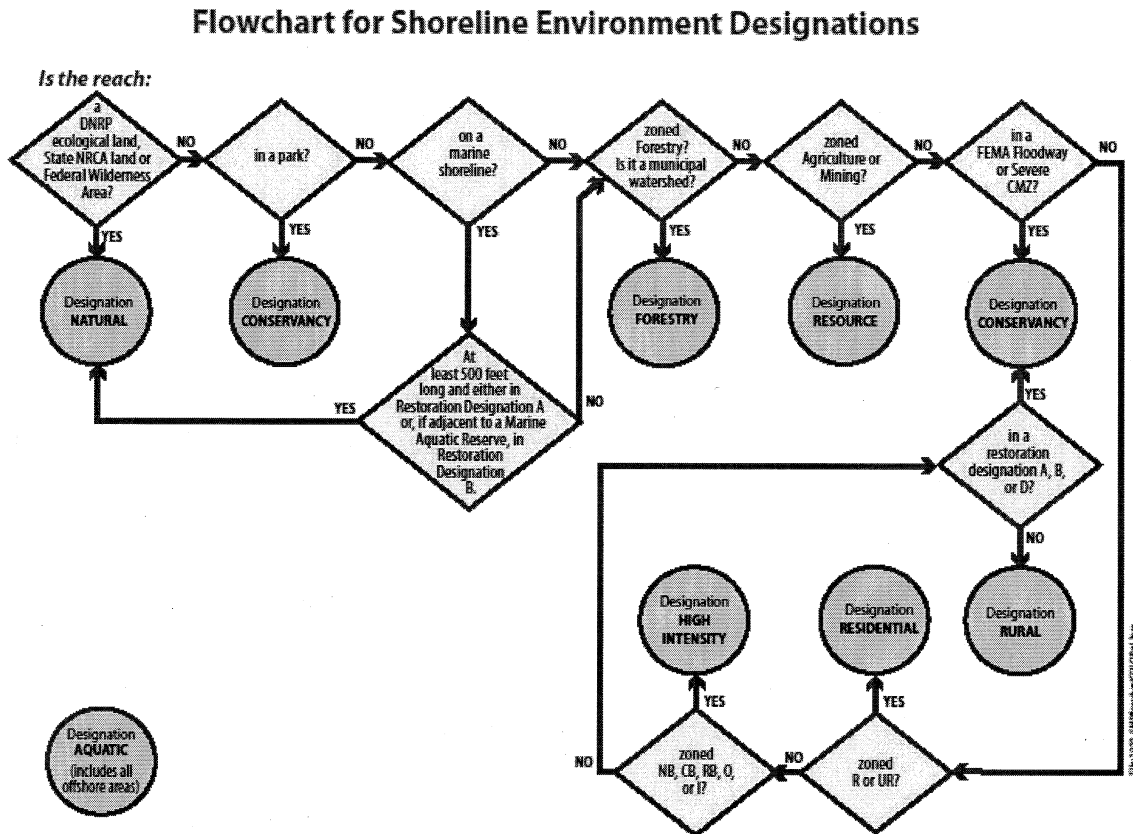


Figure S-1. Pathway of decisions in applying criteria to produce shoreline designations.

The shoreline environment designations take into account several elements. Areas currently meeting the criteria for high levels of protection are given greater levels of protection. The determination of whether an area deserves a greater level of protection is based either on its current ownership and condition, e.g. publicly owned natural areas or wilderness areas, or on its restoration rating. The restoration rating is discussed in more detail below. Zoning is also an important criterion. King County has for years implemented zoning as a means to protect more sensitive areas from intense development. Shoreline environment designations also take into account whether a reach is located within a floodway and severe channel migration hazard area and gives greater protection to these areas due to their importance in maintaining shoreline ecological processes and functions and because of public health and safety concerns.

The restoration rating (see King County Shoreline Protection and Restoration Plan (July 2009)) is included in the designation as a way to incorporate more strongly the current degree of alteration along the shoreline, the biological importance of the reach in a watershed context, and the restoration priorities associated with the combination of the two analyses. The restoration designations are largely concerned with whether it is most appropriate to implement measures to protect or conserve a site, restore it to a

previous condition, or undertake projects to enhance its current condition or to create new features with shoreline ecological processes and functions. These ratings also provide guidance on areas where it is important to protect existing shoreline ecological processes and functions.

