File #: 2024-0202, **Version:** 1

Clerk 06/06/2024

AN ORDINANCE relating to river and floodplain management, adopting the 2024 King County Flood Management Plan, and amending Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 9163, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 17270, Section 2, as amended, and K.C.C. 18.25.010, Ordinance 11112, Section 1, as amended, and K.C.C. 20.12.480, Ordinance 19146, Section 66, and K.C.C. 21A.23.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance, 19128, Section 20, and K.C.C. 21A.24.226, Ordinance, 16267, Section 59, as amended, and K.C.C. 21A.24.381, Ordinance, 16985, Section 39, as amended, and K.C.C. 21A.25.160, and Ordinance 3688, Section 414.

STATEMENT OF FACTS:

1. Six major river systems flow through King County, which are the South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green, and White rivers, along with many tributaries of varying size. King County also has one hundred three miles of marine shoreline, and within the boundaries of King County are many urban areas with significant amounts of impervious surface.

2. River and stream flooding, coastal flooding, and urban flooding impact private property,

businesses, and public and private infrastructure such as parks and utilities, and transportation corridors, and can directly and indirectly result in loss of life.

3. The 2024 King County Flood Management Plan ("the 2024 flood plan") updates and supersedes the 2006 King County Flood Hazard Management Plan ("the 2006 plan") and the 2013 King County Flood Hazard Management Plan Update and Progress Report ("the 2013 plan update"). The 2024 flood plan updates the policies established in the 2006 plan and updates the technical information about flooding in King County presented in the 2006 plan and the 2013 plan update.

4. The 2006 plan was created to respond to aging flood protection infrastructure and unmet maintenance needs, new or updated federal regulatory requirements, environmental impacts of past flood hazard management practices, and changes in watersheds since 1993. The 2013 plan update provided an update to the 2006 plan.

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

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

7. As in previous plans, the 2024 flood plan considers the impact of flood hazard management policies and actions on habitat for Puget Sound Chinook salmon and bull trout, which are listed

as threatened under the federal Endangered Species Act.

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

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

10. The 2024 flood plan characterizes flood risks countywide, including along rivers and tributaries and in areas affected by coastal and urban flooding. The 2024 flood plan recognizes that multiple governments and community partners carry out flood risk reduction activities, and it identifies approaches to protect public safety, valuable public and private property, the regional economy, and the general welfare of King County and its residents. The 2024 flood plan also supports the goals of the King County Comprehensive Plan, the King County Equity and Social Justice Strategic Plan, the King County Strategic Climate Action Plan, the King County Clean Water Healthy Habitat Strategic Plan, the King County Land Conservation Initiative, and the King County Local Food Initiative.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

A. The department of natural resources and parks is responsible to manage and be fiscally accountable

for the wastewater treatment division, water and land resources division, solid waste division, and parks and recreation division. The department shall administer and implement the requirements of the federal Clean Water Act, federal Endangered Species Act, and other federal and state laws and regulations related to those requirements. The department shall perform the metropolitan water pollution abatement function referred to in this section as "the water quality program," as set forth in chapter 35.58 RCW, K.C.C. Title 28, and other federal and state laws and regulations applicable to that function, although financial planning for and administration of the water quality program shall be conducted consistent with financial policies approved by the council. The department shall coordinate the county's National Pollutant Discharge Elimination System municipal stormwater permit program. The department shall provide the support to the county's participation in the regional water supply planning process including the development of reclaimed water and the review of local utility district plans for conformance with county plans and policies and shall participate in the process of preparing coordinated water system plans to ensure conformance with county plans and policies. The department shall provide for the active and passive recreational needs of the region, consistent with the mission of the parks and recreation division described in subsection E.1. of this section. The department shall designate as natural resource lands those county-owned lands that serve important natural resource functions, including, but not limited to, benefiting and protecting natural drainage systems, drainage basins, flood control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat, and other natural resource purposes. The department shall act to ensure integration of environmental programs across utility and resource functions and to balance stewardship with economic development issues. To ensure integration and balanced stewardship through the director's office the department shall oversee strategic planning using staff resources budgeted in the department's divisions. Strategic planning may include, but not be limited to: integration of land and water resource protection; coordination of ground water, water reuse, and water supply plan approval; development of new funding approaches for resource protection; establishment of new partnerships with businesses, community organizations, and citizens; and better coordination of sewerage and flood control facilities to

prevent water quality degradation. The director's office shall manage the county's historic preservation program including landmark designation, protection, and enhancement to support tourism development, downtown revitalization, and environmental and cultural sustainability.

