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CHAPTER 6 SHORELINES

8 ~~((I.))~~ Introduction

9 ~~((A.))~~ Recitals

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

- 14 1. Shorelines are some of the most valuable and fragile of King County's natural resources. There
15 is appropriate concern throughout the county relating to the utilization, protection, restoration,
16 and preservation of the shoreline jurisdiction.
- 17 2. Ever increasing pressures of additional use are being placed on the shoreline jurisdiction,
18 which in turn necessitates increased coordination in its management and development.
- 19 3. Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership.
20 Unrestricted construction on the privately owned or publicly owned shorelines is not in the
21 best public interest; and therefore, coordinated planning is necessary (~~in order~~) to protect the

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- 22 public interest associated with the shoreline jurisdiction while recognizing and protecting
 23 private property rights consistent with the public interest.
- 24 4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly
 25 performed by federal, state, and local governments, to prevent the inherent harm in an
 26 uncoordinated and piecemeal development of King County's shoreline jurisdiction.
- 27 5. It is the intent of King County to provide for the management of the shoreline jurisdiction by
 28 planning for and fostering all reasonable and appropriate uses. This program is designed to
 29 ~~((insure))~~ ensure the development in a manner that, while allowing for limited reduction of
 30 rights of the public in the navigable waters, will promote and enhance the public interest.
- 31 6. King County shoreline policies are intended to protect against adverse effects to the public
 32 health, the land and its vegetation and wildlife, and the waters of the state and their aquatic
 33 life, while protecting generally public rights of navigation and corollary rights incidental
 34 thereto.
- 35 7. In the implementation of this chapter, the public's opportunity to enjoy the physical and
 36 aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible
 37 consistent with the overall best interest of the state, the county, and the people generally. To
 38 this end uses shall be preferred which are consistent with control of pollution and prevention of
 39 damage to the natural environment or are unique to or dependent upon use of the state's
 40 shoreline.
- 41 8. Alterations of the natural condition of the shoreline jurisdiction, in those limited instances
 42 when authorized, shall be given priority for single ~~((family residences))~~ detached homes and
 43 their appurtenant structures, ports, shoreline recreational uses including but not limited to
 44 parks, marinas, piers, and other improvements facilitating public access to shorelines,
 45 industrial and commercial developments that are particularly dependent on their location on or
 46 use of the shoreline jurisdiction, and other development that will provide an opportunity for
 47 substantial numbers of the people to enjoy the shorelines.
- 48 9. Shorelines and shorelands in King County shall be appropriately designated and these
 49 classifications shall be revised when circumstances warrant, regardless of whether the change
 50 in circumstances occurs through man-made causes or natural causes. Any areas resulting from
 51 alterations of the natural condition of the shorelines and shorelands no longer meeting the
 52 definition of "shorelines of the state" shall not be subject to the provisions of King County
 53 Shoreline Master Program.
- 54 10. Permitted uses in the shorelines zone shall be designed and conducted in a manner to
 55 minimize, insofar as practical, any resultant damage to the ecology and environment of the
 56 shoreline jurisdiction and any interference with the public's use of the water.
 57

58 **~~((B.))~~ About King County and King County Shorelines**

59 **~~((1.))~~ Geography**

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

63

64 **~~((2.))~~ King County’s shoreline jurisdiction**

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

68

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

72

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

78

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

86

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

92

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93 **~~((C.))~~ Washington State’s Shoreline Management Act**

94 **~~((1.))~~ Overview of Shoreline Management Act**

95 Washington’s Shoreline Management Act was passed by the Legislature in 1971 and adopted by the public in a
96 1972 referendum. The goal of the Shoreline Management Act is “to prevent the inherent harm in an
97 uncoordinated and piecemeal development of the state’s shorelines.”

98

99 The Act establishes a broad policy giving preference to uses that:

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

104

105 The Shoreline Management Act establishes a balance of authority between local and state government. Cities
106 and counties are the primary regulators but the state, through the Department of Ecology, has authority to
107 review local shoreline master programs and shoreline permit decisions.

108

109 Under the Shoreline Management Act, each city and county adopts a Shoreline Master Program that is based on
110 the Department of Ecology’s Shoreline Master Program rules or guidelines, but tailored to the specific needs of
111 the community. More than 200 cities and all 39 counties have Shoreline Master Programs. Local Shoreline
112 Master Programs combine both plans and regulations. The plans are a comprehensive vision of how shoreline
113 areas will be used and developed over time. Regulations are the standards that shoreline projects and uses must
114 meet.

115

116 The Department of Ecology provides technical assistance to local governments undertaking Master Program
117 amendments. Master Programs and Master Program amendments are only effective after approval from the
118 Department of Ecology. In reviewing Master Programs, the Department of Ecology is limited to a decision on
119 whether ~~((or not))~~ the Program is consistent with the policy and provisions of the Shoreline Management Act
120 and the Department of Ecology’s guidelines.

121

122 Local governments may modify Master Programs to reflect changing local circumstances, new information, or
123 improved shoreline management approaches. All changes to Master Programs require public involvement and
124 approval from the Department of Ecology. At a minimum, local governments must hold public hearings.

125

126 In 2003, the Department of Ecology adopted revised state guidelines. Cities and counties with Shoreline Master
127 Programs are required to update their Shoreline Master Programs to bring them into compliance with these new
128 state guidelines.

129

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130 **((2.)) History of shoreline management in King County**

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

137

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

141

142 The 1978 Plan stated that:

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

147

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

152

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

158

159 **((3.)) Shoreline jurisdiction under the Shoreline Management Act**

160 Shorelines of the State in King County, as defined by the Shoreline Management Act, include the total of all
161 shorelines and shorelines of statewide significance. Shorelines include shorelands, which are defined as those
162 lands extending landward for 200 feet from the ordinary high water mark, floodways and contiguous floodplain
163 areas landward 200 feet from such floodways, and all associated wetlands and river deltas. King County
164 currently includes the 100-year floodplain in its shoreline jurisdiction. Shoreline jurisdiction under the Shoreline
165 Management Act does not include Indian tribal reservation lands or lands held in trust by the federal government
166 for ((the)) Indian tribes.

167

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168 Table S-1 below shows the number of shoreline miles managed under King County's Shoreline Master Program.

169

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

Shoreline (miles)		
Lake	River/Stream	Marine
((234)) 229	((1,696)) 1,690	51

171

172 **~~((D-)) King County's Shoreline Master Program~~**

173 The Shoreline Master Program adopted by King County provides a legal framework for decision making on land
174 use and other activities that complies with the Shoreline Management Act. This section describes the elements
175 of the Shoreline Master Program, with the details being further developed throughout this chapter.

176

177 **~~((1-)) Components of the Shoreline Master Program~~**

178 The King County Shoreline Master Program consists of this chapter and the implementing shoreline
179 management regulations.

180

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

185

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

190

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

195

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

199

200 **King County Shoreline Inventory and Characterization (May 2007):** The Shoreline Inventory and
201 Characterization includes the data and analytic methods used to develop King County's shoreline inventory
202 and shoreline characterization (including evaluation of existing physical and shoreline ecological processes

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203 and functions, public access and recreation, land use and economic development, public facilities and
 204 utilities, and archaeological and historic resources). In addition, the Shoreline Inventory and
 205 Characterization includes methodologies for cumulative impact analysis associated with shoreline
 206 management and comprehensive shoreline restoration planning. ~~((Specific data can be found at:~~
 207 ~~http://www.kingcounty.gov/shorelines-))~~

208

209 **King County Shoreline Map Folio and List (September 2010):** The Shoreline Map Folio includes all maps
 210 produced and referenced as part of the Shoreline Master Program, with the exception of those maps
 211 included in this chapter. The King County Shoreline List includes all streams and lakes within the shoreline
 212 jurisdiction. ~~((All geographic information can be found at: http://www.kingcounty.gov/shorelines))~~

213

214 The terms “Shoreline Master Program,” “Shoreline Program” and “Program” are all used throughout this
 215 chapter to describe King County’s shoreline policies (this chapter) and shoreline management regulations in their
 216 entirety.

217

218 **~~((2.))~~ Shoreline policies**

219 The Shoreline Master Program contains specific policies relating to a wide variety of shoreline uses and issues.

220

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

224

225 King County’s shoreline policies must:

- 226 1. Be consistent with the Shoreline Management Act;
- 227 2. Address the Master Program elements of Revised Code of Washington 90.58.100;
- 228 3. Include policies for environmental designations as described in Washington Administrative Code
 229 173-26-211;
- 230 4. Be designed and implemented in a manner consistent with all relevant constitutional and other legal
 231 limitations on regulation of private property; and
- 232 5. Be consistent with the King County Comprehensive Plan and functional plans ~~((adopted as components
 233 of the Comprehensive Plan)).~~

234

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

239

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

243 **~~((3.))~~ Shoreline Environments**

244 The Shoreline Management Act requires that shoreline management programs classify shoreline areas into
 245 specific environment designations. The Department of Ecology's guidelines recommend six different
 246 environment designations, but does not require that local programs adopt this particular scheme. King County's
 247 1978 Shoreline Master Program adopted the four environment designations recommended by the Department of
 248 Ecology at that time: Urban, Rural, Conservancy, and Natural. ~~((In this update))~~ Subsequently, King County
 249 ~~((is adopting))~~ adopted eight environment designations in total, based on the recommendations from the
 250 Department of Ecology. These environment designations are ~~((:))~~ discussed in the "Shoreline Environment
 251 Designations" section of this chapter.

252

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

255

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

258

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

261

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

266

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

269

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

272

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

275

276 ~~**Aquatic Shoreline Environment:** Applied to the areas waterward of the ordinary high water mark.)~~

277

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278

279 **((4.)) Shoreline program elements**

280 The Shoreline Management Act identifies eight “program elements” that must be addressed and included in
281 local shoreline master programs:

282

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

286

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

288

289 **Recreational element** that identifies recreational opportunities along shorelines, such as parks, tidelands,
290 beaches, and recreational areas, and that pursues acquisition through implementation of the King County
291 Shoreline Master Program.

292

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

295

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

300

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

303

304 **Historic, cultural, scientific and educational element** that prevents the destruction of or damage to any site
305 having historic, cultural, scientific, or educational value as identified by the appropriate authorities,
306 including affected Indian ((T))tribes, and the state office of archaeology and historic preservation.

307

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

309

310 **((5.)) Shoreline modifications and uses**

311 The Shoreline Management Act requires that local Shoreline Master Programs distinguish between shoreline
312 modifications and shoreline uses.

313

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

317

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

319

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

322

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

325 (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of
326 materials by water or the need for large quantities of water; or

327 (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the
328 use to its customers makes its services less expensive or more convenient.

329

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

337

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

340

341 ~~((H.))~~ **Shoreline Jurisdiction**

342 ~~((A))~~ **King County's Responsibility to Regulate Shorelines**

343 ~~((1.))~~ **King County assumes primary responsibility for shoreline planning and 344 regulation**

345 King County has primary responsibility for shoreline management planning and for the administration of
346 shoreline regulations within its jurisdiction.

347

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348 **S-101** King County has primary responsibility within its boundaries for planning
 349 required by the Shoreline Management Act and for administering its shoreline
 350 regulatory program.
 351

352 King County recognizes that its Shoreline Master Program is subject to review and approval by the Washington
 353 State Department of Ecology and that the Shoreline Master Program must be consistent with the policies and
 354 provisions of the Shoreline Management Act (Chapter 90.58 Revised Code of Washington ((90.58))).
 355

356 **((2.)) King County’s Shoreline Master Program is intended to be consistent with**
 357 **the Shoreline Management Act & Guidelines**

358 King County’s Shoreline Master Program is intended to be consistent with the required elements of the
 359 Department of Ecology’s guidelines for implementing the Shoreline Management Act that are found in Chapters
 360 173-26 and 173-27 of the Washington Administrative Code. King County’s Shoreline Master Program shall be
 361 interpreted consistently with the Shoreline Management Act. In the event of a conflict between Shoreline
 362 Management Act and King County’s Shoreline Master Program, the Shoreline Master Program should be
 363 interpreted to give meaning and effect to the Shoreline Management Act.
 364

365 **S-102** King County’s Shoreline Master Program is to be interpreted consistently with
 366 the policies and requirements of the Shoreline Management Act (Chapter 90.58
 367 Revised Code of Washington ((90.58))).
 368

369 **S-103** King County’s Shoreline Master Program is to be interpreted consistently with
 370 the required elements of the shoreline guidelines found in Chapters 173-26 and
 371 173-27 of the Washington Administrative Code.
 372

373 **((3.)) King County’s Shoreline Master Program is to be liberally construed**

374 The Shoreline Management Act explicitly provides that it is exempt from the rule of strict construction and must
 375 be liberally construed to give full effect to the Act’s objectives and purposes. By adopting a liberal standard of
 376 construction, the state Legislature demonstrated the importance it attached to protecting the shoreline and
 377 accomplishing the goals and policies of the Shoreline Management Act. Consistent with this mandate, and
 378 because King County believes that accomplishing the goals and objectives of the Shoreline Management Act
 379 within the county is of primary importance, the Shoreline Master Program is to be liberally construed to
 380 accomplish its objectives and purpose.
 381

382 **S-104** King County’s Shoreline Master Program is exempted from the rules of strict
 383 construction and shall be construed liberally to give full effect to its objectives
 384 and purpose.
 385

386 **~~(B.)~~ Shoreline Jurisdiction**

387 **~~(1.)~~ Shoreline jurisdiction extends over all “shorelines” and “shorelines of**
388 **statewide significance” within unincorporated King County**

389 The Shoreline Management Act applies to all “shorelines of the state.” “Shorelines of the state” are defined to
390 include “shorelines” and “shorelines of statewide significance.” It is important to understand the distinction
391 between the terms “shorelines” and “shorelines of statewide significance.” Both terms are used throughout the
392 Shoreline Management Act and define the scope of King County’s shoreline jurisdiction. The distinction is
393 important because the Shoreline Management Act imposes greater and more specific obligations when dealing
394 with shorelines of statewide significance.

395

396 **~~(a.)~~ “Shorelines”**

397 Shorelines are defined in the Shoreline Management Act as follows:

398 “Shorelines” means all of the water areas of the state, including reservoirs, and their associated
399 shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii)
400 shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per
401 second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes
402 less than 20 acres in size and wetlands associated with such small lakes.

403

404 **~~(b.)~~ “Shorelines of statewide significance”**

405 Shorelines of statewide significance, as specifically defined in the Shoreline Management Act include:

- 406 • Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tides;
- 407 • Lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or
408 more measured at the ordinary high water mark; and
- 409 • Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at
410 1,000 cubic feet per second or more.

411

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

- 413 • The marine waters around Vashon-Maury Island
- 414 • Northeast Lake Washington (north of Kirkland) and southwest Lake Washington (west of Renton)
- 415 • Lake Sammamish at Marymoor State Park and Lake Sammamish State Park
- 416 • Mud Mountain Reservoir and White River from river mile 15.5 to river mile 46 (excluding the
417 Muckleshoot Indian Reservation between river mile 8.9 and river mile 15.5)
- 418 • Green River from its confluence with the Duwamish River to river mile 95
- 419 • Duwamish River from river mile 3.5 to river mile 5
- 420 • Chester Morse Lake (Reservoir)

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- 421 • Tolt Reservoir
- 422 • Mainstem Snoqualmie River to river mile 43 and Middle Fork Snoqualmie River to river mile 39
- 423 • South Fork Skykomish River to river mile 30

424

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

427

428 **~~((e-))~~ “Shorelands”**

429 Shorelines includes “associated shorelands” which are defined in the Shoreline Management Act as follows:

430 “Shorelands” or “shoreland areas” means those lands extending landward for two hundred feet in all
431 directions as measured on a horizontal plane from the ordinary high water mark; floodways and
432 contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas
433 associated with the streams, lakes, and tidal waters which are subject to the provisions of [Chapter 90.58
434 RCW].

435

436 **~~((d-))~~ Shoreline jurisdiction**

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

439

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

444

445 **~~((e-))~~ Options to extend geographic jurisdiction over shorelines and shorelines of statewide**
446 **significance**

447 The Shoreline Management Act gives King County two options concerning the scope of its shoreline
448 jurisdiction.

449

450 The first option allows the ~~((e))~~ County to include 100-year floodplains:

451 Any county or city may determine that portion of a one-hundred-year flood plain to be included in its
452 master program as long as such portion includes, as a minimum, the floodway and the adjacent land
453 extending landward two hundred feet therefrom. (Revised Code of Washington 90.58.030(2)(d)(i))

454

455 In its original Shoreline Master Program adopted in 1977, King County included the 100-year floodplain. The
456 continued regulation of the 100-year floodplain is necessary to comply with certain federal requirements under

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457 the National Flood Insurance Program. Therefore, King County continues to extend its shoreline jurisdiction to
458 cover 100-year floodplains.

459

460 **S-106 King County includes within its shoreline jurisdiction the 100-year floodplains of**
461 **shorelines of the state.**

462

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

465 Any city or county may also include in its master program land necessary for buffers for critical areas,
466 as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest
467 practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands
468 subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under
469 [Chapter 90.58 RCW].(Revised Code of Washington 90.58.030(2)(d)(ii)

470

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

473

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

477

478 **~~((2.))~~ Jurisdictional map**

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

483

484 **~~((III.))~~ Shoreline Policy Goals**

485 **~~((A.))~~ Introduction to Shoreline goals**

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

490

491 Because of the unique and irreplaceable value of the shorelines of the state, King County recognizes that it is in
492 the public interest to protect shoreline ecological processes and functions, while allowing reasonable and

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493 necessary use of shorelines to support the regional economy and provide recreational opportunities for the
494 public.

495

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

501

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

507

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

513

514 **((B-)) Statement of Applicability**

515 The Shoreline Management Act includes a requirement ~~((that))~~ for development proposals ~~((must))~~ to obtain a
516 shoreline ~~((substantial development))~~ permit. However, the Shoreline Management Act includes a number of
517 exemptions from this requirement. ~~((For example, proposals to construct a single family residence or to
518 construct a bulkhead to protect a single family residence are exempt from the requirement to obtain a substantial
519 development permit. Activities that do not require a shoreline substantial development permit can,))~~ Because
520 even exempt projects can still have negative impacts, individually and cumulatively, ~~((adversely impact adjacent
521 properties and natural resources. King County has both the authority and the responsibility to enforce Shoreline
522 Master Program regulations on all uses and development in the shoreline jurisdiction. In order to ensure that
523 permit exempt activities comply with the Shoreline Management Act and the County's Shoreline Master
524 Program,))~~ King County generally requires applicants with exempt projects to apply for a shoreline exemption.

525

526 Because there has been confusion in the past regarding the scope of the Shoreline Management Act, the
527 Department of Ecology requires that all Master Programs contain the following policy statement:

528

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529 **S-201** All proposed uses and development occurring within King County's shoreline
530 jurisdiction ~~((must))~~ shall conform to the Shoreline Management Act and to King
531 County's Shoreline Master Program.
532

533 **~~((C.))~~ Shoreline Preferred Uses**

534 The Shoreline Management Act establishes mandatory preferences for uses that are unique to or dependent upon
535 a shoreline location. These preferred uses apply to the entire shoreline jurisdiction, both the shorelines and
536 shorelines of statewide significance. The Shoreline Management Act preferred uses are recognized in the
537 following policies.
538

539 **S-202** In establishing and implementing shoreline policies and development
540 regulations, King County shall give preference to uses that are unique to or
541 dependent upon a shoreline location.
542

543 **S-203** King County, when determining allowable uses and resolving use conflicts in the
544 shoreline jurisdiction, shall apply the following preferences and priorities in the
545 order listed below:

- 546 a. Reserve appropriate areas for protecting and restoring shoreline
547 ecological processes and functions to control pollution and prevent
548 damage to the natural environment and to public health.
- 549 b. Reserve shoreline areas for water-dependent and associated
550 water-related uses. Harbor areas, established pursuant to Article XV of
551 the State Constitution, and other areas that have reasonable commercial
552 navigational accessibility and necessary support facilities, such as
553 transportation and utilities, should be reserved for water-dependent and
554 water-related uses that are associated with commercial navigation,
555 unless adequate shoreline is reserved for future water-dependent and
556 water-related uses and unless protection of the existing natural resource
557 values of such areas preclude such uses. Shoreline mixed-use
558 developments may be allowed if they include and support
559 water-dependent uses and address specific conditions that affect
560 water-dependent uses.
- 561 c. Reserve shoreline areas for other water-related and water-enjoyment
562 uses that are compatible with ecological protection and restoration
563 objectives.
- 564 d. Locate single ~~((family))~~ detached residential uses where they are
565 appropriate and can be developed without significant impact to shoreline
566 ecological processes and functions or displacement of water-dependent
567 uses.