Restoration ratings combine the reach characterization based on the results from an alterations analysis with the context of basin analyses (See Table S-2). The reach or drift cell characterization is an assessment of the extent to which ecosystem structure, processes, and, ultimately, functions for a reach or drift cell are affected by anthropogenic factors. Scores resulting from this assessment are indicative of the degree to which shoreline ecological processes have been altered and impaired. The reach characterizations are found in King County Shoreline Inventory and Characterization: Methodology and Results (May 2007). The basin analysis is based on the Basin Condition Map adopted by the King County Council in K.C.C. 21A.24.065.

Restoration Score	Basin Condition	Reach Condition	Actions
A	High	High	Conserve, Preserve
B	High	Moderate	Conserve, Preserve, Restore, Enhance
C	High	Low	Restore, Enhance
D	Moderate	High	Conserve, Enhance, Restore, Preserve
E	Moderate	Moderate	Conserve, Enhance, Restore
F	Moderate	Low	Enhance, Restore
G	Low	High	Enhance, Conserve
H	Low	Moderate	Enhance, Create
I	Low	Low	Enhance, Create

Table S-2. Restoration scores and associated actions.

Each designation has specific restoration goals associated with it, based on the conditions observed onsite and in the basin. Depending on condition, as indicated by the degree of alteration, reaches and drift cells were placed into one of nine categories of preferred actions. These range from preservation and conservation under the highest conditions (high basin and reach conditions, i.e., the least altered from natural) to enhancement and creation under the poorest condition (low basin and reach conditions, the most altered from natural).

The various actions are defined as follows:

- **Preserve** – To protect intact processes, often through acquiring lands or easements to exclude activities that may negatively affect the environment.
- **Conserve** – To maintain biodiversity by protecting or increasing the natural potential of landscapes to support multiple native species. Typically, this is accomplished through financial incentives for landowners intended to offset any economic loss resulting from managing the land for conservation.
- **Restore** – To transform degraded conditions to a close approximation of historical conditions. Restoration generally involves more intense and extensive modification and manipulation of site conditions than would occur with enhancement projects. Example actions include levee breaching, removal, or setback.
- **Enhance** – To improve a targeted ecological attribute and/or process. Example actions may include culvert replacement, riparian plantings and fencing, invasive species removal, and streambank stabilization.
- **Create** – To construct or place habitat features where they did not previously exist in order to foster development of a functioning ecosystem. Examples include tidal channel excavation and the placement of dredge material intended to create marsh or other habitat. Creation represents

the most experimental approach and, therefore, may have a lower degree of success, particularly when landscape-scale ecological processes are not sufficient to support the created habitat type.

The marine shoreline, which in unincorporated King County occurs only around Vashon/Maury Island, is treated a little differently than freshwater shorelines in the designation strategy. This is in recognition of both the differing character of marine shorelines, which are subject to tidal influences, wakes from large commercial vessels, and some variation in the ecological processes affecting them, as well as the creation of the Maury Island Environmental Aquatic Reserve along Maury Island and Quartermaster Harbor shorelines by the Washington state Department of Natural Resources. More protection by shoreline designation was afforded to marine shorelines with active feeder bluffs and little alteration to processes. As a result, in these areas, areas with a restoration rating of A or B were designated natural in recognition of the importance of conserving existing shoreline ecological functions and processes in this area.

B. High Intensity Shoreline Environment

Purpose

The purpose of the High Intensity Shoreline Environment is to provide for high intensity water-oriented commercial and industrial uses.

High Intensity Designation Criteria

- S-501** A shoreline may be designated High Intensity if the shoreland is characterized by high intensity development or uses or is zoned Neighborhood Business (NB), Commercial Business (CB), Regional Business (RB), Office (O), or Industrial (I), and:
- 1. The shoreland does not contain limitations on urban uses, such as geological hazards or flood hazards; and**
 - 2. The shoreline does not provide important shoreline ecological processes and functions that would be significantly compromised by high intensity residential, commercial, or industrial use.**

High Intensity Management Policies:

- S-502** In the High Intensity Shoreline Environment, King County shall give priority to non-residential land uses that are water-dependent or water-related.
- S-503** King County shall discourage non-water-oriented, non-residential land uses in the High Intensity Shoreline Environment. Shoreline mixed-use developments that include and support water dependent uses may be allowed. King County should allow non-water-oriented land uses in the High Intensity Shoreline Environment only in limited situations and only if they do not conflict with or limit opportunities for water-dependent uses or are located on sites where there is no direct access to the shoreline.
- S-504** Prior to allowing expansion of a high intensity non-water-oriented use in the shoreline environment, King County shall determine that there is no feasible alternative for locating the expansion outside of the shoreline jurisdiction.
- S-505** King County should require visual or physical public shoreline access to be provided whenever feasible in the High Intensity Shoreline Environment.
- S-506** King County shall protect the aesthetic character of the shoreline in the High Intensity Shoreline Environment through development regulations, including sign

controls, development siting criteria, screening requirements and architectural standards, landscaping requirements and maintenance of natural vegetation.

- S-507** King County shall require that the scale and intensity of new uses and development within the High Intensity Environment is compatible with, and protects or enhances, the existing character of the area.

C. Residential Shoreline Environment

Purpose

The purpose of the residential shoreline environment is to accommodate residential and commercial uses on a scale appropriate with urban residential zones.

Residential Shoreline Designation Criteria

- S-508** A shoreline may be designated Residential Shoreline if the shoreland is characterized by urban levels of residential development or uses or is zoned Urban Residential (R) or Urban Reserve (UR) and:
1. The shoreland does not contain limitations on urban uses, such as geological hazards or flood hazards; and
 2. The shoreline not provide important shoreline ecological processes and functions that would be significantly compromised by urban levels of residential development.

Residential Shoreline Environment Management Policies:

- S-509** King County shall require that the scale and intensity of new uses and development within the Residential Shoreline Environment is compatible with, and protects or enhances the existing character of the area.
- S-510** King County should encourage public or private outdoor recreation facilities that are compatible with the character of the area in the Residential Shoreline Environment. Water-dependent and water-enjoyment recreation facilities that provide opportunities for people to access and enjoy the shoreline are preferred uses in the Residential Shoreline Environment.
- S-511** King County should discourage non-water-oriented commercial uses in the Residential Shoreline Environment. A non-water-oriented commercial use may be allowed as part of a shoreline mixed-use development or if the non-water-oriented use provides a substantial benefit with respect to the goals and policies of this Program, such as providing public access or restoring degraded shorelines.

D. Rural Shoreline Environment

Purpose

The purpose of the Rural Shoreline Environment is to accommodate land uses normally associated with rural levels of development while providing appropriate public access and recreational uses to the maximum extent practicable.

Rural Shoreline Environment Designation Criteria

- S-512** A shoreline may be designated Rural Shoreline if the shoreland is characterized by rural levels of development or if the shoreland is zoned Rural Area (RA) and:

1. The shoreland does not contain limitations on rural residential uses, such as geological hazards or flood hazards; and
2. The shoreline does not provide important shoreline ecological processes and functions that would be significantly compromised by rural levels of residential development.

Rural Shoreline Environment Management Policies:

- S-513** King County should limit uses in the Rural Shoreline Environment to those rural development activities and associated services that sustain the shoreline's physical and biological resources and that protect options for restoration to maximum extent practicable given the nature of rural development.
- S-514** King County should require that multi-family and multi-lot residential and recreational developments in the Rural Shoreline Environment provide public access and joint use for community recreational facilities.

E. Conservancy Shoreline Environment

Purpose

The purpose of the Conservancy Shoreline Environment is to conserve areas that are a high priority for restoration, include valuable historic properties or provide recreational opportunities.

Conservancy Shoreline Environment Designation Criteria

- S-515** A shoreline may be designated Conservancy Shoreline if it is in an area where important shoreline ecological processes have not been substantially degraded by human activities, where important shoreline ecological processes would be degraded by development or present a public health or safety risk, or where the shoreline is in public ownership and is managed for public access or recreation. Areas that may be included in Conservancy Shoreline are:
1. Shoreline reaches primarily within an identified FEMA floodway or severe channel migration hazard zone;
 2. Lake shorelines or river shorelines with a restoration plan rating of A, B, or D;
 3. Marine shorelines with a restoration plan rating of A, B, or D; and
 4. Shorelines in public ownership and managed for public access or recreation.