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568 e. Limit nonwater-oriented uses to those locations that are inappropriate
569 for higher priority uses or locations where the nonwater-oriented uses
570 demonstrably contribute to the objectives of the Shoreline Management
571 Act.

572

573 **S-204** In particular circumstances, the preferred use policies, the local economic and
574 land use conditions, and the policies and regulations that assure protection of
575 shoreline resources may result in a determination that other uses may be
576 considered as necessary or appropriate. These other uses may be
577 accommodated, provided that the preferred uses are reasonably provided for
578 throughout the shoreline jurisdiction.

579

580 **~~(D-)~~ General Policy Goals**

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

584

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

588

589 **S-205** The following policy goals apply to all of the shoreline jurisdiction. The goals are
590 not ranked in importance and have been assigned a number for identification
591 purposes only.

592 a. The use of the shoreline jurisdiction for those economically productive
593 uses that are particularly dependent on shoreline location or use.

594 b. The use of the shoreline jurisdiction for public access and recreation.

595 c. Protection and restoration of the ecological processes and functions of
596 shoreline natural resources.

597 d. Protection of the public right of navigation and corollary uses of waters
598 of the state.

599 e. The protection and restoration of buildings and sites having historic,
600 cultural, and educational value.

601 f. Planning for public facilities and utilities correlated with other shorelines
602 uses.

603 g. Prevention and minimization of flood damage.

604 h. Recognizing and protecting private property rights.

605 i. Preferential accommodation of single ~~((family))~~ detached residential
606 uses.

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646 providing recreational activities for the public, King County has given special consideration to these factors in
647 developing the Shoreline Master Program.

648

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

651

652 **~~(G.)~~ Balancing Policy Goals**

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

661

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

665

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

670

671 **S-212 ~~((The policy of achieving))~~ Development regulations shall provide both shoreline**
672 **use and protection ~~((is reflected in the provision that))~~ by requiring permitted**
673 **uses in the shoreline jurisdiction ~~((shall))~~ to be designed and conducted in a**
674 **manner to avoid or minimize, in so far as practical, any resultant damage to the**
675 **ecology and environment of the shoreline area and the public's use of the water.**

676

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

679

680 **~~(H.)~~ Multiple Approaches to Accomplishing Policy Goals**

681 The policy goals in the Shoreline Master Program may be achieved through a variety of methods that go beyond
682 simply regulating development within the shoreline jurisdiction. There are a wide range of non-regulatory tools
683 available that provide incentives for property owners to work cooperatively with King County to achieve these

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684 policy goals. In addition, King County works closely with other public and non((-)profit groups to achieve
685 mutually beneficial objectives.

686

687 **S-214**

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

690

a. Regulations controlling development within the shoreline jurisdiction;

691

**b. Acquisition of land and easements by purchase, lease, or gift, either
692 alone or in concert with other local governments;**

693

**c. Accepting grants, contributions, and appropriations from any public or
694 private agency or individuals;**

695

d. Public facility and park planning;

696

e. Watershed planning;

697

f. Voluntary salmon recovery projects; and

698

**g. Incentive programs, such as the transfer of development rights or the
699 public benefit rating system.**

700

701 **~~((IV.))~~ Shoreline Element Policy Goals**

702 **~~((A.))~~ Need for shoreline elements**

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

707

708 **~~((B.))~~ Economic Development Element**

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

715

716 **S-301**

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

720

720

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721 **((C.)) Public Access Element**

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

728

729 **S-302**

King County shall:

730

a. **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.**

731

732

733

734

b. **Protect the rights of navigation and the space necessary for water-dependent uses.**

735

736

c. **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.**

737

738

739

740

e. **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.**

741

742

743

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

750

751 **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.

752

753

754

755

756

757

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758 **S-304** Public agencies, including local governments, port districts, state agencies, and
 759 public utility districts, should include public access in their development
 760 proposals if public access is compatible with the activity and can be provided
 761 safely. An assessment of the impact of public access on the shoreline and
 762 constructed features should also be conducted.

764 **S-305** King County shall require public access to shorelines of the state for
 765 water-enjoyment, water-related, and nonwater-dependent non-residential uses
 766 and for subdivisions of land into more than four parcels unless:
 767 a. The development proposal is not compatible with public access;
 768 b. There is a safety or security concern;
 769 c. Inclusion of public access will have an environmental impact that cannot
 770 be mitigated; or
 771 d. There are legal limitations on allowing public access.

773 **S-306** King County shall adopt development regulations that establish maximum
 774 building height limits, setbacks, and view corridors to minimize the impact to
 775 existing views from public property or a substantial number of residences.
 776 Where providing direct public access or allowing for water dependent shoreline
 777 uses conflicts with maintaining existing views, the direct public access or water
 778 dependent shoreline uses shall have priority.

780 **~~(D.)~~ Recreational Element**

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

786 **S-307** King County should protect and, when possible, expand recreational
 787 opportunities, including but not limited to parks, beaches, tidelands, swimming
 788 beaches and boat launches.

790 **S-308** King County should evaluate opportunities to acquire shoreline property for
 791 purposes of public recreation from willing sellers of private property.

793 **~~(E.)~~ Circulation Element**

794 Circulation and transportation planning is conducted at many levels in King County. The overarching
 795 transportation planning agency in the Puget Sound region is the Puget Sound Regional Council, an association
 796 of cities, ~~((towns,))~~ counties, ports, and state agencies that serves as a forum for developing policies and making

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797 decisions about growth and transportation issues in the Puget Sound region. At the local level, cities and
798 counties approve local circulation patterns for their individual jurisdictions. King County should consider the
799 policy goals in this Shoreline Master Program when participating in regional and local transportation planning
800 discussions.

801

802 **S-309 The King County Shoreline Master Program should guide the ((e))County's**
803 **transportation plans and projects within the shoreline jurisdiction.**

804

805 **~~((F.))~~ Land Use Element**

806 Land use in King County is established through implementation of the Washington State Growth Management
807 Act. To implement the Growth Management Act, King County relies primarily on the King County
808 Comprehensive Plan and functional plans that are adopted as part of this Comprehensive Plan for facilities and
809 services. This Comprehensive Plan establishes an Urban Growth Area and designates land use and zoning for
810 the unincorporated portions of King County. It also delineates and protects Agricultural Production Districts,
811 Forest Production Districts, and mineral resource sites.

812

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

816

817 **~~((G.))~~ Conservation Element**

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

821

822 **~~((I.))~~ Critical areas**

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

830

831 Past development of the shorelines has degraded the habitat for many species by activities such as armoring
832 banks against wave action and the erosive force of water flowing downstream; removal of vegetation;
833 straightening channels; installing in-stream structures for flood control, hydroelectricity, and water supply; and

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834 allowing stormwater runoff that degrades water quality. Degraded shorelines should be restored and shorelines
835 that are in good condition should be preserved.

836

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

839

840 **((2)) Scenic vistas**

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

844

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

848

849 **((3)) Aesthetics**

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

854

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

857

858 **((H-)) Historic, Cultural, Scientific and Educational Element**

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

862

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- 863 **S-314** Historic resources in the shoreline jurisdiction should be protected to prevent
 864 the destruction of, or damage to, any site having archaeological, historic,
 865 cultural, or scientific value through coordination and consultation with the
 866 appropriate local, state and federal authorities, including affected Indian tribes.
- 867 a. Sites should be protected in collaboration with appropriate Indian tribal,
 868 state, federal, and other local governments. Cooperation among public
 869 and private parties ~~((is to))~~ should be encouraged in the identification,
 870 protection, and management of cultural resources.
- 871 b. Where appropriate, access to such sites should be made available to
 872 parties of interest. Access to such sites ~~((must))~~ shall be designed and
 873 managed in a manner that gives maximum protection to the resource.
- 874 c. Opportunities for education related to archaeological, historical, and
 875 cultural features should be provided where appropriate and incorporated
 876 into public and private programs and development.
 877
- 878 **S-315** King County should work with Indian tribal, state, federal, and local governments
 879 to maintain an inventory of all known historic resources. King County shall
 880 protect these inventories from public disclosure to the extent permitted or
 881 required under applicable federal and state law. As appropriate, such sites
 882 should be preserved and restored for study, education, and public enjoyment to
 883 the maximum possible extent.
 884
- 885 **S-316** Provisions for historic resource preservation, restoration and education should
 886 be incorporated with open space or recreation areas in site development plans
 887 whenever compatible and possible.
 888
- 889 **S-317** Cooperation among involved private and public parties should be encouraged to
 890 achieve these historic, cultural, scientific, and educational objectives.
 891
- 892 **S-318** Private and public owners of historic resources should be encouraged to provide
 893 public access and educational opportunities at levels consistent with long term
 894 protection of both historic values and shoreline ecological processes and
 895 functions. Site-specific conditions may require public site access to be
 896 restricted at times, but educational means should be provided whenever
 897 possible.
 898
- 899 **S-319** Historic resource development should be planned and carried out so as to
 900 prevent impacts to the resource. Impacts to neighboring properties and other
 901 shoreline uses should be limited to temporary or reasonable levels.
 902

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903 **S-320** Owners of historic resource are encouraged to make substantial development
904 plans known well in advance of application so that appropriate agencies, such as
905 the Washington State Department of Archaeology and Historic Preservation,
906 Indian ((T))tribes, and others, may have ample time to assess the site and make
907 arrangements to preserve historic, cultural, scientific, and educational values as
908 applicable.

909
910 **S-321** If development is proposed adjacent to an historic resource, the proposed
911 development should be designed and operated so as to be compatible with
912 continued protection of the historic, cultural or archaeological resource.
913

914 **~~((V.))~~ Shoreline Plan Relationship to Other Laws**

915 **~~((A.)) Washington's Growth Management Act~~**

916 ~~The Growth Management Act, passed by the Washington State Legislature in 1990 and 1991, seeks to further~~
917 ~~protect the quality of life in Washington State. The Growth Management Act requires that the state's most~~
918 ~~populous and fastest growing counties and their cities prepare comprehensive land use plans that anticipate~~
919 ~~growth for a 20-year horizon. Smaller communities and those communities that are experiencing a slow rate of~~
920 ~~growth may choose to plan under the Growth Management Act, but are not required to do so. Comprehensive~~
921 ~~Plans adopted in accordance with the Growth Management Act must manage growth so that development is~~
922 ~~directed to designated urban areas and away from the Rural Area and Natural Resource Lands. The Growth~~
923 ~~Management Act also requires local governments to designate and protect critical areas and to identify and~~
924 ~~protect natural resource lands, which include commercially significant forestry, agriculture, and mining areas. In~~
925 ~~1997, the Washington State Legislature amended both the Growth Management Act and the Shoreline~~
926 ~~Management Act in an effort to achieve consistency between the two statutes. Among the amendments to the~~
927 ~~Growth Management Act was a provision that makes the policies and goals of the Shoreline Management Act~~
928 ~~also policies and goals of the Growth Management Act. See Revised Code of Washington 36.70A.480.~~

929
930 **S-401** ~~_____ The King County Shoreline Master Program must be consistent with the~~
931 ~~Washington State Growth Management Act.~~

932
933 **~~B.)) King County Countywide Planning Policies~~**

934 ~~King County, along with the City of Seattle, City of Bellevue, and suburban cities established the Growth~~
935 ~~Management Planning Council to prepare a coordinated policy framework for future development in King~~
936 ~~County. In July 1992, the Growth Management Planning Council adopted Phase 1 of the Countywide Planning~~
937 ~~Policies. Phase 2 was adopted in 1994. The King County Countywide Planning Policies have been ratified by a~~
938 ~~majority of the jurisdictions in King County and therefore apply to all jurisdictions. The Countywide Planning~~
939 ~~Policies address critical areas, land use patterns, transportation, community character and open space, affordable~~

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940 housing, development and provision of urban services, siting of public capital facilities, economic development,
941 and regional financing and governance.

942

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

945

946 **~~C.)~~ Critical Areas Regulations**

947 Critical areas located within shorelines are regulated under the Shoreline Management Act and implemented
948 through local Shoreline Master Programs. The Growth Management Act requires that shoreline master
949 programs provide a level of protection for shoreline critical areas that assures no net loss of shoreline ecological
950 functions necessary to sustain shoreline natural resources.

951

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

956

957 The Shoreline Management Act provides options for assuring consistency with the Growth Management Act
958 protection of critical areas. These options range from including the Growth Management Act critical areas
959 regulations in the Shoreline Master Program to preparing a discrete set of shoreline regulations.

960

961 **S-404** **The King County Shoreline Master Program includes by reference portions of the**
962 **King County critical areas regulations into the Shoreline Master Program to meet**
963 **the requirements of Revised Code of Washington 90.58.090((3) and**
964 **90.58.090(4)).**

965

966 **~~(D.)~~ Zoning, Clearing and Grading, and Stormwater Regulations**

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

- 972 1. Be sufficient in scope and detail to ensure implementation of the Shoreline Management Act statewide
973 shoreline management policies, this chapter, and the King County Comprehensive Plan and functional
974 plans adopted to implement the Comprehensive Plan;
- 975 2. Include regulations that apply to the environmental designations classified under Washington
976 Administrative Code 173-26-211;

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- 977 3. Include general regulations, specific use regulations that address issues of concern in regard to specific
978 uses, and modification regulations;
- 979 4. Include clearing and grading and stormwater regulations that protect the ecological processes and
980 functions of the shorelines; and
- 981 5. Design and implement regulations and mitigation standards in a manner consistent with all relevant
982 constitutional and other legal limitations on the regulation of private property. (Revised Code of
983 Washington 90.58.100)

984

985 However, to the extent that it can, consistent with requirements of the Shoreline Management Act, King County
986 will rely on its existing regulations to meet the requirements of the Shoreline Management Act.

987

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

993

994 **~~(E.)~~ Flood Hazard Management Plan**

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

- 999 1. To reduce the risks from flood and channel migration hazards.
- 1000 2. To avoid or minimize the environmental impacts of flood hazard management.
- 1001 3. To reduce the long-term costs of flood hazard management.

1002 Flood hazard regulations are implemented within unincorporated King County. Each jurisdiction within King
1003 County is required under the Flood Hazard Management Plan to adopt flood hazard management regulations
1004 that meet the minimum requirements of the National Flood Insurance Program.

1005

1006 In 2007, the King County Council approved the formation of a countywide Flood Control Zone District under
1007 the authority in Revised Code of Washington 86.15.025. The overarching countywide strategies and objectives
1008 include:

- 1009 1. Improving levee protection through major commercial, industrial and residential areas;
- 1010 2. Improving flood water conveyance and capacity;
- 1011 3. Reducing hazards by removing flood, erosion, and landslide prone residential structures;
- 1012 4. Providing safe access to homes and businesses by protecting key transportation routes;
- 1013 5. Minimizing creation of new risks to public safety from development pressure.

1014

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1015 The King County Flood Control Zone District is governed by a District Board of Supervisors that consists of the
1016 members of the King County Council. An advisory committee advises the board of supervisors of the Flood
1017 Control Zone District on regional flood protection issues by providing recommendations to the board of
1018 supervisors on the district's work program and budget, including capital improvement program projects. King
1019 County will rely on the Flood Hazard Management Plan and the Flood Control Zone District to meet the
1020 general shoreline master program provisions for flood hazard reduction in Washington Administrative Code
1021 173-26-221((3)).

1022

1023 **S-406** **The King County Shoreline Master Program ((will)) shall rely on the policies and**
1024 **programs established in the King County Flood Hazard Management Plan and**
1025 **flood hazard regulations to meet the requirements of the Shoreline Management**
1026 **Act and the Department of Ecology's guidelines for flood hazard reduction.**

1027

1028 **~~((VI.))~~ Shoreline Environment Designations**

1029 **~~((A.))~~ Introduction to shoreline environment designations**

1030 Shoreline management addresses a wide range of physical conditions and development settings. The Shoreline
1031 Master Program classifies shoreline reaches into defined environment designations, based on the existing use
1032 pattern, the current biological and physical character of the shoreline, and the goals and aspirations of the
1033 community. King County prescribes environmental protection measures, allowable use provisions, and
1034 development standards for each shoreline environment designation.

1035

1036 King County has established eight shoreline environment designations:

- 1037 • ~~((A.))~~ High Intensity Shoreline
- 1038 • ~~((B.))~~ Residential Shoreline
- 1039 • ~~((C.))~~ Rural Shoreline
- 1040 • ~~((D.))~~ Conservancy Shoreline
- 1041 • ~~((E.))~~ Resource Shoreline
- 1042 • ~~((F.))~~ Forestry Shoreline
- 1043 • ~~((G.))~~ Natural Shoreline
- 1044 • ~~((H.))~~ Aquatic

1045

1046 This section sets forth the purpose, criteria, and management policies for each shoreline environment. The
1047 Shoreline Environment Designation maps at the end of this chapter show how the environment designations
1048 apply to shoreline reaches within the shoreline jurisdiction in unincorporated King County. Shoreline areas that
1049 meet the jurisdictional criteria, but that are not mapped or designated, are assigned a Conservancy designation
1050 until the Shoreline Master Program is amended to assign a shoreline environment to that shoreline reach.

1051

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1052

1053

Environment Designation Criteria

1054

King County has a long history of comprehensive planning and basin planning. Beginning in the 1980s, basin

1055

plans were developed throughout the county and helped identify fragile aquatic resources. Relying on these

1056

plans, King County has assigned zoning that is appropriate given the nature of the resources that need

1057

protection. As a result, fragile resources generally have zoning classifications that permit only low intensity

1058

development. King County's zoning regulations limit high intensity development to urban areas designated

1059

under the Countywide Planning Policies and the King County Comprehensive Plan.

1060

1061

King County recognizes, however, that zoning by itself is insufficient to determine the shoreline environment

1062

designations. Other factors are also important in assuring that the shoreline environment designations help King

1063

County achieve the goals of the Shoreline Management Act. These factors include, for a given shoreline:

1064

- Existing development patterns together with zoning, the King County Comprehensive Plan land use designations and other officially adopted plans;

1065

1066

- Existing shoreline ecological processes and functions and the degree of human alteration;

1067

- 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;

1068

1069

1070

- Federal, state, county, Indian tribal and municipal watershed ownership status;

1071

- The goals of King County residents for their shorelines as set forth in this chapter;

1072

- Pursuant to Revised Code of Washington 90.58.100(~~((4))~~), for state-owned shorelines the public demand for wilderness beaches and other recreational activities and for ecological study areas; and

1073

1074

- Other state policies in the Shoreline Management Act and the Department of Ecology's guidelines (Revised Code of Washington 90.58.020 and Chapter 173-26 Washington Administrative Code (~~((173-26))~~), respectively).