Conservancy Shoreline Environment Management Policies:

- S-516** King County should limit uses in the Conservancy Shoreline Environment to those that sustain the shoreline area's physical and biological resources or to uses of a nonpermanent nature that do not substantially degrade the rural or natural character of the shoreline area or disturb historic and cultural resources. King County should discourage non-residential uses in the Conservancy Shoreline except as follows:
1. King County should allow aquaculture, forestry and agriculture in the Conservancy Shoreline Environment; and
 2. King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses if significant adverse impacts to the shoreline are mitigated.
- S-517** King County shall require that new uses or development in the Conservancy Shoreline Environment preserve the existing character of the shoreline consistent with the purpose of the environment, including:

1. Limiting the total effective impervious surface in the shoreline jurisdiction to no more than ten percent in order to maintain the existing hydrologic character of the site; and
2. Allowing more effective impervious surface coverage on lots legally created prior to the date of adoption of this update to King County's Shoreline Master Program. In these cases, effective impervious surface coverage shall be limited to the maximum extent practicable.

F. Resource Shoreline Environment

Purpose

The purpose of the Resource Shoreline Environment is to allow for mining and agricultural uses on lands that have been designated under the GMA as agricultural lands of long-term commercial significance or mineral resource lands where those lands do not provide significant shoreline ecological processes and functions.

Resource Shoreline Environment Designation Criteria

S-518 A shoreline may be designated Resource Shoreline if the shoreland is zoned Agriculture or Mineral and the shoreline is not designated Natural Shoreline under Policy S-525.

Resource Shoreline Environment Management Policies:

S-519 King County should limit uses in the Resource Shoreline Environment to agricultural and mining activities.

S-520 King County shall adopt development standards for the Resource Shoreline Environment to preserve the existing character of the shoreline consistent with the purpose of the environment.

G. Forestry Shoreline Environment

Purpose

The purpose of the Forestry Shoreline Environment is to allow for forestry uses in the Forest Production District and to protect municipal watersheds.

Forestry Shoreline Designation Criteria

S-521 A shoreline may be designated Forestry Shoreline if the shoreland is within the Forest Production District and the shoreline is not designated as a Natural Shoreline or a Conservancy Shoreline.

Forestry Shoreline Management Policies:

S-522 King County shall require forest practices in the Forestry Shoreline Environment to comply with standards that provide protection for shoreline ecological processes and functions equal to or greater than the forest practice rules adopted by the Washington State Department of Natural Resources and in effect on January 1, 2007.

S-523 King County shall allow activities related to the direct management and delivery of municipal domestic water supplies in the Forestry Shoreline Environment only when consistent with municipal domestic water supply best management practices.

S-524 King County shall allow agricultural and aquaculture uses within the Forestry Shoreline Environment if the use is subject to appropriate limitations or conditions to ensure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.

F. Natural Shoreline Environment

Purpose

The purpose of the Natural Shoreline Environment is to protect those shoreline areas that are relatively free of human influence and are of high ecological quality. This designation allows only very low intensity uses in order to maintain the existing high levels of ecological process and function.

Natural Shoreline Environment Designation Criteria

S-525 A shoreline may be designated Natural Shoreline if the shoreline is:

1. Of high ecological quality and is performing an important, irreplaceable ecological process or function that would be damaged by human activity;
2. Unable to support new development or uses without significant adverse impacts to shoreline ecological processes and functions or risk to human safety;
3. A federally designated wilderness area or in an area managed by the King County Department of Natural Resources and Parks as natural lands; or
4. A marine shoreline reach that extends at least five hundred feet along the ordinary high water mark and either has a restoration plan rating of A or has a restoration plan rating of B and is located adjacent to the Maury Island Marine Aquatic Reserve.

Natural Shoreline Environment Management Policies:

S-526 King County shall not allow new shoreline armoring in the Natural Shoreline Environment.

S-527 King County shall not allow the following new uses in the Natural Shoreline Environment:

1. Commercial uses;
2. Industrial uses;
3. Nonwater-oriented recreation uses that require shoreline modification in order to provide shoreline access;
4. Mining and associated facilities, such as docks, piers, and loading facilities; and
5. Transportation facilities, utility corridors, and parking areas that can be located outside of the Natural Shoreline Environment.

S-528 King County may allow single-family residential development in the Natural Shoreline Environment as a shoreline conditional use if the scale and intensity of the use is limited to protect shoreline ecological processes and functions and is consistent with the purpose of the environment. King County shall require new subdivisions and short-subdivisions in the Natural Shoreline Environment to locate new structures and impervious surfaces outside of the shoreline jurisdiction to the maximum extent practicable.

S-529 King County shall allow scientific, historical, cultural, and educational research uses in the Natural Shoreline Environment if no significant ecological impact on the area will result.

- S-530** **Except for removal of noxious weeds or invasive vegetation as provided for in S-643, King County shall not allow vegetation removal in the Natural Shoreline Environment that will reduce the capability of vegetation to perform normal ecological processes and functions.**

- S-531** **King County shall allow agricultural and aquaculture uses of a very low intensity nature within the Natural Shoreline Environment if the use is subject to appropriate limitations or conditions to ensure that the use does not expand or alter practices in a manner inconsistent with the purpose of the designation.**

- S-532** **King County shall allow passive and low-impact recreational activities in the Natural Shoreline Environment. New passive and low impact recreation activities shall use designs that avoid or minimize impacts to shoreline processes and functions. Maintenance of trails and campsites shall minimize disturbance and restoration of impacted areas is encouraged.**

- S-533** **King County should use tax incentives, easements, and buyouts to protect shorelines in the Natural Shoreline Environment with important fish and wildlife habitat at risk from moderate to high intensity development.**

H. Aquatic Environment

Purpose

The purpose of the aquatic environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

Aquatic Shoreline Environment Designation Criteria

- S-534** **A shoreline shall be designated Aquatic if it is waterward of the ordinary high water mark of the shoreline.**

Aquatic Shoreline Environment Management Policies:

- S-535** **King County shall allow new in-water and over-water structures in the Aquatic Shoreline Environment only for water-dependent uses, public access, or ecological restoration.**

- S-536** **King County shall limit the size of new over-water structures in the Aquatic Shoreline Environment to the minimum necessary to support the structure's intended use.**

- S-537** **King County shall encourage multiple uses of over-water facilities in the Aquatic Shoreline Environment in order to reduce the impacts of shoreline development and increase the effective use of water resources.**

- S-538** **King County shall require all developments and uses on navigable waters or their beds in the Aquatic Shoreline Environment to be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife and materials necessary to create or sustain their habitat, particularly those species dependent on migration.**

- S-539** **King County shall not allow uses in the Aquatic Shoreline Environment that adversely impact the ecological processes and functions of critical saltwater and freshwater habitats, except when necessary to achieve the objectives of RCW**

90.58.020, and then only when the adverse impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) as necessary to assure no net loss of shoreline ecological processes and functions.

S-540

King County shall consider the guidance in the Maury Island Aquatic Reserve Management Plan in making decisions about permitted uses in the shoreline jurisdiction.

VII. ENVIRONMENTAL PROTECTION POLICY GOALS

A. General Environmental Protection Policy Goals

The Ecology's guidelines recognize that shoreline ecological processes and functions may be impaired not only by shoreline developments that are required to obtain shoreline substantial development permits, but also by past actions, unregulated activities, and developments that are exempt from the shoreline substantial development permit requirements. The loss or degradation of shoreline ecological processes and functions from any of these activities can significantly impact shoreline natural resources and may also adversely impact human health and safety.

The concept of ecological processes and functions recognizes that any ecological system is composed of a wide variety of interacting physical, chemical, and biological processes. These processes are interdependent in varying degrees and at different scales, and that result in the landscape, habitats and species as they exist at any time. Ecological functions are the work performed or roles played individually or collectively within ecosystems by these processes.

1. Cumulative Impacts and "No Net Loss" of Ecological Processes and Functions

Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological processes and functions that contribute to the survival and successful reproduction of plants and animals. For example, an intensely developed harbor area may also have an important function as a fish migration corridor and feeding area critical to species survival. In addition, ecosystems are interconnected and many species may depend on the functioning of multiple systems for critical resources. As examples, anadromous fish depend upon the viability of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with shorelines depend on the functioning of both terrestrial and aquatic environments. Therefore, the policies for protecting and restoring ecological processes and functions should apply to the maximum extent practical to all shoreline areas, not just those that remain relatively unaltered.