1075

1076

1077

1078

Figure S-1 depicts the decision-making process that is used to determine the appropriate shoreline

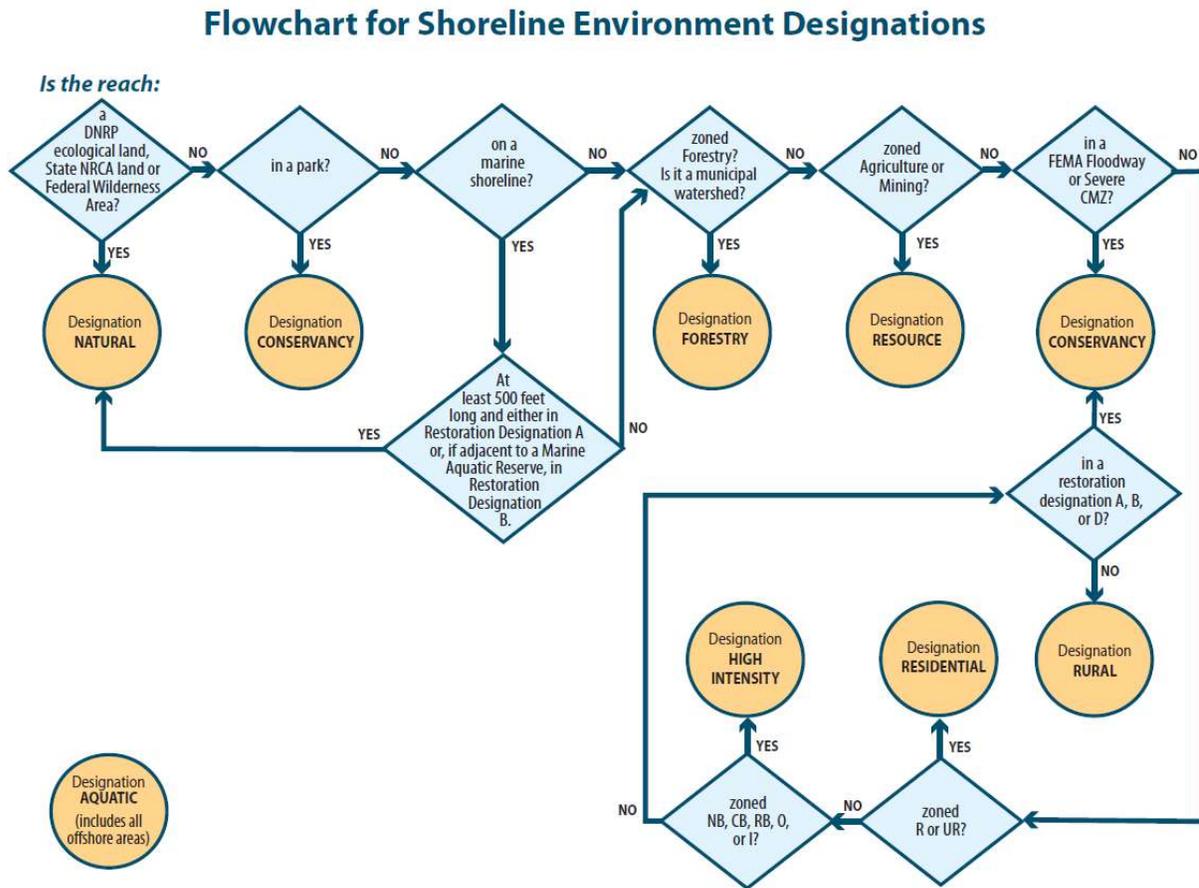
1079

environment designation for a given shoreline.

1080

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1081 **Figure S-1: Pathway of decisions in applying criteria to produce shoreline designations.**



1082

1083

1084 The shoreline environment designations take into account several elements. Areas currently meeting the criteria
 1085 for high levels of protection are given greater levels of protection. The determination of whether an area deserves
 1086 a greater level of protection is based either on its current ownership and condition, ((e.g.)) such as publicly
 1087 owned natural areas or wilderness areas, or on its restoration rating. The restoration rating is discussed in more
 1088 detail below. Zoning is also an important criterion. King County has for years implemented zoning as a means
 1089 to protect more sensitive areas from intense development. Shoreline environment designations also take into
 1090 account whether a reach is located within a floodway and severe channel migration hazard area and gives
 1091 greater protection to these areas due to their importance in maintaining shoreline ecological processes and
 1092 functions and because of public health and safety concerns.

1093

1094 The restoration rating (see King County Shoreline Protection and Restoration Plan (July 2009)) is included in
 1095 the designation as a way to incorporate more strongly the current degree of alteration along the shoreline, the
 1096 biological importance of the reach in a watershed context, and the restoration priorities associated with the
 1097 combination of the two analyses. The restoration designations are largely concerned with whether it is most
 1098 appropriate to implement measures to protect or conserve a site, restore it to a previous condition, or undertake
 1099 projects to enhance its current condition or to create new features with shoreline ecological processes and

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1100 functions. These ratings also provide guidance on areas where it is important to protect existing shoreline
1101 ecological processes and functions.

1102

1103 Restoration ratings combine the reach characterization based on the results from an alterations analysis with the
1104 context of basin analyses (See Table S-2). The reach or drift cell characterization is an assessment of the extent
1105 to which ecosystem structure, processes, and, ultimately, functions for a reach or drift cell are affected by
1106 anthropogenic factors. Scores resulting from this assessment are indicative of the degree to which shoreline
1107 ecological processes have been altered and impaired. The reach characterizations are found in King County
1108 Shoreline Inventory and Characterization: Methodology and Results (May 2007). The basin analysis is based on
1109 the Basin Condition Map adopted by the King County Council in King County Code 21A.24.065.

1110

1111 **Table S-2. Restoration scores and associated actions.**

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

1112

1113 Each designation has specific restoration goals associated with it, based on the conditions observed onsite and in
1114 the basin. Depending on condition, as indicated by the degree of alteration, reaches and drift cells were placed
1115 into one of nine categories of preferred actions. These range from preservation and conservation under the
1116 highest conditions (high basin and reach conditions, ((i.e.,)) meaning the least altered from natural) to
1117 enhancement and creation under the poorest condition (low basin and reach conditions, the most altered from
1118 natural).

1119

1120 The various actions are defined as follows:

1121

- **Preserve** – To protect intact processes, often through acquiring lands or easements to exclude activities that may negatively affect the environment.

1122

1123

- **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.

1124

1125

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- 1126 • **Restore** – To transform degraded conditions to a close approximation of historical conditions.
 1127 Restoration generally involves more intense and extensive modification and manipulation of site
 1128 conditions than would occur with enhancement projects. Example actions include levee breaching,
 1129 removal, or setback.
- 1130 • **Enhance** – To improve a targeted ecological attribute and/or process. Example actions may include
 1131 culvert replacement, riparian plantings and fencing, invasive species removal, and streambank
 1132 stabilization.
- 1133 • **Create** – To construct or place habitat features where they did not previously exist (~~(in order)~~) to foster
 1134 development of a functioning ecosystem. Examples include tidal channel excavation and the placement
 1135 of dredge material intended to create marsh or other habitat. Creation represents the most experimental
 1136 approach and, therefore, may have a lower degree of success, particularly when landscape-scale
 1137 ecological processes are not sufficient to support the created habitat type.

1138

1139 The marine shoreline, which in unincorporated King County occurs only around Vashon-Maury Island, is
 1140 treated a little differently than freshwater shorelines in the designation strategy. This is in recognition of both the
 1141 differing character of marine shorelines, which are subject to tidal influences, wakes from large commercial
 1142 vessels, and some variation in the ecological processes affecting them, as well as the creation of the Maury Island
 1143 Environmental Aquatic Reserve along Maury Island and Quartermaster Harbor shorelines by the Washington
 1144 state Department of Natural Resources. More protection by shoreline designation was afforded to marine
 1145 shorelines with active feeder bluffs and little alteration to processes. As a result, in these areas, areas with a
 1146 restoration rating of A or B were designated natural in recognition of the importance of conserving existing
 1147 shoreline ecological functions and processes in this area.

1148

1149 **~~(B-)~~ High Intensity Shoreline Environment**

1150 **Purpose**

1151 The purpose of the High Intensity Shoreline Environment is to provide for high intensity water-oriented
 1152 commercial and industrial uses.

1153

1154 **High Intensity Designation Criteria**

- 1155 **S-501** **A shoreline may be designated High Intensity if the shoreland is characterized by**
 1156 **high intensity development or uses or is zoned Neighborhood Business (NB),**
 1157 **Commercial Business (CB), Regional Business (RB), Office (O), or Industrial (I),**
 1158 **and:**
- 1159 **a. The shoreland does not contain limitations on urban uses, such as**
 1160 **geological hazards or flood hazards; and**
- 1161 **b. The shoreline does not provide important shoreline ecological**
 1162 **processes and functions that would be significantly compromised by**
 1163 **high intensity residential, commercial, or industrial use.**

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1164

1165 **High Intensity Management Policies:**

1166 **S-502** In the High Intensity Shoreline Environment, King County shall give priority to
1167 non-residential land uses that are water-dependent or water-related.

1168

1169 **S-503** King County shall discourage non-water-oriented, non-residential land uses in
1170 the High Intensity Shoreline Environment. Shoreline mixed-use developments
1171 that include and support water dependent uses may be allowed. King County
1172 should allow non-water-oriented land uses in the High Intensity Shoreline
1173 Environment only in limited situations and only if they do not conflict with or limit
1174 opportunities for water-dependent uses or are located on sites where there is no
1175 direct access to the shoreline.

1176

1177 **S-504** Prior to allowing expansion of a high intensity non-water-oriented use in the
1178 shoreline environment, King County shall determine that there is no feasible
1179 alternative for locating the expansion outside of the shoreline jurisdiction.

1180

1181 **S-505** King County should require visual or physical public shoreline access to be
1182 provided whenever feasible in the High Intensity Shoreline Environment.

1183

1184 **S-506** King County shall protect the aesthetic character of the shoreline in the High
1185 Intensity Shoreline Environment through development regulations, including
1186 sign controls, development siting criteria, screening requirements and
1187 architectural standards, landscaping requirements and maintenance of natural
1188 vegetation.

1189

1190 **S-507** King County shall require that the scale and intensity of new uses and
1191 development within the High Intensity Environment is compatible with, and
1192 protects or enhances, the existing character of the area.

1193

1194 **~~(C.)~~ Residential Shoreline Environment**1195 **Purpose**

1196 The purpose of the Residential Shoreline Environment is to accommodate residential and commercial uses on a
1197 scale appropriate with urban residential zones.

1198

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1199 **Residential Shoreline Designation Criteria**

1200 **S-508** A shoreline may be designated Residential Shoreline if the shoreland is
 1201 characterized by urban levels of residential development or uses or is zoned
 1202 Urban Residential (R) or Urban Reserve (UR) and:
 1203 a. The shoreland does not contain limitations on urban uses, such as
 1204 geological hazards or flood hazards; and
 1205 b. The shoreline not provide important shoreline ecological processes and
 1206 functions that would be significantly compromised by urban levels of
 1207 residential development.
 1208

1209 **Residential Shoreline Environment Management Policies:**

1210 **S-509** King County shall require that the scale and intensity of new uses and
 1211 development within the Residential Shoreline Environment is compatible with((,))
 1212 and protects or enhances the existing character of the area.
 1213

1214 **S-510** King County should encourage public or private outdoor recreation facilities that
 1215 are compatible with the character of the area in the Residential Shoreline
 1216 Environment. Water-dependent and water-enjoyment recreation facilities that
 1217 provide opportunities for people to access and enjoy the shoreline are preferred
 1218 uses in the Residential Shoreline Environment.
 1219

1220 **S-511** King County should discourage non-water-oriented commercial uses in the
 1221 Residential Shoreline Environment. A non-water-oriented commercial use may
 1222 be allowed as part of a shoreline mixed-use development or if the
 1223 non-water-oriented use provides a substantial benefit with respect to the goals
 1224 and policies of this Program, such as providing public access or restoring
 1225 degraded shorelines.
 1226

1227 **~~(D-)~~ Rural Shoreline Environment**

1228 **Purpose**

1229 The purpose of the Rural Shoreline Environment is to accommodate land uses normally associated with rural
 1230 levels of development while providing appropriate public access and recreational uses to the maximum extent
 1231 practicable.
 1232

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1233 **Rural Shoreline Environment Designation Criteria**

- 1234 **S-512** A shoreline may be designated Rural Shoreline if the shoreland is characterized
 1235 by rural levels of development or if the shoreland is zoned Rural Area (RA-2.5,
 1236 RA-5, RA-10, and RA-20) and:
- 1237 a. The shoreland does not contain limitations on rural residential uses,
 1238 such as geological hazards or flood hazards; and
 - 1239 b. The shoreline does not provide important shoreline ecological
 1240 processes and functions that would be significantly compromised by
 1241 rural levels of residential development.

1242

1243 **Rural Shoreline Environment Management Policies:**

- 1244 **S-513** King County should limit uses in the Rural Shoreline Environment to those rural
 1245 development activities and associated services that sustain the shoreline's
 1246 physical and biological resources and that protect options for restoration to
 1247 maximum extent practicable given the nature of rural development.

1248

- 1249 **S-514** King County should require that multi-family and multi-lot residential and
 1250 recreational developments in the Rural Shoreline Environment provide public
 1251 access and joint use for community recreational facilities.

1252

1253 **~~(E.)~~ Conservancy Shoreline Environment**

1254 **Purpose**

1255 The purpose of the Conservancy Shoreline Environment is to conserve areas that are a high priority for
 1256 restoration, include valuable historic properties or provide recreational opportunities.

1257

1258 **Conservancy Shoreline Environment Designation Criteria**

- 1259 **S-515** A shoreline may be designated Conservancy Shoreline if it is in an area where
 1260 important shoreline ecological processes have not been substantially degraded
 1261 by human activities, where important shoreline ecological processes would be
 1262 degraded by development or present a public health or safety risk, or where the
 1263 shoreline is in public ownership and is managed for public access or recreation.
 1264 Areas that may be included in Conservancy Shoreline are:
- 1265 a. Shoreline reaches primarily within an identified FEMA floodway or
 1266 severe channel migration hazard zone;
 - 1267 b. Lake shorelines or river shorelines with a restoration plan rating of A, B,
 1268 or D;
 - 1269 c. Marine shorelines with a restoration plan rating of A, B, or D; and
 - 1270 d. Shorelines in public ownership and managed for public access or
 1271 recreation.

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1272

1273 **Conservancy Shoreline Environment Management Policies:**1274 **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.

1277

1278

King County should discourage non-residential uses in the Conservancy Shoreline except as follows:

1279

1280

a. King County should allow aquaculture, forestry and agriculture in the Conservancy Shoreline Environment; and

1281

1282

b. King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses if significant adverse impacts to the shoreline are mitigated.

1283

1284

1285

1286 **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:

1287

1288

a. Limiting the total effective impervious surface in the shoreline jurisdiction to no more than ~~((ten))~~ **10** percent ~~((in order))~~ to maintain the existing hydrologic character of the site; and

1289

1290

b. 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.

1291

1292

1293

1294

1295

1296

1297

~~((F.))~~ Resource Shoreline Environment

1298

Purpose

1299

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

1300

1301

1302

1303

1304

Resource Shoreline Environment Designation Criteria

1305

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.

1306

1307

1308

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1309 **Resource Shoreline Environment Management Policies:**

1310 **S-519** King County should limit uses in the Resource Shoreline Environment to
1311 agricultural and mining activities.

1312
1313 **S-520** King County shall adopt development standards for the Resource Shoreline
1314 Environment to preserve the existing character of the shoreline consistent with
1315 the purpose of the environment.
1316

1317 **~~(G-)~~ Forestry Shoreline Environment**

1318 **Purpose**

1319 The purpose of the Forestry Shoreline Environment is to allow for forestry uses in the Forest Production District
1320 and to protect municipal watersheds.
1321

1322 **Forestry Shoreline Designation Criteria**

1323 **S-521** A shoreline may be designated Forestry Shoreline if the shoreland is within the
1324 Forest Production District and the shoreline is not designated as a Natural
1325 Shoreline or a Conservancy Shoreline.
1326

1327 **Forestry Shoreline Management Policies:**

1328 **S-522** King County shall require forest practices in the Forestry Shoreline Environment
1329 to comply with standards that provide protection for shoreline ecological
1330 processes and functions equal to or greater than the forest practice rules
1331 adopted by the Washington State Department of Natural Resources (~~and in~~
1332 ~~effect on January 1, 2007~~)).
1333

1334 **S-523** King County shall allow activities related to the direct management and delivery
1335 of municipal domestic water supplies in the Forestry Shoreline Environment only
1336 when consistent with municipal domestic water supply best management
1337 practices.
1338

1339 **S-524** King County shall allow agricultural and aquaculture uses within the Forestry
1340 Shoreline Environment if the use is subject to appropriate limitations or
1341 conditions to ensure that the use does not expand or alter practices in a manner
1342 inconsistent with the purpose of the designation.
1343

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1344 **((H-)) Natural Shoreline Environment**

1345 **Purpose**

1346 The purpose of the Natural Shoreline Environment is to protect those shoreline areas that are relatively free of
1347 human influence and are of high ecological quality. This designation allows only very low intensity uses ((~~in~~
1348 ~~order~~)) to maintain the existing high levels of ecological process and function.

1349

1350 **Natural Shoreline Environment Designation Criteria**

1351 **S-525**

A shoreline may be designated Natural Shoreline if the shoreline is:

- 1352 a. **Of high ecological quality and is performing an important, irreplaceable**
1353 **ecological process or function that would be damaged by human**
1354 **activity;**
1355 b. **Unable to support new development or uses without significant adverse**
1356 **impacts to shoreline ecological processes and functions or risk to**
1357 **human safety;**
1358 c. **A federally designated wilderness area or in an area managed by the**
1359 **King County Department of Natural Resources and Parks as natural**
1360 **lands; or**
1361 d. **A marine shoreline reach that extends at least five hundred feet along**
1362 **the ordinary high water mark and either has a restoration plan rating of A**
1363 **or has a restoration plan rating of B and is located adjacent to the Maury**
1364 **Island Marine Aquatic Reserve.**

1365

1366 **Natural Shoreline Environment Management Policies:**

1367 **S-526**

**King County shall not allow new shoreline armoring in the Natural Shoreline
Environment.**

1368

1370 **S-527**

**King County shall not allow the following new uses in the Natural Shoreline
Environment:**

- 1371
1372 a. **Commercial uses;**
1373 b. **Industrial uses;**
1374 c. **Nonwater-oriented recreation uses that require shoreline modification**
1375 **((~~in order~~)) to provide shoreline access;**
1376 d. **Mining and associated facilities, such as docks, piers, and loading**
1377 **facilities; and**
1378 e. **Transportation facilities, utility corridors, and parking areas that can be**
1379 **located outside of the Natural Shoreline Environment.**

1380

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- 1381 **S-528** King County may allow single ((family)) detached residential development in the
 1382 Natural Shoreline Environment as a shoreline conditional use if the scale and
 1383 intensity of the use is limited to protect shoreline ecological processes and
 1384 functions and is consistent with the purpose of the environment. King County
 1385 shall require new subdivisions and short-subdivisions in the Natural Shoreline
 1386 Environment to locate new structures and impervious surfaces outside of the
 1387 shoreline jurisdiction to the maximum extent practicable.
 1388
- 1389 **S-529** King County shall allow scientific, historical, cultural, and educational research
 1390 uses in the Natural Shoreline Environment if no significant ecological impact on
 1391 the area will result.
 1392
- 1393 **S-530** Except for removal of noxious weeds or invasive vegetation as provided for in
 1394 S-645, King County shall not allow vegetation removal in the Natural Shoreline
 1395 Environment that will reduce the capability of vegetation to perform normal
 1396 ecological processes and functions.
 1397
- 1398 **S-531** King County shall allow agricultural and aquaculture uses of a very low intensity
 1399 nature within the Natural Shoreline Environment if the use is subject to
 1400 appropriate limitations or conditions to ensure that the use does not expand or
 1401 alter practices in a manner inconsistent with the purpose of the designation.
 1402
- 1403 **S-532** King County shall allow passive and low((-))_impact recreational activities in the
 1404 Natural Shoreline Environment. New passive and low impact recreation activities
 1405 shall use designs that avoid or minimize impacts to shoreline processes and
 1406 functions. Maintenance of trails and campsites shall minimize disturbance and
 1407 restoration of impacted areas is encouraged.
 1408
- 1409 **S-533** King County should use tax incentives, easements, and buyouts to protect
 1410 shorelines in the Natural Shoreline Environment with important fish and wildlife
 1411 habitat at risk from moderate to high intensity development.
 1412

1413 **~~(I-)~~ Aquatic Environment**

1414 **Purpose**

1415 The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and
 1416 resources of the areas waterward of the ordinary high water mark.