The SMA requires that King County's Shoreline Master Program achieve no net loss of shoreline ecological processes and functions from new uses or development, and that it address the cumulative impacts on shoreline ecology that would result from future shoreline development. The SMA also requires local governments to plan for restoration of shoreline ecological processes and functions where they have been impaired, thus working towards actual improvement in shoreline ecological processes and functions. The following policies ensure that King County will address cumulative impacts of existing and proposed shoreline development and work towards improving shoreline ecological processes and functions.

- S-601** King County shall ensure that new uses, development and redevelopment within the shoreline jurisdiction do not cause a net loss of shoreline ecological processes and functions.
- S-602** King County should protect shorelines and conduct restoration in areas that have been previously degraded.
- S-603** King County shall require shoreline uses and modifications to be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions to the maximum extent practical.
- S-604** King County's Shoreline Master Program shall include regulations and mitigation standards to ensure that permitted and exempt developments in the aggregate will not cause a net loss of shoreline ecological processes and functions.

- S-605** King County's Shoreline Master Program goals and policies will promote restoration of impaired shoreline ecological processes and functions. Policies and programs and non-regulatory actions that contribute to restoration goals will be identified. King County should consider the direct and indirect effects of regulatory or non-regulatory programs of other local, state, and federal governments, as well as any restoration effects that may result from shoreline development regulations and mitigation standards.
- S-606** The King County Shoreline Master Program identifies restoration opportunities and planning elements that together should improve the overall condition of habitat and resources within the shoreline jurisdiction.
- S-607** King County should provide options for property-specific technical assistance and tailored applications of shoreline management regulations through Rural Stewardship Plans for single family residential uses in the upland areas of the Rural, Conservancy and Natural Shoreline Environments. Rural Stewardship Plans must be consistent with the goals of the Shoreline Management Act and King County Shoreline Protection and Restoration Plan, and ensure no net loss of shoreline ecological processes and functions.
- S-608** The King County Shoreline Master Program shall consider the cumulative impacts of reasonably foreseeable future development to ensure no net loss of shoreline ecological processes and functions.
- S-609** The Shoreline Master Program is intended to fairly allocate the burden of addressing cumulative impacts. King County should adopt policies and regulations that are designed to avoid the need for individualized cumulative impacts analysis for commonly occurring and planned development.
- S-610** King County shall prefer and provide special permitting considerations for docks and piers that are shared among multiple landowners.
- S-611** When updating the Shoreline Master Program, King County should analyze proposed policies and regulations to determine whether they will cause cumulative adverse impacts to the shoreline and consider how such impacts may be avoided. The evaluation of cumulative impacts should consider:
1. Current condition of the shorelines and associated natural processes;
 2. Reasonably foreseeable future development and shoreline uses;
 3. An appropriate evaluation of the effect on shoreline ecological processes and functions caused by unregulated activities, development exempt from permitting, and effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties; and
 4. Beneficial effects of any established regulatory programs under other local, state, and federal laws.
- S-612** King County should use the shoreline permitting or shoreline conditional use permitting processes for development proposals that may have impacts that cannot be anticipated or uncommon impacts that have not been considered or identified at time of adoption of the King County Shoreline Master Program to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

S-613 King County shall consider and address cumulative impacts of shoreline development on shoreline ecological processes and functions and on shoreline uses given priority under RCW Chapter 90.58

2. Ongoing Evaluation, Review of Cumulative Impacts and Duty to Update

King County will periodically review the Shoreline Master Program and make amendments that it determines are necessary to reflect changing local circumstances, new information and improved data, and to meet the requirements of RCW 90.58.080 and applicable guidelines. King County will also monitor actions taken to implement the Shoreline Master Program and the shoreline conditions to inform updates of Shoreline Master Program provisions and improve shoreline management over time.

S-614 King County shall periodically review and amend its Shoreline Master Program using a process that inventories and ensures meaningful understanding of current and potential ecological processes and functions provided by affected shorelines.

B. Shoreline Critical Areas

1. Standard for protection under the SMA

The GMA requires King County to protect the functions and values of critical areas, which are defined as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Critical areas located within the shoreline jurisdiction are protected under the SMP rather than the GMA. The SMP provides a level of protection for critical areas to assure no net loss of shoreline ecological functions. In addition, the SMA requires King County to give optimum protection of shorelines of state-wide significance. The King County Comprehensive Plan and functional plans adopted as elements of the King County Comprehensive Plan also guide the protection of critical areas within the shoreline jurisdiction.

2. Use of scientific and technical information

The Shoreline Management Act requires local governments to use scientific and technical information when establishing protection measures for critical areas. To achieve this requirement, King County has, to the extent feasible:

1. Used a systematic interdisciplinary approach that ensures the integrated use of the natural and social sciences and the environmental design arts;
2. Consulted with and obtained the comments of any federal, state, regional, or local agency having any special expertise with respect to environmental impacts;
3. Considered all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with King County shorelines;
4. Used all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
5. Employed, when possible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

King County has reviewed and synthesized a wide range of scientific information resulting in regulatory standards based on the best available science for the protection of critical areas. In addition, King County considered state, Tribal and federal programs to provide a full spectrum of planning and regulatory measures to guide critical areas protection in shorelines.

S-615 In considering development regulations to protect shoreline ecological processes and functions, King County shall consider the scientific and technical information contained in functional plans adopted to implement the Comprehensive Plan, adopted watershed plans, King County critical areas regulations and state, Tribal and federal programs.

In order to ensure no net loss of shoreline ecological processes and functions resulting from development proposed in shoreline critical areas, the King County SMP requires that development proposals analyze the environmental impacts of the proposal and consider measures to avoid, if possible, and then mitigate for the adverse environmental impacts.

- S-616** **King County shall apply the following sequence of steps listed in order of priority in evaluating the impacts of development and redevelopment on critical areas within the shoreline jurisdiction:**
- 1. Avoid the impacts altogether;**
 - 2. Minimize impacts;**
 - 3. Rectify impacts by repairing, rehabilitating or restoring the affected environment;**
 - 4. Reduce or eliminate the impacts over time;**
 - 5. Compensate for impacts by replacing, enhancing or providing substitute resources; and**
 - 6. Monitor the impact and taking appropriate corrective measures.**

3. Wetlands

When determining allowed uses within wetlands and their buffers in shorelines of the state, consideration should be given to those uses that would result in no net loss of wetland area and wetland function. Consideration should be given to specific uses that are likely to positively impact the physical, chemical, and biological processes that create and sustain wetlands.

- S-617** **King County wetland regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions:**
- 1. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;**
 - 2. Dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;**
 - 3. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;**
 - 4. Driving of pilings;**
 - 5. Placing of obstructions;**
 - 6. Construction, reconstruction, demolition, or expansion of any structure;**
 - 7. Significant vegetation removal, except for non-conversion forest practices regulated under RCW chapter 76.09;**
 - 8. Other uses or development that results in a significant ecological impact to the physical, chemical or biological characteristics of wetlands; and**
 - 9. Activities reducing the functions of buffers.**

Wetlands shall be categorized based on rarity, irreplaceability, or sensitivity to disturbance, as well as the functions the wetland provides. The SMA provides the option of using specified wetland rating systems or developing a regionally specific system, provided the system is scientifically based and provides a method to distinguish wetland quality and function. King County adopted the Washington State Wetland Rating System for Western Washington for use in categorizing wetlands under the GMA critical areas development standards.

- S-618** **King County shall categorize wetlands within shorelines of the state as provided for in Chapter 4, Environment, of the King County Comprehensive Plan.**

The King County SMP provisions that would allow limited alterations to wetlands shall be consistent with the policy of no net loss of wetland area and functions, wetland rating, and scientific and technical information.

- S-619** **King County should allow alterations to wetlands only if there is no net loss of wetland functions and values.**

The King County SMP requires buffers be delineated and protected around wetlands. The size of the wetland buffer is based on the classification of the wetland and its characteristics and whether the wetland is located within or outside of the Urban Growth Area. Mitigation measures have been established to obtain a reduced buffer width in return for added measures to address light, noise, toxic runoff, change in water regime, pets and human disturbance, dust, and degraded buffer condition. Other modifications to buffer widths are allowed through buffer averaging. Circumstances, such as the presence of threatened or endangered species or proximity to steep slopes, may authorize increased buffer widths.