1417

1418 **Aquatic Shoreline Environment Designation Criteria**

- 1419 **S-534** A shoreline shall be designated Aquatic if it is waterward of the ordinary high
 1420 water mark of the shoreline.

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1421

1422 **Aquatic Shoreline Environment Management Policies:**

1423 **S-535** King County shall allow new in-water and over-water structures in the Aquatic
1424 Shoreline Environment only for water-dependent uses, public access, or
1425 ecological restoration.

1426

1427 **S-536** King County shall limit the size of new over-water structures in the Aquatic
1428 Shoreline Environment to the minimum necessary to support the structure's
1429 intended use.

1430

1431 **S-537** King County shall encourage multiple uses of over-water facilities in the Aquatic
1432 Shoreline Environment ~~((in order))~~ to reduce the impacts of shoreline
1433 development and increase the effective use of water resources.

1434

1435 **S-538** King County shall require all developments and uses on navigable waters or their
1436 beds in the Aquatic Shoreline Environment to be located and designed to
1437 minimize interference with surface navigation, to consider impacts to public
1438 views, and to allow for the safe, unobstructed passage of fish and wildlife and
1439 materials necessary to create or sustain their habitat, particularly those species
1440 dependent on migration.

1441

1442 **S-539** King County shall not allow uses in the Aquatic Shoreline Environment that
1443 adversely impact the ecological processes and functions of critical saltwater and
1444 freshwater habitats, except when necessary to achieve the objectives of Revised
1445 Code of Washington 90.58.020, and then only when the adverse impacts are
1446 mitigated according to the sequence described in Washington Administrative
1447 Code 173-26-201~~((2)(e))~~ as necessary to assure no net loss of shoreline
1448 ecological processes and functions.

1449

1450 **S-540** King County shall consider the guidance in the Maury Island Aquatic Reserve
1451 Management Plan in making decisions about permitted uses in the shoreline
1452 jurisdiction.

1453

1454 **~~((VII.))~~ Environment Protection Policies**1455 **~~((A.))~~ General Environmental Protection Policy Goals**

1456 The Department of Ecology's guidelines recognize that shoreline ecological processes and functions may be
1457 impaired not only by shoreline developments that are required to obtain shoreline substantial development
1458 permits, but also by past actions, unregulated activities, and developments that are exempt from the shoreline

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1459 substantial development permit requirements. The loss or degradation of shoreline ecological processes and
1460 functions from any of these activities can significantly impact shoreline natural resources and may also adversely
1461 impact human health and safety.

1462

1463 The concept of ecological processes and functions recognizes that any ecological system is composed of a wide
1464 variety of interacting physical, chemical, and biological processes. These processes are interdependent in varying
1465 degrees and at different scales, and that result in the landscape, habitats and species as they exist at any time.
1466 Ecological functions are the work performed or roles played individually or collectively within ecosystems by
1467 these processes.

1468

1469 **~~(1.)~~ Cumulative Impacts and "No Net Loss" of Ecological Processes and**
1470 **Functions**

1471 Nearly all shoreline areas, even substantially developed or degraded areas, retain important ecological processes
1472 and functions that contribute to the survival and successful reproduction of plants and animals. For example, an
1473 intensely developed harbor area may also have an important function as a fish migration corridor and feeding
1474 area critical to species survival. In addition, ecosystems are interconnected and many species may depend on the
1475 functioning of multiple systems for critical resources. As examples, anadromous fish depend upon the viability
1476 of freshwater, marine, and terrestrial shoreline ecosystems, and many wildlife species associated with shorelines
1477 depend on the functioning of both terrestrial and aquatic environments. Therefore, the policies for protecting
1478 and restoring ecological processes and functions should apply to the maximum extent practical to all shoreline
1479 areas, not just those that remain relatively unaltered.

1480

1481 The Shoreline Management Act requires that King County's Shoreline Master Program achieve no net loss of
1482 shoreline ecological processes and functions from new uses or development, and that it address the cumulative
1483 impacts on shoreline ecology that would result from future shoreline development. The Shoreline Management
1484 Act also requires local governments to plan for restoration of shoreline ecological processes and functions where
1485 they have been impaired, thus working towards actual improvement in shoreline ecological processes and
1486 functions. The following policies ensure that King County will address cumulative impacts of existing and
1487 proposed shoreline development and work towards improving shoreline ecological processes and functions.

1488

1489 **S-601 King County shall ensure that new uses, development, and redevelopment within**
1490 **the shoreline jurisdiction do not cause a net loss of shoreline ecological**
1491 **processes and functions.**

1492

1493 **S-602 King County should protect shorelines and conduct restoration in areas that**
1494 **have been previously degraded.**

1495

1496 **S-603 King County shall require shoreline uses and modifications to be designed and**
1497 **managed to prevent degradation of water quality and alteration of natural**
1498 **hydrographic conditions to the maximum extent practical.**

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- 1499
- 1500 **S-604** King County's Shoreline Master Program shall include regulations and mitigation
- 1501 standards to ensure that permitted and exempt developments in the aggregate
- 1502 will not cause a net loss of shoreline ecological processes and functions.
- 1503
- 1504 **S-605** King County's Shoreline Master Program goals and policies ~~((will))~~ shall promote
- 1505 restoration of impaired shoreline ecological processes and functions. Policies
- 1506 and programs and non-regulatory actions that contribute to restoration goals
- 1507 ~~((will))~~ shall be identified. King County should consider the direct and indirect
- 1508 effects of regulatory or non-regulatory programs of other local, state, and federal
- 1509 governments, as well as any restoration effects that may result from shoreline
- 1510 development regulations and mitigation standards.
- 1511
- 1512 **S-606** The King County Shoreline Master Program identifies restoration opportunities
- 1513 and planning elements that together should improve the overall condition of
- 1514 habitat and resources within the shoreline jurisdiction.
- 1515
- 1516 **S-607** King County should provide options for property-specific technical assistance
- 1517 and tailored applications of shoreline management regulations through Rural
- 1518 Stewardship Plans for single ~~((family))~~ detached residential uses in the upland
- 1519 areas of the Rural, Conservancy and Natural Shoreline Environments. Rural
- 1520 Stewardship Plans must be consistent with the goals of the Shoreline
- 1521 Management Act and King County Shoreline Protection and Restoration Plan,
- 1522 and ensure no net loss of shoreline ecological processes and functions.
- 1523
- 1524 **S-608** The King County Shoreline Master Program shall consider the cumulative
- 1525 impacts of reasonably foreseeable future development to ensure no net loss of
- 1526 shoreline ecological processes and functions.
- 1527
- 1528 **S-609** The Shoreline Master Program is intended to fairly allocate the burden of
- 1529 addressing cumulative impacts. King County should adopt policies and
- 1530 regulations that are designed to avoid the need for individualized cumulative
- 1531 impacts analysis for commonly occurring and planned development.
- 1532
- 1533 **S-610** King County shall prefer and provide special permitting considerations for docks
- 1534 and piers that are shared among multiple landowners.
- 1535
- 1536 **S-611** When updating the Shoreline Master Program, King County should analyze
- 1537 proposed policies and regulations to determine whether they will cause

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1538 cumulative adverse impacts to the shoreline and consider how such impacts may
 1539 be avoided. The evaluation of cumulative impacts should consider:
 1540 a. Current condition of the shorelines and associated natural processes;
 1541 b. Reasonably foreseeable future development and shoreline uses;
 1542 c. An appropriate evaluation of the effect on shoreline ecological
 1543 processes and functions caused by unregulated activities, development
 1544 exempt from permitting, and effects such as the incremental impact of
 1545 residential bulkheads, residential piers, or runoff from newly developed
 1546 properties; and
 1547 d. Beneficial effects of any established regulatory programs under other
 1548 local, state, and federal laws.

1550 **S-612** King County should use the shoreline permitting or shoreline conditional use
 1551 permitting processes for development proposals that may have impacts that
 1552 cannot be anticipated or uncommon impacts that have not been considered or
 1553 identified at time of adoption of the King County Shoreline Master Program to
 1554 ensure that all impacts are addressed and that there is no net loss of ecological
 1555 function of the shoreline after mitigation.

1557 **S-613** King County shall consider and address cumulative impacts of shoreline
 1558 development on shoreline ecological processes and functions and on shoreline
 1559 uses given priority under Chapter 90.58 Revised Code of Washington ((Chapter
 1560 90.58)).

1562 **((2.)) Ongoing Evaluation, Review of Cumulative Impacts and Duty to Update**

1563 King County will periodically review the Shoreline Master Program and make amendments that it determines
 1564 are necessary to reflect changing local circumstances, new information and improved data, and to meet the
 1565 requirements of Revised Code of Washington 90.58.080 and applicable guidelines. King County will also
 1566 monitor actions taken to implement the Shoreline Master Program and the shoreline conditions to inform
 1567 updates of Shoreline Master Program provisions and improve shoreline management over time.

1569 **S-614** King County shall periodically review and amend its Shoreline Master Program
 1570 using a process that inventories and ensures meaningful understanding of
 1571 current and potential ecological processes and functions provided by affected
 1572 shorelines.

1573

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1574 **~~((B.))~~ Shoreline Critical Areas**

1575 **~~((1.))~~ Standard for protection under the Shoreline Management Act**

1576 The Growth Management Act requires King County to protect the functions and values of critical areas, which
 1577 are defined as wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas,
 1578 and fish and wildlife habitat conservation areas. Critical areas located within the shoreline jurisdiction are
 1579 protected under the Shoreline Master Program rather than the Growth Management Act. The Shoreline Master
 1580 Program provides a level of protection for critical areas to assure no net loss of shoreline ecological functions. In
 1581 addition, the Shoreline Management Act requires King County to give optimum protection of shorelines of
 1582 state-wide significance. The King County Comprehensive Plan and functional plans adopted as elements of the
 1583 King County Comprehensive Plan also guide the protection of critical areas within the shoreline jurisdiction.

1584 **~~((2.))~~ Use of scientific and technical information**

1585 The Shoreline Management Act requires local governments to use scientific and technical information when
 1586 establishing protection measures for critical areas. To achieve this requirement, King County has, to the extent
 1587 feasible:

- 1588 1. Used a systematic interdisciplinary approach that ensures the integrated use of the natural and
 1589 social sciences and the environmental design arts;
- 1590 2. Consulted with and obtained the comments of any federal, state, regional, or local agency
 1591 having any special expertise with respect to environmental impacts;
- 1592 3. Considered all plans, studies, surveys, inventories, and systems of classification made or being
 1593 made by federal, state, regional, or local agencies, by private individuals, or by organizations
 1594 dealing with King County shorelines;
- 1595 4. Used all available information regarding hydrology, geography, topography, ecology,
 1596 economics, and other pertinent data;
- 1597 5. Employed, when possible, all appropriate, modern scientific data processing and computer
 1598 techniques to store, index, analyze, and manage the information gathered.

1599
 1600 King County has reviewed and synthesized a wide range of scientific information resulting in regulatory
 1601 standards based on the best available science for the protection of critical areas. In addition, King County
 1602 considered state, Indian tribal and federal programs to provide a full spectrum of planning and regulatory
 1603 measures to guide critical areas protection in shorelines.

1604

1605 **S-615 In considering development regulations to protect shoreline ecological**
 1606 **processes and functions, King County shall consider the scientific and technical**
 1607 **information contained in functional plans adopted to implement the**
 1608 **Comprehensive Plan, adopted watershed plans, King County critical areas**
 1609 **regulations, and state, Indian tribal, and federal programs.**

1610

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1611 ~~((In order to))~~To ensure no net loss of shoreline ecological processes and functions resulting from development
 1612 proposed in shoreline critical areas, the King County Shoreline Master Program requires that development
 1613 proposals analyze the environmental impacts of the proposal and consider measures to avoid, if possible, and
 1614 then mitigate for the adverse environmental impacts.

1615

1616 **S-616** King County shall apply the following sequence of steps listed in order of priority
 1617 in evaluating the impacts of development and redevelopment on critical areas
 1618 within the shoreline jurisdiction:

- 1619 a. Avoid the impacts altogether;
- 1620 b. Minimize impacts;
- 1621 c. Rectify impacts by repairing, rehabilitating, or restoring the affected
 1622 environment;
- 1623 d. Reduce or eliminate the impacts over time;
- 1624 e. Compensate for impacts by replacing, enhancing, or providing
 1625 substitute resources; and
- 1626 f. Monitor the impact and taking appropriate corrective measures.

1627

1628 **~~((3.))~~ Wetlands**

1629 When determining allowed uses within wetlands and their buffers in shorelines of the state, consideration should
 1630 be given to those uses that would result in no net loss of wetland area and wetland function. Consideration
 1631 should be given to specific uses that are likely to positively impact the physical, chemical, and biological
 1632 processes that create and sustain wetlands.

1633

1634 **S-617** King County wetland regulations shall address the following uses to achieve, at a
 1635 minimum, no net loss of wetland area and functions:

- 1636 a. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals,
 1637 organic matter, or material of any kind;
- 1638 b. Dumping, discharging, or filling with any material, including discharges
 1639 of stormwater and domestic, commercial, or industrial wastewater;
- 1640 c. Draining, flooding, or disturbing of the open water level, duration of
 1641 inundation, or groundwater table;
- 1642 d. Driving of pilings;
- 1643 e. Placing of obstructions;
- 1644 f. Construction, reconstruction, demolition, or expansion of any structure;
- 1645 g. Significant vegetation removal, except for non-conversion forest
 1646 practices regulated under Chapter 76.09 Revised Code of Washington
 1647 ~~((chapter 76.09))~~;
- 1648 h. Other uses or development that results in a significant ecological impact
 1649 to the physical, chemical or biological characteristics of wetlands; and
- 1650 i. Activities reducing the functions of buffers.

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1651

1652 Wetlands shall be categorized based on rarity, irreplaceability, or sensitivity to disturbance, as well as the
1653 functions the wetland provides. The Shoreline Management Act provides the option of using specified wetland
1654 rating systems or developing a regionally specific system, provided the system is scientifically based and provides
1655 a method to distinguish wetland quality and function. King County adopted the Washington State Wetland
1656 Rating System for Western Washington for use in categorizing wetlands under the Growth Management Act
1657 critical areas development standards.

1658

1659 **S-618 King County shall categorize wetlands within shorelines of the state as provided**
1660 **for in Chapter 5((:)), Environment((, of the King County Comprehensive Plan)).**

1661

1662 The King County Shoreline Master Program provisions that would allow limited alterations to wetlands shall be
1663 consistent with the policy of no net loss of wetland area and functions, wetland rating, and scientific and
1664 technical information.

1665

1666 **S-619 King County should allow alterations to wetlands only if there is no net loss of**
1667 **wetland functions and values.**

1668

1669 The King County Shoreline Master Program requires buffers be delineated and protected around wetlands. The
1670 size of the wetland buffer is based on the classification of the wetland and its characteristics and whether the
1671 wetland is located within or outside of the Urban Growth Area. Mitigation measures have been established to
1672 obtain a reduced buffer width in return for added measures to address light, noise, toxic runoff, change in water
1673 regime, pets and human disturbance, dust, and degraded buffer condition. Other modifications to buffer widths
1674 are allowed through buffer averaging. Circumstances, such as the presence of threatened or endangered species
1675 or proximity to steep slopes, may authorize increased buffer widths.

1676

1677 **S-620 King County shall delineate buffers around wetlands to protect and maintain**
1678 **wetland functions. Buffer widths shall be based on ecological function,**
1679 **characteristics and setting, potential impacts with adjacent land use, and other**
1680 **relevant factors.**

1681

1682 The King County Shoreline Master Program requires that mitigation measures achieve equivalent or greater
1683 wetland functions including, but not limited to, habitat complexity, connectivity and other biological functions,
1684 and seasonal hydrological dynamics. Preferential consideration is given to measures that replace the impacted
1685 functions directly and in the immediate vicinity of the impact.

1686

1687 **S-621 In determining appropriate mitigation measures applicable to shoreline**
1688 **development, the mitigation sequencing requirements described in Washington**
1689 **Administrative Code 173-26-201(((2)(e))) require that lower priority measures shall**

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1690 be applied only where higher priority measures are determined to be infeasible or
1691 inapplicable.

1692
1693 King County may authorize alternative compensatory mitigation within the watershed that addresses limiting
1694 factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive
1695 resource management plans applicable to the area of impact. Authorization of compensatory mitigation
1696 measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of shoreline
1697 ecological processes and functions.

1698
1699 **S-622 King County may allow compensatory mitigation only after a mitigation sequence**
1700 **is applied (see Policy S-616) and higher priority means of mitigation are**
1701 **determined to be infeasible.**

- 1702 a. **Compensatory mitigation replacement ratios or other mitigation**
1703 **provisions shall consider:**
- 1704 1. **The risk of failure of the compensatory mitigation action;**
 - 1705 2. **The length of time the compensatory mitigation action will take**
1706 **to replace adequately the impacted wetland functions and**
1707 **values; and**
 - 1708 3. **The gain or loss of the type, quality, and quantity of the**
1709 **ecological functions of the compensation.**
- 1710 b. **Performance standards shall be established to evaluate the success of**
1711 **compensatory mitigation.**
- 1712 c. **Long-term monitoring shall be required to determine if performance**
1713 **standards are met.**
- 1714 d. **Long-term protection and management shall be required for**
1715 **compensatory mitigation sites.**
- 1716

1717 **((4.)) Critical Aquifer Recharge Areas**

1718 King County has classified and mapped critical aquifer recharge areas according to the vulnerability of the
1719 aquifer. Vulnerability is the combined effect of hydrogeological susceptibility to contamination and the
1720 contamination loading potential. High vulnerability is indicated by land uses that contribute contamination that
1721 may degrade groundwater and by hydrogeologic conditions that facilitate degradation. Low vulnerability is
1722 indicated by land uses that do not contribute contaminants that will degrade groundwater and by hydrogeologic
1723 conditions that do not facilitate degradation. Critical aquifer recharge areas are required to be protected under
1724 the Growth Management Act as a critical area.

1725
1726 **S-623 The King County Shoreline Master Program shall protect critical aquifer recharge**
1727 **areas consistent with the King County Comprehensive Plan and critical areas**
1728 **regulations.**

1729

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1730 **~~((5.))~~ Geologically Hazardous Areas**

1731 Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological
1732 processes and events. They pose a threat to the health and safety of residents when incompatible commercial,
1733 residential, or industrial development is sited in areas of significant hazard. Some geological hazards can be
1734 reduced or mitigated by engineering, design, or modified construction or mining practices, so that risks to health
1735 and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically
1736 hazardous areas is best avoided. Under the King County Shoreline Master Program, geologically hazardous
1737 areas include:

- 1738 • ~~((1.))~~ Erosion hazard areas;
- 1739 • ~~((2.))~~ Landslide hazard areas;
- 1740 • ~~((3.))~~ Seismic hazard areas;
- 1741 • ~~((4.))~~ Coal mine hazard areas;
- 1742 • ~~((5.))~~ Volcanic hazard areas; and
- 1743 • ~~((6.))~~ Steep slope hazard areas.

1744

1745 The following policies to protect health and safety and also to reduce the loss of shoreline ecological processes
1746 and functions apply to geological hazardous areas located within the shoreline jurisdiction.

1747

1748 ~~**((S-624) Development regulations for geologically hazardous areas shall meet the**~~
1749 ~~**minimum requirements in Washington Administrative Code 365-190-120.))**~~

1750

1751 **S-625 King County shall prohibit development and new lot creation in geologically**
1752 **hazardous areas if it would result in increased risk of injury to people or property**
1753 **damage, consistent with King County Code ((e))Chapter 21A.24.**

1754

1755 ~~**((S-626) King County shall prohibit new development that requires structural stabilization**~~
1756 ~~**in geologically hazardous areas. Stabilization will be allowed in these areas only**~~
1757 ~~**if the stabilization is necessary to protect existing allowed uses, there is no**~~
1758 ~~**alternative location available, and no net loss of shoreline ecological processes**~~
1759 ~~**and functions will result. Stabilization measures shall conform to Washington**~~
1760 ~~**Administrative Code 173-26-231.**~~

1761

1762 ~~**S-627 King County may allow stabilization structures or measures in geologically**~~
1763 ~~**hazardous areas to protect existing primary residential structures, if there are no**~~
1764 ~~**alternatives, including relocation or reconstruction of the residential structure,**~~
1765 ~~**the stabilization is in conformance with Washington Administrative Code**~~
1766 ~~**173-26-231, and no net loss of shoreline ecological processes and functions will**~~
1767 ~~**result.**~~

1768

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1769 **6.) Fish and Wildlife Habitat Conservation Areas**

1770 King County is required by the Growth Management Act to protect fish and wildlife habitat conservation areas
1771 as critical area. The Washington State Department of Commerce adopted guidelines to assist local governments
1772 in designating critical areas, including fish and wildlife habitat conservation areas. The Department of
1773 Commerce guidelines are designed to define and protect areas necessary to maintain species in suitable habitats
1774 within their natural geographic distribution, at least in part so that isolated subpopulations are not created. The
1775 Department of Commerce identifies the following areas as being suitable for fish and wildlife habitat
1776 conservation areas:

- 1777 1. Areas with which endangered, threatened, and sensitive species have a primary association; areas
1778 critical for habitat connectivity;
- 1779 2. Habitats and species of local importance;
- 1780 3. Commercial and recreational shellfish areas;
- 1781 4. Kelp and eelgrass beds; herring, smelt and sand lance spawning areas;
- 1782 5. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or
1783 wildlife habitat;
- 1784 6. Waters of the state;
- 1785 7. Lakes, ponds, streams, and rivers planted with game fish by a governmental or Indian ((~~tribal~~))tribal
1786 entity; or
- 1787 8. State natural area preserves and natural resource conservation areas.

1788

1789 The King County Comprehensive Plan and its development regulations protect the functions and values of fish
1790 and wildlife habitat conservation areas through its provisions governing aquatic areas and wildlife habitat
1791 conservation areas.

1792

1793 The Department of Ecology's guidelines divide fish and wildlife habitat conservation areas into critical saltwater
1794 and critical freshwater habitats.

1795

1796 **a. Critical saltwater habitat**

1797 Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as
1798 herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; mudflats, spits, intertidal
1799 habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater
1800 habitats include both the shorelines and the adjacent submerged areas.

1801

1802 **S-628 King County shall provide a high level of protection to critical saltwater habitats**
1803 **due to the important ecological functions they provide.**

1804

1805 **S-629 Protection and restoration of critical saltwater habitats should integrate**
1806 **management of shorelands as well as submerged areas.**

1807

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1808 Comprehensive planning for the protection and restoration of critical saltwater habitat should include state
 1809 resource agencies, local and regional government entities including, but not limited to the Port of Seattle, ~~((and))~~
 1810 Sound Transit, and affected Indian tribes. To reverse the impacts from development on critical saltwater
 1811 habitats, the King County Shoreline Master Program should look for opportunities to restore critical saltwater
 1812 shorelines and protect them from further degradation. All resources should be reviewed and considered.

1813

- 1814 **S-630** **As part of its management planning for critical saltwater habitats, King County**
 1815 **should include an evaluation of current data and trends regarding:**
- 1816 a. **Available inventory and collection of necessary data regarding physical**
 1817 **characteristics of the habitat, including upland conditions, and any**
 1818 **information on species population trends;**
 - 1819 b. **Terrestrial and aquatic vegetation;**
 - 1820 c. **The level of human activity in such areas, including the presence of**
 1821 **roads and level of recreational types. Passive or active recreation may**
 1822 **be appropriate for certain areas and habitats;**
 - 1823 d. **Restoration potential;**
 - 1824 e. **Tributaries and small streams flowing into marine waters;**
 - 1825 f. **Dock and bulkhead construction, including an inventory of bulkheads**
 1826 **servicing no protective purpose;**
 - 1827 g. **Conditions and ecological function in the near-shore area;**
 - 1828 h. **Uses surrounding the critical saltwater habitat areas that may negatively**
 1829 **impact those areas, including permanent or occasional upland, beach, or**
 1830 **over-water uses;**
 - 1831 i. **Potential Indian tribal uses of critical saltwater habitats to ensure that**
 1832 **these uses are protected and restored when possible; and**
 - 1833 j. **An analysis of what data gaps exist and a strategy for gaining this**
 1834 **information.**

1835

1836 Because of the need for a higher level of protection for critical saltwater habitat, allowed uses should be carefully
 1837 limited and only allowed to meet other policy goals of the Shoreline Management Act.

1838

- 1839 **S-631** **Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other**
 1840 **human-made structures shall not intrude into or over critical saltwater habitats**
 1841 **except when all of the conditions below are met:**
- 1842 a. **The public's need for such an action or structure is clearly**
 1843 **demonstrated, and the proposal is consistent with protection of the**
 1844 **public trust, as embodied in Revised Code of Washington 90.58.020;**
 - 1845 b. **Avoidance of impacts to critical saltwater habitats by an alternative**
 1846 **alignment or location is not feasible or would result in unreasonable and**
 1847 **disproportionate cost to accomplish the same general purpose;**

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- 1848 c. **The project, including any required mitigation, will result in no net loss**
 1849 **of ecological functions associated with critical saltwater habitat; and**
 1850 d. **The project is consistent with state and Indian ((T)) tribal interests in**
 1851 **resource protection and species recovery.**

1852

- 1853 **S-632 Public or private noncommercial docks for public, individual residential or**
 1854 **community use may be authorized provided that:**
 1855 a. **Avoidance of impacts to critical saltwater habitats by an alternative**
 1856 **alignment or location is not feasible; and**
 1857 b. **The project, including any required mitigation, will result in no net loss**
 1858 **of ecological functions associated with critical saltwater habitat.**

1859

1860 **~~(b-)~~ Critical freshwater habitat**

1861 Critical freshwater habitats are equally important to saltwater areas as fish and wildlife habitat conservation
 1862 areas along shorelines of the state. Critical freshwater habitats include streams and rivers, with their associated
 1863 channel migration zones, floodplains, wetlands, and lakes. Shorelines along these freshwater habitats often have
 1864 been highly developed and are currently adversely impacted by improper stormwater, sewer, or industrial
 1865 outfalls; unmanaged clearing and grading; and stormwater runoff from buildings and parking lots. Some impacts
 1866 include altered quality and quantity of stormwater runoff, as well as destruction or alteration of vegetation.
 1867 Potential impacts from vegetation changes can include increased water temperatures and altered hydrographic
 1868 conditions. All of these changes create inhospitable conditions in water bodies for priority species and, in
 1869 addition, make them more susceptible to problems stemming from catastrophic flooding, droughts, landslides
 1870 and channel changes.

1871

1872 Some freshwater habitats, particularly rivers and floodplains, often are considered as hazardous areas that can
 1873 threaten life and property during catastrophic events, such as flooding. Development can exacerbate such
 1874 conditions.

1875

1876 As with critical saltwater habitats, comprehensive planning for the protection and restoration of critical
 1877 freshwater habitat should include state resource agencies, local and regional government entities including, but
 1878 not limited to the Port of Seattle, Sound Transit, and affected Indian tribes. To reverse the impacts from
 1879 development on critical freshwater habitats, the King County Shoreline Master Program should look for
 1880 opportunities to restore critical freshwater shorelines and protect them from further degradation. All resources
 1881 should be reviewed and considered.

1882

- 1883 **S-633 King County shall provide a high level of protection to critical freshwater habitats**
 1884 **due to the important ecological functions they provide.**

1885

- 1886 **S-634 King County should establish priorities for protection and restoration, where**
 1887 **appropriate, along unincorporated river corridors and lake shorelines.**

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1888

1889 **S-635** King County ~~((should))~~ shall regulate uses and development as necessary within
1890 and along stream channels, associated channel migration zones, wetlands, lake
1891 shorelines, ~~((and))~~ and other critical areas within the shoreline
1892 jurisdiction, to assure that no net loss of shoreline ecological processes and
1893 functions results from new development near freshwaters of the state, including
1894 associated hyporheic zones.

1895

1896 **S-636** King County shall protect ecological functions associated with critical freshwater
1897 habitat as necessary to assure no net loss from shoreline activities and
1898 associated changes.

1899

1900 **S-637** King County should facilitate authorization of appropriate restoration projects.

1901

1902 **~~((C.))~~ Frequently Flooded Areas and Channel Migration Hazard Areas**

1903 The King County ~~((2013))~~ Flood Hazard Management Plan ~~((was))~~ is adopted as a functional plan of the King
1904 County Comprehensive Plan. The Flood Plan outlines the policies, programs, and projects that King County
1905 uses to reduce the risk from flooding and channel migration. The ~~((King County 2013))~~ Flood Hazard
1906 Management Plan was reviewed for consistency with the Shoreline Management Act and determined to be
1907 consistent with it. King County maps Channel Migration Hazard Areas and applies critical areas regulations to
1908 assure that channel migration can be accommodated.

1909

1910 **S-638** The policies contained within the King County Flood Hazard Management Plan,
1911 or its successor, constitute the policies for the protection of frequently flooded
1912 areas and channel migration within shorelines. Provisions implementing these
1913 policies are included in the critical areas regulations.

1914

1915 **S-639** King County shall continue mapping channel migration zones on all of its rivers and
1916 streams within shoreline jurisdiction where channel migration zones have not already
1917 been mapped.

1918

1919 **~~((D.))~~ Shoreline Vegetation Conservation**

1920 A major intent of vegetation conservation is to protect and restore the ecological processes and functions
1921 performed by stands of vegetation along shorelines. Vegetation conservation can also be undertaken to protect
1922 human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for
1923 structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to
1924 protect particular plant and animal species and their habitats, and to enhance shoreline uses.

1925

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1926 In King County, aquatic environments, as well as their associated upland and wetland vegetated areas, provide
 1927 significant habitat for a wide variety of fish and wildlife species. Healthy environments for aquatic species are
 1928 inseparably linked with the ecological integrity of the surrounding terrestrial ecosystems. For example, nearly
 1929 continuous stretches of mature forest characterize the natural riparian conditions of the Pacific Northwest.
 1930 Riparian areas along marine shorelines provide the same or similar functions as their freshwater counterparts.
 1931 The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

- 1932 • Providing shade necessary to maintain cool water temperatures required by salmonids, spawning forage
 1933 fish, and other aquatic biota.
- 1934 • Providing external organic inputs critical for some aquatic life.
- 1935 • Providing food for various insects and other benthic macro invertebrates, which are in turn food sources
 1936 for fish, birds, and other wildlife.
- 1937 • Stabilizing banks, minimizing erosion, and reducing the occurrence of landslides. The roots of trees
 1938 and other riparian vegetation provide the bulk of this function.
- 1939 • Reducing fine sediment input into the aquatic environment through stormwater retention and vegetative
 1940 filtering.
- 1941 • Filtering and vegetative uptake of nutrients and pollutants from groundwater and storm runoff.
- 1942 • Providing a source of large woody debris for introduction into the aquatic system. Large woody debris
 1943 is a primary structural component in streams that functions as a hydraulic roughness element to
 1944 moderate flows and store sediment. Large woody debris also serves a pool-forming function, providing
 1945 critical salmonid rearing and refuge habitat. Abundant large woody debris increases aquatic diversity
 1946 and stabilizes systems.
- 1947 • Regulating microclimates in the lake and stream-riparian and intertidal corridors.
- 1948 • Providing critical wildlife habitat, including migration corridors and feeding, watering, rearing, and
 1949 refuge areas.

1950
 1951 The length, width, and species composition of a shoreline vegetation community all contribute substantively to
 1952 aquatic ecological functions. Likewise, the biological communities of the aquatic environment are essential to
 1953 ecological functions of the adjacent upland vegetation. The ability of vegetated areas to provide critical
 1954 ecological functions diminishes as the length and width of the vegetated area along shorelines is reduced. When
 1955 shoreline vegetation is removed, there is a greater risk that important ecological functions will not be provided.

1956
 1957 Sustaining different ecological functions requires varying widths, compositions, and densities of vegetation. The
 1958 importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested
 1959 shoreline settings, periodic introduction of fallen trees, especially conifers, into the stream channel is an
 1960 important attribute that is critical to natural stream channel maintenance.

1961

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1962 Vegetation conservation includes activities to protect and restore vegetation that contributes to the ecological
 1963 functions of shoreline areas along or near marine and freshwater shorelines.¹ Vegetation conservation provisions
 1964 generally include the prohibiting or limiting plant clearing and earth grading, restoring vegetation, and
 1965 controlling invasive weeds and nonnative species.

1966

1967 **S-640** King County shall adopt planning provisions to address vegetation conservation
 1968 and restoration and regulatory provisions to address conservation of vegetation,
 1969 as necessary, to assure no net loss of shoreline ecological processes and
 1970 functions, to avoid adverse impacts to soil hydrology, and to reduce the hazard
 1971 of slope failures or accelerated erosion.

1972

1973 **S-641** Vegetation conservation provisions apply to all shoreline uses and
 1974 developments, regardless of whether ((or not)) the use or development requires a
 1975 shoreline substantial development permit.

1976

1977 **S-642** Vegetation conservation standards shall not apply retroactively to existing uses
 1978 and structures, such as existing agricultural practices.

1979

1980 **S-643** King County should identify which ecological processes and functions are
 1981 important to the local aquatic and terrestrial ecology, and then conserve
 1982 sufficient vegetation to maintain these functions. Vegetation conservation areas
 1983 are not necessarily intended to be closed to use and development, but should
 1984 provide for management of vegetation in a manner adequate to assure no net
 1985 loss of shoreline ecological processes and functions.

1986

1987 **S-644** King County should adopt development regulations for ((vegetated)) riparian
 1988 areas along streams, which once supported or could in the future support mature
 1989 trees, that include buffers of sufficient width to facilitate the growth of mature
 1990 trees and periodic recruitment of woody vegetation into the water body to
 1991 ((support-vegetation-related)) provide shoreline ecological function((s)).

1992

1993 **S-645** King County should adopt mechanisms to implement the vegetation
 1994 conservation policies of this chapter. These mechanisms may include setback or
 1995 buffer requirements, clearing and grading standards, regulatory incentives,
 1996 environment designation standards, or other provisions. Selective pruning of
 1997 trees for safety and view protection may be allowed. Removal of noxious weeds
 1998 and invasive vegetation should be allowed as long as appropriate best
 1999 management practices are followed.

¹ Vegetation conservation does not include those activities covered under the Washington State Forest Practices Act, except for conversion to other uses and those other forest practice activities over which local governments have authority.

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2000 **~~((E.))~~ Water Quality, Stormwater and Non-Point Pollution**

2001 The Shoreline Master Program must protect against adverse impacts to the public health, to the land with its
2002 vegetation and wildlife, and to the waters of the state and their aquatic life. The intent of water quality,
2003 stormwater and non-point pollution policies is to provide shoreline protection by preventing adverse impacts to
2004 shoreline ecological processes and functions, aquatic habitats, and water dependent uses such as aquaculture and
2005 fishing.

2006

2007 **S-646 Shoreline Master Program water quality, stormwater, and non-point pollution**
2008 **policies apply to all development and uses in the shoreline jurisdiction that affect**
2009 **water quality.**

2010

2011 **S-647 King County should work to prevent impacts to water quality and stormwater**
2012 **quantity that would result in a net loss of shoreline ecological functions,**
2013 **degraded aesthetic qualities, loss of recreational opportunities or reduction in**
2014 **water-dependent uses, such as aquaculture and fishing.**

2015

2016 **S-648 King County should ensure mutual consistency between shoreline management**
2017 **provisions and other regulations that address water quality and stormwater**
2018 **quantity, including Public Health—Seattle & King County standards, the King**
2019 **County Surface Water Design Manual, and King County surface water**
2020 **management regulations. The regulations that are most protective of ecological**
2021 **functions shall apply.**

2022

2023 **S-649 The Shoreline Master Program shall include provisions to implement the water**
2024 **quality, stormwater, and non-point pollution policies in this chapter.**

2025

2026 **~~((F.))~~ Preparing for Climate Change**

2027 As discussed in Chapter 5 ~~((of the King County Comprehensive Plan))~~, Environment, climate change has the
2028 potential for significant impacts on shorelines and shoreline habitats. Sea((-))level rise and storm surges may
2029 place at risk infrastructure, habitat restoration projects, and other development, including residential
2030 development. King County has adopted a Sea Level Rise Risk Area and associated code requirements for
2031 properties located in areas adjoining the current coastal high hazard area on Vashon-Maury Island. The Risk
2032 Area recognizes that coastal flooding will expand inland with sea level rise, affecting areas that may not
2033 experience flooding today. These regulations will help reduce the impacts of sea level rise by ensuring that
2034 ~~((N))~~new development and ((maintenance or replacement of)) improvements to existing development ((should
2035 take into)) accounts the ((potential for harm that may)) impacts that can result from sea((-))level rise.

2036

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Attachment A to Ordinance ((18427, as amended by Ordinances 18623, 18810, 19034, 19146, and 19555)) TBD**

2037 **S-650** King County shall ensure that new projects for and major maintenance or
2038 replacement of utilities, roads, and other public infrastructure consider the
2039 impacts of sea((-))_level rise in the location, design, and operation of the projects.

2040
2041 **S-651** Habitat protection and restoration projects in the shoreline jurisdiction shall
2042 consider implications of sea((-))_level rise and other climate change impacts to
2043 promote resiliency of habitats and species.
2044

2045 **~~((VIII.))~~ Shoreline Use and Shoreline Modification**

2046 **~~((A.))~~ Shoreline Use versus Shoreline Modification**

2047 The Shoreline Management Act makes a distinction between a shoreline use and a shoreline modification. A
2048 shoreline use is an activity that is allowed within the shoreline((s)) jurisdiction. In most cases, ~~((in order))~~ to
2049 engage in an activity, the shoreline must be modified. Shoreline modifications often involve construction of a
2050 physical element, such as a dike, breakwater, dredged basin, or fill, as well as other actions such as clearing,
2051 grading, application of chemicals, or significant vegetation removal. This means that shoreline modifications are
2052 often undertaken in support of or in preparation for an activity along shorelines.

2053

2054 **~~((B.))~~ Shoreline Use**

2055 **~~((1.))~~ Generally**

2056 Land uses in King County are based on federal, state, and county policies and regulations. The baseline
2057 permitted uses are established in zoning regulations. Land uses that would be allowed in zoning may be further
2058 limited by the King County Shoreline Master Program and shoreline management regulations.

2059

2060 **S-701** King County shall give preference to uses in the shoreline that are consistent
2061 with the control of pollution and prevention of damage to the natural environment
2062 or are unique to or dependent upon the shoreline.

2063
2064 **S-702** Development within the shoreline jurisdiction shall protect the public's health,
2065 safety, and welfare, as well as the land, including its vegetation and wildlife, and
2066 protect property rights while implementing the policies of the Shoreline
2067 Management Act.

2068

2069 **S-703** Where there is a conflict between the uses permitted in the land use zone and the
2070 Shoreline Master Program for a site, the Shoreline Master Program shall control
2071 and preference shall be given first to water-dependent uses, then to water-related
2072 uses, and finally to water-enjoyment uses.