S-620 King County shall delineate buffers around wetlands to protect and maintain wetland functions. Buffer widths shall be based on ecological function, characteristics and setting, potential impacts with adjacent land use, and other relevant factors.

The King County SMP requires that mitigation measures achieve equivalent or greater wetland functions including, but not limited to, habitat complexity, connectivity and other biological functions, and seasonal hydrological dynamics. Preferential consideration is given to measures that replace the impacted functions directly and in the immediate vicinity of the impact.

S-621 In determining appropriate mitigation measures applicable to shoreline development, the mitigation sequencing requirements described in WAC 173-26-202(d)(e) require that lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

King County may authorize alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of shoreline ecological processes and functions.

S-622 King County may allow compensatory mitigation only after a mitigation sequence is applied (see Policy S-616) and higher priority means of mitigation are determined to be infeasible.

- 1. Compensatory mitigation replacement ratios or other mitigation provisions shall consider:**
 - a. The risk of failure of the compensatory mitigation action;**
 - b. The length of time the compensatory mitigation action will take to replace adequately the impacted wetland functions and values; and**
 - c. The gain or loss of the type, quality, and quantity of the ecological functions of the compensation.**
- 2. Performance standards shall be established to evaluate the success of compensatory mitigation.**
- 3. Long-term monitoring shall be required to determine if performance standards are met.**
- 4. Long-term protection and management shall be required for compensatory mitigation sites.**

4. Critical Aquifer Recharge Areas

King County has classified and mapped critical aquifer recharge areas according to the vulnerability of the aquifer. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the contamination loading potential. High vulnerability is indicated by land uses that contribute contamination that may degrade groundwater and by hydrogeologic conditions that facilitate degradation. Low vulnerability is indicated by land uses that do not contribute contaminants that will degrade groundwater and by hydrogeologic conditions that do not facilitate degradation. Critical aquifer recharge areas are required to be protected under the GMA as a critical area.

S-623 The King County Shoreline Master Program shall protect critical aquifer recharge areas consistent with the King County Comprehensive Plan and critical areas regulations.

5. Geologically Hazardous Areas

Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological processes and events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction or mining practices, so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided. Under the King County SMP, geologically hazardous areas include:

1. Erosion hazard areas;
2. Landslide hazard areas;
3. Seismic hazard areas;
4. Coal mine hazard areas;
5. Volcanic hazard areas; and
6. Steep slope hazard areas.

The following policies to protect health and safety and also to reduce the loss of shoreline ecological processes and functions apply to geological hazardous areas located within the shoreline jurisdiction.

S-624 Development regulations for geologically hazardous areas shall meet the minimum requirements in WAC 365-190-080(4).

S-625 King County shall prohibit development and new lot creation in geologically hazardous areas if it would result in increased risk of injury to people or property damage, consistent with K.C.C. chapter 21A.24.

S-626 King County shall prohibit new development that requires structural stabilization in geologically hazardous areas. Stabilization will be allowed in these areas only if the stabilization is necessary to protect existing allowed uses, there is no alternative location available, and no net loss of shoreline ecological processes and functions will result. Stabilization measures shall conform to WAC 173-26-231.

S-627 King County may allow stabilization structures or measures in geologically hazardous areas to protect existing primary residential structures, if there are no alternatives, including relocation or reconstruction of the residential structure, the stabilization is in conformance with WAC 173-26-231, and no net loss of shoreline ecological processes and functions will result.

6. Fish and Wildlife Habitat Conservation Areas

King County is required by the GMA to protect fish and wildlife habitat conservation areas as critical area. The Washington Department of Community, Trade, and Economic Commerce (Commerce) adopted guidelines to assist local governments in designating critical areas, including fish and wildlife habitat conservation areas. The Commerce guidelines are designed to define and protect areas necessary to maintain species in suitable habitats within their natural geographic distribution, at least in part so that isolated subpopulations are not created. Commerce identifies the following areas as being suitable for fish and wildlife habitat conservation areas:

1. Areas with which endangered, threatened, and sensitive species have a primary association; areas critical for habitat connectivity;
2. Habitats and species of local importance;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds; herring, smelt and sand lance spawning areas;