2073

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Attachment A to Ordinance ((18427, as amended by Ordinances 18623, 18810, 19034, 19146, and 19555)) TBD**

2074 **S-704** Shoreline Master Program development regulations shall ensure no net loss of
2075 shoreline ecological processes and functions.
2076

2077 **S-705** King County shall adopt use policies and development regulations to achieve
2078 consistency among and between shorelands and adjacent lands as required by
2079 Revised Code of Washington 90.58.340.
2080

2081 **~~((2.))~~ Shoreline Conditional Uses**

2082 For the purposes of the King County Shoreline Master Program, a shoreline conditional use may be appropriate
2083 ~~((in order))~~ to:

- 2084 1. Effectively address unanticipated uses that are not classified in the Shoreline Master Program;
2085 2. Address cumulative impacts; or
2086 3. Provide the opportunity to require specially tailored environmental analysis or design criteria for types
2087 of use or development that may otherwise be inconsistent with a specific designation within the
2088 Shoreline Master Program or with the Shoreline Management Act policies.
2089

2090 **S-706** The following types of uses and development should require a shoreline
2091 conditional use permit:
2092 ~~((1.))~~ **a.** Uses and development that may significantly impair or alter the public's
2093 use of the waters of the state;
2094 ~~((2.))~~ **b.** Uses and development which, by their intrinsic nature, may have a
2095 significant impact on shoreline ecological processes and functions
2096 depending on location, design, and site conditions; and
2097 ~~((3.))~~ **c.** Development in critical saltwater habitats.
2098

2099 **~~((3.))~~ Agriculture**

2100 The Shoreline Management Act defines agricultural activities as:

2101
2102 "agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural
2103 products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow
2104 in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant
2105 as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie
2106 dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject
2107 to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing
2108 agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the
2109 replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands
2110 under production or cultivation".
2111

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2112 The Shoreline Management Act prohibits shoreline master programs from requiring modification to or limiting
 2113 existing agricultural activities on agricultural lands in the shoreline jurisdiction. This limitation does not apply to
 2114 new agricultural activities.

2115
 2116 **S-707 The King County Shoreline Master Program shall not require modification of or**
 2117 **limit existing agricultural activities in the shoreline jurisdiction. Existing**
 2118 **agricultural activities in the shoreline jurisdiction shall be governed by existing**
 2119 **provisions of the King County Comprehensive Plan and the King County Code.**

2120
 2121 **S-708 New agricultural activities in the shoreline jurisdiction shall comply with the**
 2122 **critical areas regulations incorporated into the shoreline master program as they**
 2123 **apply to agricultural activities.**

2124
 2125 As required by the Growth Management Act, King County has designated agricultural lands of long-term
 2126 commercial significance. These lands have been included in Agricultural Production Districts under the King
 2127 County Comprehensive Plan. Land uses meeting the definition of “agricultural activities” also occur outside the
 2128 designated Agricultural Production Districts. The King County Shoreline Master Program encourages
 2129 agricultural uses, but they must be compatible with the shoreline designation in which they are proposed. In
 2130 addition, under the rare circumstances when land is removed from the Agricultural Production Districts, any
 2131 development occurring on that land must be consistent with the shoreline designation where it is located.

2132
 2133 **S-709 New agricultural activities within the shoreline jurisdiction and outside the**
 2134 **Agricultural Production Districts shall be consistent with the shoreline**
 2135 **designation where the land is located.**

2136
 2137 **S-710 New agricultural activities within the shoreline jurisdiction and outside the**
 2138 **Agricultural Production Districts shall be located and designed to ensure no net**
 2139 **loss of shoreline ecological processes and functions and shall not result in an**
 2140 **adverse impact on other shoreline resources and ecological values.**

2141
 2142 **S-711 Development and uses on land removed from the Agricultural Production**
 2143 **Districts shall be consistent with the shoreline designation where the land is**
 2144 **located.**

2145

2146 **((4.)) Forestry**

2147 In general, the Department of Ecology’s guidelines require local shoreline master programs to rely on the Forest
 2148 Practices Act and the rules implementing that Act and the Forest and Fish Report as adequate management of
 2149 commercial forest uses within the shoreline jurisdiction. When a property owner chooses to convert commercial
 2150 timber land to a use other than timber production, the regulations for commercial forestry no longer apply.

2151

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2152 **S-712** If land is being converted to a non-forest use through Class IV-General forest
2153 practice, the provisions of the King County Shoreline Management Program that
2154 apply to development activities governs the proposed land use.

2155

2156 Because shorelines of statewide significance require a higher level of protection, special provisions apply to
2157 forestry within shorelines of statewide significance.

2158

2159 **S-713** Within shorelines of statewide significance, selective commercial timber cutting
2160 shall be used for timber harvest within two hundred feet abutting landward of the
2161 ordinary high water mark so that no more than thirty percent of the merchantable
2162 trees may be harvested in any ~~((ten-))~~10-year period of time. Through a shoreline
2163 conditional use permit, King County may approve:

- 2164 a. Other timber harvesting methods in those limited instances where the
2165 topography, soil conditions, or silviculture practices necessary for
2166 regeneration render selective logging ecologically detrimental; and
2167 b. Clear cutting of timber that is solely incidental to the preparation of land
2168 for other uses authorized by the King County Shoreline Master Program.

2169

2170 **S-714** For forest practice conversions and other Class IV-General forest practices,
2171 where there is a likelihood of conversion to nonforest uses, King County shall
2172 ensure that there is no net loss of shoreline ecological processes and functions
2173 and that there are no significant adverse impacts to other shoreline uses,
2174 resources, and values such as navigation, recreation, and public access.

2175

2176 **~~((5.))~~ Surface Drilling for Oil and Gas**

2177 The Shoreline Management Act prohibits surface drilling in the waters of Puget Sound north to the Canadian
2178 ~~((boundary))~~ border and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands
2179 within one thousand feet landward from that line.

2180

2181 **S-715** Surface drilling for oil or gas shall be prohibited in Puget Sound seaward from
2182 the ordinary high water mark and on all lands within one thousand feet landward
2183 from the ordinary high water mark on Puget Sound.

2184

2185 **~~((6.))~~ Aquaculture**

2186 **~~((a.))~~ General Aquaculture**

2187 Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals. Aquaculture does
2188 not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery.

2189 Aquaculture is dependent on the use of the water area and, when consistent with goals for aesthetics, public
2190 access, control of pollution and prevention of damage to the environment should be allowed so long as it does

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2191 not result in a net loss of shoreline ecological processes and functions. The visual and aesthetic impacts of
2192 aquaculture should not overwhelm adjacent land uses.

2193
2194 **S-716** **Aquaculture is a water-dependent use and should be an allowed use of the**
2195 **shoreline when consistent with control of pollution and avoidance of adverse**
2196 **impacts to the environment and preservation of habitat for native species, ((()**
2197 **consistent with Washington Administrative Code 173-26-241(((3)(b))))).**

2198
2199 **S-716a** **King County shall prohibit nonnative marine finfish aquaculture.**
2200

2201 **S-717** **Potential locations for aquaculture activities are relatively restricted because of**
2202 **specific requirements related to water quality, temperature, oxygen content,**
2203 **currents, adjacent land use, wind protection, commercial navigation, and salinity.**
2204 **The technology associated with some forms of aquaculture is still experimental**
2205 **and in formative states. Therefore, when implementing development regulations**
2206 **related to aquaculture, King County should provide flexibility in its development**
2207 **regulations governing the siting of aquaculture facilities, where appropriate.**
2208 **Those regulations shall require avoidance of adverse impacts to existing uses, to**
2209 **the maximum extent practical, and no net loss in shoreline ecological functions**
2210 **and processes. If King County determines that certain types aquaculture involve**
2211 **a significant risk of net loss in shoreline ecological functions or cumulative**
2212 **adverse effects on the environment or native species and their habitats, the**
2213 **County may prohibit or condition such uses in its development regulations.**

2214
2215 **S-718** **Aquaculture activities shall be designed, located, and operated in a manner that**
2216 **supports long-term beneficial use of the shoreline and protects and maintains**
2217 **shoreline ecological processes and functions. Aquaculture permits shall not be**
2218 **approved where it would result in net loss of shoreline ecological functions; net**
2219 **loss of habitat for native species including eelgrass, kelp, and other macroalgae;**
2220 **adverse impacts to other habitat conservation areas; or interference with**
2221 **navigation or other water-dependent uses.**

2222
2223 **S-719** **Aquaculture facilities shall be designed, operated and located so as not to**
2224 **spread disease to native aquatic life, establish new nonnative species that cause**
2225 **significant ecological impacts, or substantially impact the aesthetic qualities and**
2226 **public access of the shoreline.**
2227

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- 2228 **S-720** Preference should be given to those forms of aquaculture that involve lesser
2229 environmental and visual impacts and lesser impacts to native plant and animal
2230 species. In general, projects that require no structures, submerged structures or
2231 intertidal structures are preferred over those that involve substantial floating
2232 structures. Projects that involve little or no substrate modification are preferred
2233 over those that involve substantial modification, recognizing that in some
2234 circumstances that the importation of sand or pea gravel on rocky or cobble
2235 substrates may result in more diverse habitat. Projects that involve little or no
2236 supplemental food sources, pesticides, herbicides, or antibiotic application are
2237 preferred over those that involve such practices.
- 2238
2239 **S-721** Aquaculture shall not be permitted if it involves significant risk of cumulative
2240 adverse effects on water quality, sediment quality, benthic and pelagic
2241 organisms, or wild fish populations through potential contribution of antibiotic
2242 resistant bacteria, or escapement of non-native species, or other adverse effects
2243 on native species or threatened or endangered species and their habitats.
2244
- 2245 **S-722** King County shall consider the potential beneficial impacts and the potential
2246 adverse impacts of new aquaculture development on the physical environment;
2247 on other existing and approved land and water uses, including navigation; and
2248 on the aesthetic qualities of a project area.
2249
- 2250 **S-723** Legally established aquaculture uses, including authorized experimental
2251 projects, should be protected from incompatible uses that may seek to locate
2252 nearby. King County may deny uses or developments that have a high
2253 probability of damaging or destroying a legally established existing aquaculture.
2254
- 2255 **S-724** King County should review and make permit decisions on restoration projects
2256 associated with aquaculture in a timely manner.
2257
- 2258 **S-725** Experimental aquaculture projects in water bodies should be limited in scale and
2259 should be approved for a limited period of time. Experimental aquaculture
2260 means an aquaculture activity that uses methods or technologies that are
2261 unprecedented or unproven in the State of Washington.
2262
- 2263 **S-726** King County should actively seek substantive comment regarding potential
2264 adverse impacts of any shoreline permit application for aquaculture from all
2265 appropriate Federal, State, Indian tribal, and local agencies(~~(; the Muckleshoot~~
2266 ~~Tribe, the Puyallup Tribe of Indians, the Tulalip Tribes and other tribes with treaty~~
2267 ~~fishery rights)); and the general public. Comments of nearby residents or
2268 property owners directly affected by an aquaculture proposal should be~~

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2269 considered and evaluated, especially in regard to use compatibility and
 2270 aesthetics.

2271

2272 **S-727** The rights of treaty Indian tribes to aquatic resources within their usual and
 2273 accustomed areas should be addressed through the permit review process.
 2274 Direct and early coordination between the applicant or proponent and the
 2275 relevant tribe(s) should be encouraged.

2276

2277 **S-727a** King County should ensure proper management of upland uses in the shoreline
 2278 jurisdiction to avoid degradation of water quality of existing shellfish areas,
 2279 including adoption of additional protections from impacts of geoduck
 2280 aquaculture.

2281

2282 **((b.)) Net Pens**

2283 One specific type of aquaculture is a net pen, which is a type of large cage used to farm finfish in open water.
 2284 These net pens allow for the exchange of water between the farm and the surrounding environment. In 2017, a
 2285 large commercial net pen near Cypress Island collapsed and released hundreds of thousands of nonnative salmon
 2286 into King County’s shorelines of statewide significance.

2287

2288 Following this incident, King County reviewed its net pens regulations in 2018 for potential impacts on native
 2289 species and found that commercial salmon net pen aquaculture operations generally have adverse environmental
 2290 and ecological impacts that do not appear to meet the SMA standard of ‘no net loss of ecological function.’
 2291 These adverse impacts include increased disease transmission, increased water quality impacts, competition for
 2292 food and habitat, predation on local native salmon, and genetic introgression.

2293

2294 King County's native salmon runs are among the Puget Sound region's most precious and irreplaceable natural
 2295 resources. King County, area Indian tribes, the state, the region, and the federal government have collectively
 2296 invested hundreds of millions of dollars over many years to help protect and restore native salmon species. The
 2297 impacts of net pens to native salmon outlined above would threaten years of work and millions of dollars in
 2298 investments.

2299

2300 The environmental and ecological risks associated with commercial salmon net pens may also apply to other
 2301 finfish net pens, including net pens for noncommercial native salmon and commercial native finfish, but there is
 2302 a lack of current information regarding these risks. The Department of Ecology’s Shoreline Master Program
 2303 Handbook lists only three references to guide local jurisdictions in how to regulate net pens, all of which predate
 2304 the Endangered Species Act listings of Southern Resident Puget Sound Orcas, Puget Sound Chinook salmon,
 2305 and Puget Sound steelhead as threatened. The Department of Ecology acknowledges in the handbook that
 2306 interim net pen guidelines from the 1980s are out of date and caution should be used if relying on them.

2307

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2308 In response to the Cypress Island incident, the Washington State Legislature adopted Engrossed House Bill 2957
 2309 prohibiting new or expanded leases for nonnative marine finfish aquaculture. House Bill 2957 also directed state
 2310 agencies to continue updating guidance and informational resources for planning and permitting marine net pen
 2311 aquaculture. State agencies were further directed to seek advice and assistance from the Northwest Indian
 2312 Fisheries Commission, national centers for coastal ocean science, and to invite consultation with universities and
 2313 federally recognized Indian tribes and report back to the Legislature. ~~((The applicable state agencies must report~~
 2314 ~~to the legislature in late 2019.))~~ The resulting updated guidance has been published as Publication 22-06-008 and
 2315 22-06-009 and is available on the Department of Ecology’s website.

2316
 2317 **~~((S-272b)) S-727b~~ King County shall prohibit new commercial salmon net pen aquaculture**
 2318 **operations to avoid adverse impacts on native salmon runs.**

2319
 2320 **~~((S-272e)) S-727c~~ King County shall support Indian tribal treaty fishing rights, including operation**
 2321 **of noncommercial native salmon net pens for temporary rearing and brood stock**
 2322 **recovery programs.**

2323
 2324 **S-727d King County shall review and condition the siting of net pens to ensure they**
 2325 **apply all necessary environmental and ecological protections and meet the**
 2326 **standard of no adverse impacts and no net loss of ecological function.**

2327
 2328 **S-727e King County shall revisit its policies and regulations associated with net pens,**
 2329 **including the prohibition on commercial native salmon net pens, during the next**
 2330 **statutory-required periodic review of this program. At that time, additional**
 2331 **research and guidance from the state is expected to be available.**

2332
 2333 **~~((7-)) Boating Facilities~~**

2334 Boating facilities provide the boating public recreational opportunities on waters of the state, but should be sited
 2335 carefully to assure no net loss of shoreline ecological processes and functions and to maintain the aesthetic
 2336 quality of the shoreline. For purposes of the King County Shoreline Master Program, “boating facilities” do not
 2337 include docks serving four or fewer single~~((family residences))~~ detached homes.

2338

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- 2339 **S-728** Boating facilities shall be located only at sites with suitable environmental
 2340 conditions, shoreline configuration, access, and neighboring uses, and:
 2341 a. Meet health, safety and welfare requirements;
 2342 b. Mitigate aesthetic impacts;
 2343 c. Provide public access in new marinas, unless there is a safety or
 2344 security concern;
 2345 d. Prevent the impacts to shoreline resources from boaters living on their
 2346 vessels;
 2347 e. Restrict vessels should be restricted from extended mooring on waters
 2348 of the state unless authorization is obtained from the Washington
 2349 Department of Natural Resources and impacts to navigation and public
 2350 access are mitigated;
 2351 f. Assure no net loss of shoreline ecological processes and functions or
 2352 other significant adverse impacts; and
 2353 g. Protect the rights of navigation.
 2354

~~(S.)~~ Commercial Development

2355
 2356 Some commercial uses within the shoreline jurisdiction may be required to incorporate appropriate design and
 2357 operational elements to qualify as water-related or water-enjoyment. Public access and ecological restoration are
 2358 considered appropriate mitigation for the impact to shorelines unless it is determined public access is infeasible
 2359 or inappropriate. Most commercial land in unincorporated King County is located outside the shoreline
 2360 jurisdiction.
 2361

2362 **S-729** King County shall require all commercial development on public land to provide
 2363 public access, unless the use is incompatible with public access or there are
 2364 public safety concerns.
 2365

2366 **S-730** King County shall permit non-water-oriented commercial uses in the shoreline
 2367 jurisdiction only if:
 2368 a. The non-water-oriented commercial use is limited to the minimum size
 2369 necessary for the use;
 2370 b. The use provides a significant public benefit with respect to the
 2371 Shoreline Management Act's objectives such as providing public access
 2372 and ecological restoration; and
 2373 c. The use is part of a mixed-use project that includes water-dependent
 2374 uses; or navigability is severely limited at the proposed site.
 2375

2376 **S-731** King County may allow nonwater-oriented commercial development in the
 2377 shoreline jurisdiction if the site is physically separated from the shoreline by
 2378 another property or public right-of-way.
 2379

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- 2380 **S-732** King County shall allow over-water nonwater-dependent commercial uses only in
2381 existing structures or if the use is auxiliary to and necessary to support a
2382 water-dependent use. The area of any over-water structure shall be limited to the
2383 maximum extent practical.
2384
- 2385 **S-733** King County shall prohibit commercial development that will have significant
2386 adverse impact to other shoreline uses, resources and values, such as
2387 navigation, recreation, and public access. King County shall require mitigation
2388 for all commercial development in the shoreline jurisdiction to ensure that it does
2389 not cause a net loss of shoreline ecological processes and functions.
2390
- 2391 **~~(9.)~~ Industry**
- 2392 The King County Shoreline Master Program establishes a hierarchy for industrial development within the
2393 shoreline jurisdiction. Most industrial land in King County is located within cities rather than within
2394 unincorporated King County.
2395
- 2396 **S-734** In the shoreline jurisdiction, King County shall give preference to industrial uses
2397 in the following order: first, water-dependent industrial uses; second,
2398 water-related industrial uses; and third, non-water-oriented industrial uses.
2399
- 2400 **S-735** To mitigate for the impacts of industrial development within the shoreline
2401 jurisdiction, King County should require ecological restoration and public
2402 access, unless it determines that public access is infeasible or inappropriate.
2403
- 2404 **S-736** King County shall require industrial uses located on public land in the shoreline
2405 jurisdiction to provide public access, unless the use is incompatible with public
2406 access or there are public safety concerns.
2407
- 2408 **S-737** King County should encourage Industrial development and redevelopment to be
2409 located where environmental cleanup and restoration of the shoreline can be
2410 incorporated.
2411
- 2412 **S-738** King County shall permit new nonwater-oriented industrial development in the
2413 shoreline jurisdiction only if:
- 2414 a. The use is part of a mixed-use project that includes water-dependent
2415 uses or navigability is severely limited; and
- 2416 b. The use provides a significant public benefit with respect to the
2417 Shoreline Management Act's objectives, such as providing public access
2418 and ecological restoration.
2419

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2420 **S-739** King County may allow nonwater-oriented industrial uses in the shoreline
2421 jurisdiction if the site is physically separated from the shoreline by another
2422 property or public right-of-way.
2423

2424 **~~((10.))~~ In-Water Structures**

2425 "In-water structure" means a structure placed by humans within a stream, river, or lake waterward of the
2426 ordinary high-water mark that either causes or has the potential to cause water impoundment or the diversion,
2427 obstruction, or modification of water flow. In-water structures may include those for hydroelectric generation,
2428 irrigation, water supply, flood control, transportation, utility service transmission, fish collection weir, or other
2429 purposes.
2430

2431 **S-740** In-water structures shall provide for the protection and preservation of shoreline
2432 ecological processes and functions, and cultural resources, including, but not
2433 limited to, fish and fish passage, wildlife and water resources, shoreline critical
2434 areas, hydro-geological processes, and natural scenic vistas.
2435

2436 **S-741** The location and planning of in-water structures shall give due consideration to
2437 the full range of public interests and shoreline ecological processes and
2438 functions, with special emphasis on protecting and restoring habitat for
2439 threatened or endangered species.
2440

2441 **~~((11.))~~ Mining**

2442 King County has identified and designated land that is appropriate for the removal of sand, gravel, soil, minerals
2443 and other extractable resources. In King County, gravel removal was a common method of flood control in the
2444 first half of the 20th century. However, mining within shorelines can have significant impacts, particularly to
2445 habitat for threatened and endangered aquatic and riparian species.
2446

2447 **S-742** Mining may be allowed within the shoreline jurisdiction if it is:
2448 a. Consistent with the environment designation policies of the King County
2449 Shoreline Master Program and provisions of the Shoreline Management
2450 Act; and
2451 b. Located within mineral resource lands designated by the King County
2452 Comprehensive Plan.

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2454 **S-743**

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2465 **S-744**

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2469 **S-745**

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2473 **S-746**

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2492

New mining and associated activities shall be designed and conducted to comply with the regulations of the environment designation where the activity occurs and the provisions applicable to critical areas where relevant. Accordingly, meeting the standard of no net loss of ecological function shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate, however, to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site. Preference shall be given to mining proposals that result in the restoration, creation, or enhancement of habitat for threatened or endangered species.

The King County Shoreline Master Program provisions and permit requirements for mining should be coordinated with the requirements of Chapter 78.44 Revised Code of Washington (~~Chapter 78.44~~).

The proposed subsequent use of mined property shall be consistent with the provisions of the shoreline environment designation in which the property is located.

King County shall permit mining within the active channel of a river only as follows:

- a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;
- b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for threatened or endangered species nor cause a net loss of shoreline ecological processes and functions;
- c. The determinations required by items ~~((1))~~ a. and ~~((2))~~ b. of this policy shall be consistent with Revised Code of Washington 90.58.100~~((1))~~ and Washington Administrative Code 173-26-201~~((2))~~(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of the State Environmental Policy Act and the Department of Ecology guidelines;
- d. In considering renewal, extension, or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, King County shall require compliance with this policy if no such review has previously been conducted. Where there has been prior review, King County shall review the previous

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2493 determinations ~~((in order))~~ to ensure that current site conditions comply
 2494 with the Program; and
 2495 e. These requirements do not apply to dredging of authorized navigation
 2496 channels when conducted in accordance with Washington
 2497 Administrative Code 173-26-231~~((3)(f))~~.

2498
 2499 **S-747 King County shall require a shoreline conditional use permit for mining activity**
 2500 **within a severe channel migration hazard zone located within the shoreline**
 2501 **jurisdiction.**

2502

2503 **~~((12.))~~ Recreational Development**

2504 Recreational development includes uses and activities designed to allow public enjoyment and use of the water
 2505 and shoreline. King County recreational planning provides for parks, trails, open space, and opportunities for
 2506 both active and passive recreational use in King County.

2507

2508 **S-748 Recreational development is allowed in the shoreline jurisdiction and ~~((must))~~**
 2509 **shall be consistent with the shoreline environment designation in which the**
 2510 **property is located.**

2511

2512 **S-749 King County shall plan to provide public recreational uses on ~~((e))~~ County-owned**
 2513 **shoreline, consistent with the goals of this chapter.**

2514

2515 **~~((13.))~~ Residential Development**

2516 The Shoreline Management Act recognizes single ~~((family))~~ detached residential development as a priority use
 2517 within shorelines of the state. The term “residential development” also includes attached and multifamily
 2518 dwelling units as well as subdivision of shoreline land into new residential lots. In King County, single detached
 2519 dwelling units are the most common shoreline development. Residential development is often fairly high density
 2520 to maximize water frontage. Care must be taken to assure that shoreline residential development and the related
 2521 impacts from shoreline armoring, stormwater runoff, on-site sewage disposal systems, introduction of pollutants,
 2522 and vegetation modification and removal do not result in significant damage to the shoreline.

2523

2524 **S-750 Single ~~((family))~~ detached residential development is a priority use in the**
 2525 **shoreline jurisdiction in King County.**

2526

2527 **S-751 King County shall require a conditional use permit for construction or expansion**
 2528 **of a single~~((family residence))~~ detached home that is located within an aquatic**
 2529 **area buffer in the Forestry or Natural Shoreline Environment.**

2530

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- 2531 ~~((S-752~~ ~~Shoreline residential development, including accessory structures and uses,~~
 2532 ~~should be sufficiently set back from steep slopes and shorelines vulnerable to~~
 2533 ~~erosion so that structural improvements, including bluff walls and other~~
 2534 ~~stabilization structures, are not required to protect these structures and uses.))~~
- 2535 **S-753** New over-water residences, including floating homes, are not a preferred use and
 2536 shall be prohibited in the shoreline jurisdiction. Existing communities of floating
 2537 or over-water homes should be reasonably accommodated to allow
 2538 improvements associated with life-safety matters and to ensure protection of
 2539 private property rights. King County shall limit the expansion of existing floating
 2540 homes, including over-water and underwater footprint, and over-water
 2541 communities to the minimum necessary to ensure consistency with
 2542 constitutional and other legal limitations that protect private property.
 2543
 2544
- 2545 **S-754** King County should require multifamily residential development and
 2546 subdivisions within the shoreline jurisdiction creating more than four lots to
 2547 provide public access.
 2548
- 2549 **S-755** King County shall require subdivisions and short subdivisions to:
 2550 a. Be designed, configured and developed in a manner that ensures no net
 2551 loss of shoreline ecological processes and functions at full build-out of
 2552 all lots;
 2553 b. Prevent the need for new shoreline stabilization or flood risk reduction
 2554 measures that would cause significant impacts to other properties or
 2555 public improvements, a net loss of shoreline ecological processes and
 2556 functions, or interfere with channel migration; and
 2557 c. Implement the provisions and policies for shoreline designations and the
 2558 general policy goals of this chapter.
 2559

2560 **((14.)) Transportation and Parking**

2561 Providing for transportation and parking is necessary to support water-dependent uses, to support the regional
 2562 economy, and for access to privately owned property. However, transportation facilities should be located and
 2563 designed to have the least impact on the ecological processes and functions of the shoreline. Transportation
 2564 planning in shorelines should not be focused totally on ~~((automobiles))~~ vehicles, but should consider a wide
 2565 range of options, including buses, light rail, commuter rail, bicycle, equestrian, and pedestrian facilities.
 2566 Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.

- 2567
- 2568 **S-756** King County shall require transportation and parking plans and projects located
 2569 in the shoreline jurisdiction to be consistent with the public access policies in
 2570 this chapter and environmental protection provisions.
 2571

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- 2572 **S-757** Where appropriate, circulation system planning in the shoreline jurisdiction shall
 2573 include systems for pedestrian, bicycle and public transportation and combining
 2574 transportation uses to minimize the footprint of transportation facilities.
 2575 Circulation planning and projects should support existing and proposed
 2576 shoreline uses that are consistent with the King County Shoreline Master
 2577 Program.
- 2578
- 2579 **S-758** Transportation and parking facilities located in the shoreline jurisdiction shall be
 2580 planned, located and designed to have the least possible adverse impact on
 2581 unique or fragile shoreline features, not result in a net loss of shoreline
 2582 ecological processes and functions or adversely impact existing or planned
 2583 water-dependent uses. Where other options are available and feasible, new
 2584 transportation facilities or transportation facility expansions should not be
 2585 constructed within the shoreline jurisdiction.
 2586
- 2587 **S-759** Parking facilities in the shoreline jurisdiction are not a preferred use. King
 2588 County shall allow parking facilities in the shoreline jurisdiction only when
 2589 necessary to support an authorized use and when an alternatives analysis shows
 2590 there are no feasible alternatives outside of the 200-foot shoreline jurisdiction.
 2591 Parking facilities in the shoreline jurisdiction shall use ((L))low ((I))impact
 2592 ((D))designs, such as porous concrete and vegetated swales, and be planned,
 2593 located and designed to minimize the environmental and visual impacts.
 2594
- 2595 **~~((15.))~~ Utilities**
- 2596 Utilities include services and facilities that produce, convey, store, or process power, gas, water, sewage,
 2597 stormwater, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one
 2598 primary use are considered “accessory utilities” and are considered part of the primary use.
 2599
- 2600 **S-760** Utility facilities shall be designed and located to assure no net loss of shoreline
 2601 ecological processes and functions, preserve the natural landscape, and
 2602 minimize conflicts with present and planned land and shoreline uses, while
 2603 meeting the needs of future populations in areas planned to accommodate
 2604 growth.
 2605
- 2606 **S-761** King County shall allow modification of existing utility facilities and the location
 2607 of new water-oriented portions of utility facilities in the shoreline jurisdiction
 2608 provided that a mitigation sequence is applied (see policy S-616) and there is no
 2609 net loss of shoreline ecological processes and functions. To the maximum extent
 2610 practical, those parts of utility production and processing facilities that are not

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- 2611 water-oriented, such as power plants and sewage treatment plants, shall be
 2612 located outside of the shoreline jurisdiction.
 2613
 2614 **S-762** Transmission facilities for the conveyance of services, such as power lines,
 2615 cables, and pipelines, shall be located outside of the shoreline jurisdiction where
 2616 feasible. Transmission facilities located within the shoreline jurisdiction shall
 2617 assure no net loss of shoreline ecological processes and functions.
 2618
 2619 **S-763** Utilities should be located in existing developed rights-of-way and corridors to
 2620 the maximum extent practical.
 2621
 2622 **S-764** Unless no other feasible alternative location exists, King County should
 2623 discourage:
 2624 a. Locating pipelines and cables in water, on tidelands or roughly parallel
 2625 to the shoreline; and
 2626 b. The development of facilities that may require periodic maintenance that
 2627 disrupts shoreline ecological processes and functions.
 2628
 2629 King County shall ensure that any utility facilities that are allowed do not result in
 2630 a net loss of shoreline ecological processes and functions or significant adverse
 2631 impacts to other shoreline resources and values.
 2632

2633 **~~(C.)~~ Shoreline Modifications**

2634 **~~(L.)~~ General Policies Governing Shoreline Modifications**

2635 A shoreline modification is construction of a physical element, such as a dike, breakwater, dredged basin, or fill,
 2636 as well as other actions such as clearing, grading, application of chemicals, or significant vegetation removal to
 2637 support or prepare for a shoreline use. These activities should be directly related to a legal shoreline use and
 2638 should not be conducted for other purposes.
 2639

2640 **S-765** King County should allow structural shoreline modifications only when
 2641 necessary to support or protect a legally established structure or a legally
 2642 existing shoreline use that is in danger of loss or substantial damage, or when a
 2643 modification is necessary for reconfiguration of the shoreline for mitigation or
 2644 enhancement purposes.
 2645

2646 **S-766** ~~((In order to))~~ Io reduce the adverse effects of shoreline modifications, King
 2647 County should limit shoreline modifications in number and extent to the
 2648 maximum extent practicable.
 2649

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2650 **S-767** King County shall only allow shoreline modifications that are appropriate to the
2651 specific type of shoreline and environmental conditions for which they are
2652 proposed.

2653
2654 **S-768** King County shall ensure that shoreline modifications individually and
2655 cumulatively do not result in a net loss of shoreline ecological processes and
2656 functions. ~~((In order to))~~To achieve this goal, King County shall give preference to
2657 those types of shoreline modifications that have a lesser impact on the shoreline
2658 and by requiring mitigation of identified impacts resulting from shoreline
2659 modifications.

2660
2661 **S-769** Where applicable, King County shall develop regulations and impose conditions
2662 based on scientific and technical information and a comprehensive analysis of
2663 shoreline conditions for drift cells for marine waters or reaches for lakes and
2664 river and stream systems.

2665
2666 **S-770** King County should plan for the enhancement of impaired shoreline ecological
2667 processes and functions where feasible and appropriate, while accommodating
2668 permitted uses. To the maximum extent practical, King County should
2669 incorporate appropriate measures to protect shoreline ecological processes and
2670 functions from the impacts of shoreline modifications.

2671

2672 **((2.)) Shoreline Stabilization**

2673 Shorelines are impacted by wind and wave action, currents, tides, and flood waters, resulting in erosion of banks
2674 and shifts in channels. These impacts are natural processes that support shoreline ecological processes and
2675 functions, but they also impact human use of shorelines.

2676

2677 These natural processes are likely to be affected by climate change. Lowland rivers may see higher flows in the
2678 autumn and winter and mid-elevation rivers may see higher winter flows. In both cases, these changes could
2679 lead to more frequent flooding. The marine shorelines around Vashon-Maury Island and the Duwamish Estuary
2680 may also see effects due to sea(-)level rise. Increased sea elevations will make development and infrastructure
2681 in low-lying areas more susceptible to flooding due to high tides and storms. Waves will encroach further onto
2682 low-lying beaches and cause greater beach erosion, threatening or damaging low-lying structures. At the same
2683 time steep slopes may receive increased moisture due to predicted changes in precipitation patterns, potentially
2684 resulting in an increase in landslides that may cause property destruction and threaten human safety.

2685

2686 Humans have long desired to "control" these natural processes by constructing shoreline stabilization structures.
2687 The negative side of structural solutions includes the high cost of construction, long-term cost of maintenance
2688 and repair, the false sense of security for humans relying on these structures, and the high impact to the shoreline

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2689 environment. These negative impacts are likely to increase as the effects of climate change become more
2690 apparent. These impacts include:

- 2691 1. Beach starvation where sediment is prevented from supplying the beach, thus impeding a
2692 dynamic process.
- 2693 2. Habitat degradation, particularly through removal of shoreline vegetation.
- 2694 3. Sediment impoundment where the sources of sediment are lost and longshore transport is
2695 diminished, resulting in lowering of down-drift beaches, narrowing of the high tide beach, and
2696 the coarsening of beach sediment.
- 2697 4. Exacerbation of erosion as wave energy is reflected back from hard surfaces onto the beach,
2698 increasing erosion.
- 2699 5. Groundwater impacts that can lead to a rise of the water table on the landward side of an
2700 erosion control structure, which results in increased pore pressures in the beach material and
2701 accelerated erosion of sand-sized material from the beach.
- 2702 6. Hydraulic impacts where wave energy is reflected back onto the beach, resulting in scour
2703 lowering the beach elevation, or coarsening the beach, resulting in failure of the structure.
- 2704 7. Loss of shoreline vegetation and the loss of erosion control that the vegetation provided, as
2705 well as loss of the habitat function provided by vegetation.
- 2706 8. Loss of large woody debris, which plays an important role in biological diversity and habitat as
2707 well as stabilizing the shoreline.
- 2708 9. Restriction of channel movement and creation of side channels, impacting recruitment of large
2709 woody debris and gravel for spawning.

2710
2711 As alternatives to constructing a hard-surfaced structural facility, nonstructural methods that have lesser impacts
2712 on shoreline ecological processes and functions are available. These nonstructural methods may also allow for
2713 adaptation to the effects of climate change. For example, if buildings are constructed further away from the
2714 existing water edge, beyond the range of sea((-))_level rise, shoreline protection would be unnecessary. For most
2715 projects, a range of options is available. These include “soft” measures, such as revegetation to stabilize banks,
2716 which provide a variety of other ecological processes and functions, and "hard" measures, such as bulkheads,
2717 which often detract from or provide only limited ecological function. Shoreline stabilization options include, but
2718 are not limited to:

- 2719 1. Vegetation enhancement;
- 2720 2. Upland drainage control;
- 2721 3. Biotechnical measures;
- 2722 4. Beach enhancement;

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- 2723 5. Anchor trees;
- 2724 6. Gravel placement;
- 2725 7. Rock revetments;
- 2726 8. Gabions;
- 2727 9. Concrete groins;
- 2728 10. Retaining walls and bluff walls;
- 2729 11. Bulkheads; and
- 2730 12. Seawalls.

2731

2732 **S-771 King County shall require shoreline stabilization to be consistent with**
 2733 **Washington Administrative Code 173-26-221((5)) for vegetation retention and**
 2734 **((Washington Administrative Code 173-26-221(2) for)) protection of critical areas.**

2735

2736 **S-772 King County shall adopt standards to first avoid then mitigate the impact to**
 2737 **shoreline ecological processes and functions when alteration of the shoreline is**
 2738 **allowed for the construction of single detached dwelling units and accessory**
 2739 **structures. These standards shall address the design and type of protective**
 2740 **measures and devices that are allowed.**

2741

2742 When structural shoreline stabilization is proposed to protect existing development, the following measures
 2743 apply:

2744

2745 **S-773 King County may allow construction of new or replaced structural shoreline**
 2746 **stabilization and flood control works to protect an existing structure if King**
 2747 **County determines there is a documented need, including a geotechnical**
 2748 **analysis that the structure is in danger from shoreline erosion caused by tidal**
 2749 **action, currents, or waves.**

2750

2751 When new development occurs within the shoreline jurisdiction, the following measures apply:

2752

2753 **S-774 Shoreline stabilization shall be allowed only when:**
 2754 **a. Necessary to protect existing primary structures at imminent risk;**
 2755 **b. No lower-impact alternative exists, including relocation or reconstruction**
 2756 **of the structure;**
 2757 **c. When impacts are mitigated to ensure no net loss of shoreline ecological**
 2758 **processes and functions; and**
 2759 **d. Stabilization measures are in conformance with Washington**
 2760 **Administrative Code 173-26-231.**

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2761

2762 **S-774a** King County shall require:2763 a. ~~((n))~~ New shoreline development to be located and designed, as well as2764 the creation of new subdivisions and short subdivisions, to avoid the2765 need for future structural slope or shoreline stabilization ((to the2766 maximum extent practicable)); and2767 b. New development to be set back from steep or eroding slopes so that2768 structural slope or shoreline stabilization is not needed for the life of the2769 development.

2770

2771 ~~((S-775~~ King County shall require that lots in new subdivisions and short subdivisions to2772 ~~be created so that shoreline stabilization will not be necessary in order for~~2773 ~~reasonable development to occur, using geotechnical analysis of the site and~~2774 ~~shoreline characteristics.~~

2775

2776 ~~S-776~~ King County shall require new development on steep slopes or bluffs to be set2777 ~~back sufficiently to ensure that shoreline stabilization is unlikely to be necessary~~2778 ~~during the life of the structure, as demonstrated by a geotechnical analysis.))~~

2779

2780 **S-777** King County shall not allow new development that requires shoreline

2781 stabilization that will cause significant adverse impacts to adjacent or

2782 down-current properties and shoreline areas.

2783

2784 ~~((S-778~~ King County should notify all prospective developers of new development along2785 ~~Vashon-Maury Island that their development may be impacted by sea-level rise~~2786 ~~and should encourage all such new development to be set back a sufficient~~2787 ~~distance to avoid the need for shoreline protection during the expected life of the~~2788 ~~development.))~~

2789

2790 New “hard” structural stabilization measures should be used as a last resort after exploring and evaluating other
2791 soft measures.

2792

2793 **S-779** King County shall require the use of soft methods of shoreline stabilization to the2794 maximum extent practicable. King County shall allow new and replacement hard

2795 structural stabilization measures only as follows:

2796 a. To protect existing nonwater-dependent development and structures,

2797 including single~~((family residences))~~ detached homes, if:2798 1. The erosion is not the result of upland conditions, such as the
2799 loss of vegetation and drainage;2800 2. Nonstructural measures, such as locating the development
2801 further from the shoreline, planting vegetation, or installing

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- 2802 on-site drainage improvements, are not feasible or not
 2803 sufficient;
- 2804 3. The need to protect primary structures from imminent risk of
 2805 damage due to erosion is demonstrated through a geotechnical
 2806 report submitted by a qualified specialist. The damage must be
 2807 caused by natural processes, such as tidal action, currents, and
 2808 waves; and
- 2809 4. Mitigation is provided such that the erosion control structure
 2810 will not result in a net loss of shoreline ecological processes
 2811 and functions.
- 2812 b. To protect water-dependent development if:
- 2813 1. The erosion is not the result of upland conditions, such as the
 2814 loss of vegetation and drainage;
- 2815 2. Nonstructural measures, planting vegetation or installing on-site
 2816 drainage improvements are not feasible or not sufficient;
- 2817 3. The need to protect primary structures from damage due to
 2818 erosion is demonstrated through a geotechnical report
 2819 submitted by a qualified specialist; and
- 2820 4. The erosion control structure will not result in a net loss of
 2821 shoreline ecological processes and functions.
- 2822 c. To protect shoreline restoration projects or hazardous substance
 2823 remediation projects pursuant to Chapter 70A.305 Revised Code of
 2824 Washington (~~Chapter 70.105D~~) if:
- 2825 1. Nonstructural measures, planting vegetation or installing on-site
 2826 drainage improvements are not feasible or not sufficient; and
- 2827 2. The erosion control structure will not result in a net loss of
 2828 shoreline ecological processes and functions.
- 2829

2830 The King County shoreline jurisdiction includes a large number of shoreline stabilization structures, many of
 2831 which were constructed years ago with little or no consideration of the impact on shoreline ecological processes
 2832 and functions.

2833

2834 **S-780** An existing shoreline stabilization structure may be replaced (~~with a similar~~
 2835 structure if), provided that the least impactful stabilization measure is used and
 2836 there is a demonstrated need to protect principal uses or structures from erosion
 2837 caused by currents, tidal action, or waves.

2838

2839 **S-781** King County shall require replaced shoreline protection structures to be
 2840 designed, located, sized, and constructed to assure no net loss of shoreline
 2841 ecological processes and functions.

2842

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- 2843 **S-782** Replacement walls or bulkheads to protect a residence shall not encroach
2844 waterward as measured at an elevation of two-feet above the current ordinary
2845 high-water mark, unless:
- 2846 a. The residence was occupied prior to January 1, 1972;
2847 b. There are overriding safety or environmental concerns; and
2848 c. The replacement structure shall abut the existing shoreline stabilization
2849 structure and be located on the landward side of the existing structure.
2850
- 2851 **S-783** If a net loss of ecological processes and functions associated with critical
2852 saltwater habitats will result from leaving an existing shoreline protection
2853 structure that is proposed for replacement, King County shall require the
2854 structure to be removed as part of the replacement measure.
2855
- 2856 **S-784** King County shall ~~((encourage))~~ require the use soft shoreline stabilization
2857 measures that use placement or growth of natural materials that closely
2858 resemble natural scales and configurations, or other soft stabilization measures
2859 where appropriate, and that provide restoration of shoreline ecological
2860 processes and functions waterward of the ordinary high-water mark.
2861
- 2862 **S-785** King County should encourage replaced structural shoreline stabilization located
2863 on Vashon-Maury Island to be relocated outside of the coastal high hazard area
2864 (also known as the coastal 100-year floodplain) whenever possible.
2865
- 2866 King County should make decisions on shoreline stabilization measures based on technical studies and reports
2867 that objectively analyze the current conditions and the impact of the proposed stabilization measure. A
2868 geotechnical report addressing geologic and habitat conditions developed by a qualified geologist or geotechnical
2869 engineer and habitat specialist should be a requirement of a development proposal application that includes
2870 shoreline stabilization as part of the development.
2871
- 2872 **S-786** ~~((When shoreline stabilization is proposed, King County shall require a
2873 geotechnical report to address the need to prevent potential damage to a primary
2874 structure. The report shall estimate time frames and rates of erosion and the
2875 urgency associated with the specific situation. King County should not allow
2876 hard armoring solutions, unless a geotechnical report confirms that there is a
2877 significant possibility that the structure will be damaged within three years as a
2878 result of shoreline erosion in the absence of such hard armoring measures, or
2879 where waiting until the need is immediate would foreclose the opportunity to use
2880 measures that avoid impacts on shoreline ecological processes and functions. If
2881 the geotechnical report confirms a need to prevent potential damage to a primary
2882 structure, but the need is not as immediate as the three years, the report may still
2883 be used to justify more immediate authorization to protect against erosion using~~

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2884 **soft measures.)) When shoreline stabilization is proposed, King County shall**
 2885 **ensure that the stabilization method used is the least ecologically impactful,**
 2886 **technically feasible option.**

2887

2888 The construction of shoreline stabilization measures results in impacts to the ecological processes and functions
 2889 of the shoreline. The following measures should be considered to mitigate the impacts of shoreline stabilization
 2890 projects.

2891

2892 **S-788 If structural shoreline stabilization measures are demonstrated to be necessary,**
 2893 **King County shall:**
 2894 **((1-)) a. Limit the size of stabilization measures to the minimum necessary;**
 2895 **((2-)) b. Require the use of measures designed to assure no net loss of shoreline**
 2896 **ecological processes and functions; and**
 2897 **((3-)) c. Require the use of soft approaches, unless they are demonstrated not to**
 2898 **be sufficient to protect primary structures, dwellings, and businesses.**

2899

2900 **S-789 King County shall ensure that publicly financed or subsidized shoreline erosion**
 2901 **control measures do not restrict appropriate public access to the shoreline,**
 2902 **except where such access is determined to be infeasible because of**
 2903 **incompatible uses, safety, security, or harm to shoreline ecological processes**
 2904 **and functions. Where feasible, King County shall require ecological restoration**
 2905 **and public access improvements to be incorporated into the project.**

2906

2907 **S-790 King County shall discourage new development and redevelopment on feeder**
 2908 **bluffs. Where a legal building lot exists and the landowner has no option to**
 2909 **locate new development or redevelopment away from feeder bluffs and other**
 2910 **areas that affect beach sediment-producing areas, King County shall require that**
 2911 **they avoid, to the maximum extent practicable, and then minimize the adverse**
 2912 **impacts to sediment conveyance systems from erosion control measures.**

2913

2914 **S-791 King County should prioritize feeder bluffs as areas for protection using**
 2915 **acquisition, easement, transfer of development rights and other programs that**
 2916 **eliminate or reduce development threats.**

2917

2918 Erosion is the breakdown of soil, mud, rock, and other particles by the agents of wind, water, or ice or by living
 2919 organisms. These materials are moved downward or down-slope in response to gravity. Upland conditions may
 2920 contribute to this on-going natural physical process and may impact the ability of people to use the shoreline.

2921 Mass wasting is the geomorphic process by which soil, mud, rock, and other particles move downslope under the
 2922 force of gravity. Types of mass wasting include creep, slides, flows, topples, and falls, each with its own
 2923 characteristic features. Mass wasting may occur at a very slow rate, particularly in areas that are very dry or
 2924 those areas that receive sufficient rainfall such that vegetation has stabilized the surface. It may also occur at

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2925 very high speed, such as in rock slides or landslides, with disastrous consequences. The desire to protect
2926 shoreline development from these impacts leads to proposals for shoreline stabilization.

2927

2928 **S-792 The impacts of erosion and mass wasting should be mitigated through protection**
2929 **of geological hazardous areas.**

2930

2931 **((3.)) Piers and Docks**

2932 Piers and docks are some of the most commonly requested modifications to the shorelines. Because they extend
2933 over the water, piers and docks can have a significant impact on the shoreline ecological processes and functions.
2934 Careful consideration should be given to the construction of new piers and docks, and how they are constructed
2935 ~~((in order))~~ to minimize their impacts.

2936

2937 **S-793 King County shall allow new piers and docks only for water-dependent uses or**
2938 **public access. If it is designed and intended as a facility for access to watercraft,**
2939 **a dock associated with a single~~((family residence))~~ detached home is considered**
2940 **a water-dependent use. As an alternative to individual private moorage for**
2941 **residential development: mooring buoys are preferred over floats or docks and**
2942 **shared moorage facilities are preferred over single use moorage, where feasible**
2943 **or where water use conflicts exist or are predictable.**

2944

2945 **S-794 King County shall require pier and dock construction to be limited to the**
2946 **minimum size necessary to meet the needs of the proposed water-dependent**
2947 **use.**

2948

2949 **S-795 King County may allow water-related and water-enjoyment uses as part of a**
2950 **shoreline mixed-use development on over-water structures where they are**
2951 **clearly auxiliary to and in support of water-dependent uses, provided the**
2952 **minimum size requirement needed to meet the water-dependent use is not**
2953 **violated.**

2954

2955 **S-796 King County shall allow new pier or dock construction, excluding docks**
2956 **accessory to single~~((family residences))~~ single detached homes, only when the**
2957 **applicant has demonstrated that a specific need exists to support the intended**
2958 **water-dependent uses.**

2959

2960 **S-797 If new piers or docks are allowed, King County shall require new residential**
2961 **development of two or more dwelling units, subdivisions and short subdivisions**
2962 **to provide joint use or community dock facilities, when feasible, rather than**
2963 **individual docks for each dwelling unit or lot. King County shall allow only one**
2964 **pier or dock associated with residential development on a parcel.**

2965

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2966 **S-798** King County shall require piers and docks, including those accessory to
 2967 single(~~(-family residences))~~ detached homes, to be designed and constructed to
 2968 avoid and then minimize and mitigate the impacts to shoreline ecological
 2969 processes and functions. King County shall (~~require piers and docks to be~~
 2970 ~~constructed of non-toxic materials. Where toxic materials, such as treated wood,~~
 2971 ~~are proposed, the proponent must show that no non-toxic alternative exists~~)
 2972 prohibit the use of creosote or pentachlorophenol pilings.
 2973

2974 **((4.)) Fill**

2975 Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structures, or other material to an
 2976 area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the
 2977 elevation or creates dry land. Fill is not permitted within the 100-year floodplain without providing
 2978 compensatory flood storage to prevent a rise in the base flood, which is a flood having a one percent chance of
 2979 being equaled or exceeded in any given year, often referred to as the "100-year flood." Fill can impact shoreline
 2980 ecological processes and functions, including channel migration.
 2981

2982 **S-799** King County shall require fill to be located, designed, and constructed to protect
 2983 shoreline ecological processes and functions and ecosystem-wide processes,
 2984 including channel migration and side channels.
 2985

2986 **S-800** King County shall allow fill waterward of the ordinary high-water mark only when
 2987 necessary to support:
 2988 ~~((1.))~~ **a.** Water-dependent use;
 2989 ~~((2.))~~ **b.** Public access;
 2990 ~~((3.))~~ **c.** Cleanup and disposal of contaminated sediments as part of an
 2991 interagency environmental clean-up plan;
 2992 ~~((4.))~~ **d.** Disposal of dredged material considered suitable under, and conducted
 2993 in accordance with, the dredged material management program of the
 2994 Washington Department of Natural Resources;
 2995 ~~((5.))~~ **e.** Expansion or alteration of transportation facilities of statewide
 2996 significance currently located on the shoreline and then only upon a
 2997 demonstration that alternatives to fill are not feasible; ~~((or))~~
 2998 ~~((6.))~~ **f.** Mitigation actions, environmental restoration, beach nourishment,
 2999 enhancement projects; or
 3000 ~~((7.))~~ **g.** Flood risk reduction projects implemented consistent with the goals,
 3001 policies and objectives of the King County Flood Hazard Management
 3002 Plan where no reasonable alternative exists.
 3003

3004 **S-801** King County shall require a shoreline conditional use permit for fill waterward of
 3005 the ordinary high-water mark for any use, except for projects for ecological

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3006 restoration or for the maintenance, repair or replacement of flood protection
3007 facilities.
3008

3009 **~~((5.))~~ Breakwaters, Jetties, Groins and Weirs**

3010 Breakwaters, jetties, groins, and weirs are all structural elements that are constructed to absorb or deflect wave
3011 action or to control excess sediment. A breakwater is an off-shore structure, either floating or not, which may or
3012 may not be connected to the shore and is designed to absorb and reflect back into the water body the energy of
3013 the waves. A jetty is an artificial barrier used to change the natural littoral drift to protect inlet entrances from
3014 clogging by transported sediment. A groin is a barrier-type structure extending from the backshore into the water
3015 across the beach, which is constructed to interrupt sediment movement along the shore. A weir is a small dam in
3016 a stream or river to control the flow of water. Although each of these structural elements may sometimes be
3017 appropriate, they should be allowed only under limited circumstances.
3018

3019 **S-802 King County shall allow breakwaters, jetties, and weirs located waterward of the**
3020 **ordinary high-water mark only where necessary to support water-dependent**
3021 **uses, public access, shoreline stabilization, or other specific public purpose.**
3022

3023 **S-803 Groins are prohibited except as a component of a publicly-sponsored project to**
3024 **protect or restore shoreline ecological processes and functions.**
3025

3026 **S-804 King County shall require a shoreline conditional use permit for the construction**
3027 **of breakwaters, jetties, groins, weirs, and similar structures, except for those**
3028 **structures installed to protect or restore shoreline ecological processes and**
3029 **functions, such as woody debris installed in streams.**
3030

3031 **S-805 Breakwaters, jetties, groins, and weirs shall be designed to protect critical areas**
3032 **and shall provide for mitigation according to the sequence in policy S-616 and**
3033 **defined in Washington Administrative Code 173-26-201 ~~((2)(e))~~.**
3034

3035 **~~((6.))~~ Beach and Dunes Management**

3036 Washington's beaches and their associated dunes lie along the Pacific Ocean coast between Point Grenville and
3037 Cape Disappointment and, as shorelines of statewide significance, are mandated to be managed from a statewide
3038 perspective by the Shoreline Management Act. There are no beaches and associated dunes in King County.
3039

3040 **~~((7.))~~ Dredging and Dredge Material Disposal**

3041 Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or
3042 other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term
3043 maintenance and support activities are also considered dredging. Dredging can cause significant ecological

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3044 damage, which cannot always be avoided. Mitigation measures should be required to assure no net loss of
3045 shoreline ecological processes and functions.

3046

3047 King County has a channel monitoring program for King County rivers, which can be used to inform decisions
3048 on dredging activities. While only certain reaches of these rivers have been surveyed, King County recognizes
3049 the need to continue and enhance the channel monitoring program. In addition, King County should avoid
3050 development of shorelines that would require new or maintenance dredging.

3051

3052 **S-806** King County shall require that new development should be sited and designed to
3053 avoid, to the maximum extent practical, and then to minimize the need for new or
3054 maintenance dredging.

3055

3056 **S-807** King County shall allow dredging for the purpose of establishing, expanding, or
3057 relocating or reconfiguring navigation channels and basins when necessary to
3058 assure safe and efficient accommodation of existing navigational uses.
3059 Significant adverse ecological impacts shall be minimized and mitigation shall be
3060 provided to ensure that there is no net loss of shoreline ecological processes
3061 and functions. Maintenance dredging of established navigation channels and
3062 basins should be restricted to maintaining previously dredged or existing
3063 authorized location, depth, and width.

3064

3065 **S-808** King County shall not allow dredging waterward of the ordinary high-water mark
3066 for the primary purpose of obtaining fill material, except when the material is
3067 necessary for the restoration of shoreline ecological processes and functions.
3068 When allowed, the site where the fill is to be placed shall be located waterward of
3069 the ordinary high-water mark. The project must be either associated with a
3070 habitat restoration project under the Model Toxics Control Act or the
3071 Comprehensive Environmental Response, Compensation, and Liability Act, or, if
3072 approved through a shoreline conditional use permit, any other significant
3073 habitat enhancement project.

3074

3075 **S-809** King County shall not allow disposal of dredge material on shorelands and in
3076 side channels within a river's channel migration zone. King County shall not
3077 allow disposal of dredge material in wetlands located within the shoreline
3078 jurisdiction. In the limited instances where it is allowed, such disposal shall
3079 require a shoreline conditional use permit.

3080

3081 **S-810** King County shall require dredging to be conducted consistent with Policy
3082 RCM-3 of the ((2006)) King County Flood Hazard Management Plan, or successor
3083 policies or plans.

3084

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3085 **~~((8.))~~ Shoreline Habitat and Natural Systems Enhancement Projects**

3086 Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other
3087 planning processes, such as salmon conservation plans and the ((2006)) King County Flood Hazard
3088 Management Plan , or successor plans.

3089

3090 **S-811 King County should allow for habitat and natural systems enhancement projects**
3091 **that include, but are not limited to:**

- 3092 a. **Modification of vegetation;**
3093 b. **Removal of nonnative or invasive plants;**
3094 c. **Shoreline stabilization using soft or non-structural techniques; and**
3095 d. **Dredging, and filling, provided that the primary purpose of such actions**
3096 **is clearly restoration of the natural character and shoreline ecological**
3097 **processes and functions of the shoreline.**

3098

3099 **S-812 Habitat and natural systems enhancement projects should assure that the**
3100 **projects address legitimate restoration needs and priorities.**

3101

3102 **~~((IX.))~~ Primary and Administrative Policies**

3103 **~~((A.))~~ Reservation of Right to Appeal Department of Ecology Decisions**

3104 ~~By law, King County's Shoreline Master Program must be approved by the Department of Ecology, which has~~
3105 ~~the power to reject or modify part or all of King County's Shoreline Master Program elements.~~

3106

3107 **~~1.))~~ Reservation of right to submit alternate proposal to Ecology**

3108 ~~If the Department of Ecology recommends a change to some or all of the elements in King County's Shoreline~~
3109 ~~Master Program, King County reserves the right to submit an alternate proposal for approval.~~

3110

3111 **~~S-901~~ If the Department of Ecology recommends changes to any elements of the King**
3112 **County Shoreline Master Program, King County reserves the right to submit an**
3113 **alternate proposal to the Department for its review and approval.**

3114

3115 **~~2.))~~ Appeal of Ecology's decision to reject or modify King County Shoreline**
3116 **Master Program.**

3117 ~~If the Department of Ecology rejects or modifies part or all of the elements of in King County's Shoreline Master~~
3118 ~~Program, King County reserves the right to appeal this decision, in whole or part, to the Growth Management~~
3119 ~~Hearings Board and the courts.~~

3120

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3121 ~~S-902~~ ~~————— If the Department of Ecology rejects part or all of King County’s Shoreline Master~~
3122 ~~Program, or if the Department of Ecology recommends changes that are~~
3123 ~~unacceptable to King County, King County reserves the right to appeal the~~
3124 ~~Department’s decision to the Shoreline Management Hearings Board.~~

3125

3126 ~~**B. Posting Notice of Effective Date of King County’s Shoreline Master**~~
3127 ~~**Program and Shoreline Regulations**~~

3128 ~~The King County Shoreline Master Program and any amendments to the Shoreline Master Program take effect~~
3129 ~~only after approval by the Washington State Department of Ecology.~~

3130

3131 ~~S-903~~ ~~————— Upon receipt of the letter from the Department of Ecology approving the King~~
3132 ~~County Shoreline Master Program or any amendments to the Shoreline Master~~
3133 ~~Program, King County will promptly post on its web site a notice that the~~
3134 ~~Department of Ecology has taken final action and approved the Shoreline Master~~
3135 ~~Program or SMP amendments. The notice will indicate the effective date.~~

3136

3137 ~~C.)~~ ~~**Indian Treaty Rights Not Affected by Shoreline Master Program**~~

3138 King County has sought the input of and consulted with Indian tribes located in and adjacent to King County
3139 when developing the Shoreline Master Program. However, the Shoreline Master ((Plan)) Program and
3140 associated shoreline regulations shall not be construed to affect any treaty rights established between the United
3141 States and the individual tribes.

3142

3143 ~~S-904~~ ~~Nothing in the King County Shoreline Master Program nor in any action taken~~
3144 ~~under the Shoreline Master Program shall be construed to affect any Indian treaty~~
3145 ~~right to which the United States is a party.~~

3146

3147 ~~**((D-)) Power to Abate Nuisance Retained by King County and the State Of**~~
3148 ~~**Washington**~~

3149 Adoption of the Shoreline Master Program is a requirement of the Shoreline Management Act. King County’s
3150 compliance with this state law should not be construed in any way to limit or modify all other powers possessed
3151 by King County.

3152

3153 ~~S-905~~ ~~Nothing in the King County Shoreline Master Program shall be construed to limit~~
3154 ~~the power of King County or the State of Washington to abate nuisances within~~
3155 ~~the shoreline jurisdiction.~~

3156

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3157 **S-906** King County specifically reserves all rights, power, and authority granted to it by
3158 law. Nothing in the King County Shoreline Master Program shall be construed in
3159 any way to limit any power or authority possessed by King County.
3160