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

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

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

c. providing planning for the water quality capital program;

d. providing design, engineering, and construction management services related to the water quality capital programs including new facilities development, and maintenance of the existing infrastructure;

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

f. regulating industrial discharges into the metropolitan sewerage system.

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

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

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

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

council;

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

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

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

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

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

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

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

10. Consulting in the preparation of management plans for protection and use of the natural resource values of county owned lands, including natural resource lands, dedicated and deeded open space lands, and lands acquired by the county as a condition of land development approval, and consulting with the parks and

recreation division the appropriate means to execute such management plans;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Developing and monitoring a capital project plan as defined in K.C.C. chapter 4A.100;

9. Within available resources, developing and facilitating agreements for the development of specific active park and recreation facilities;

10. Coordinating with other departments and divisions as appropriate in the preparation of grant applications for park and open space acquisition, development, and operations;

11. Developing, managing, or facilitating agreements for the provision of recreational programs;

12. Facilitating programs that promote the safe enjoyment of county-owned swimming pools and guarded swim beaches; and

13. Developing and administering for the wastewater treatment division use agreements under K.C.C. 4.56.150.E.1.d., rental or lease agreements under K.C.C. 4.56.150.F., permits under K.C.C. 7.12.040, or special use permits under K.C.C. 7.12.050, for the Brightwater Environmental Education and Community Center. The applicable provisions for use of the Brightwater Environmental Education and Community Center facility are contained in K.C.C. chapter 28.84.

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

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

A. "Adjustment" means a department-approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which was used in prior editions of the Surface Water Design Manual.

B. "Applicant" means a property owner or a public agency or public or private utility that owns a right-

of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

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

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

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

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

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

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

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

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

K. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit, or right-of-way use permit. "Development" does not include forest management activities, as defined in K.C.C. chapter 21A.06.

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

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

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

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

P. "Drainage review" means an evaluation by King County staff of a proposed project's compliance

with the drainage requirements in the Surface Water Design Manual. The types of drainage review include((:)) simplified drainage review, targeted drainage review, directed drainage review, full drainage review, and large project drainage review.

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

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

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

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

U. "Flow control facility" means a drainage facility designed in accordance with the drainage requirements in this chapter to mitigate the impacts of increased stormwater runoff generated by site development. A "flow control facility" is designed either to hold water for a considerable length of time and

then release it by evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

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

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

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

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

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

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

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

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

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

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

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

or lakes.

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

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

BB. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation, and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

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

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

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

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

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

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

FF. "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment, or systems, if there is no expansion of the structure, facilities, equipment, or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

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

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

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

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

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

LL. "New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping, or bare soil or any alteration of existing nonnative pervious surface that results in increased stormwater runoff as defined in the Surface Water Design Manual.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZZ. "Subbasin" means a geographic area that:

1. Drains to a stream or water body named and noted on common maps; and

2. Is contained within the basin of the stream or water body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Core requirement 6: Maintenance and operation. Maintenance of all drainage facilities in compliance with King County maintenance standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual, except those facilities for which King County assumes maintenance and operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design Manual;

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

8. Core requirement 8: Water quality facilities. Proposed projects that would result in five thousand square feet or more of new plus replaced pollution generating impervious surface or three quarters of an acre or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a

total of five thousand square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality facilities to treat polluted stormwater runoff generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious surface, and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of local services, permitting division, approves a landscape management plan that controls solids, pesticides, fertilizers, and other erodible or leachable materials leaving the site. Water quality facilities shall meet the area-specific water quality facility requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in a. through d. of this subsection A.8. for ninety-five percent of the annual average runoff volume:

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

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

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

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

9. Core requirement 9: Flow control BMPs. Proposed projects that would result in two thousand square feet or more of new plus replaced impervious surface or seven thousand square feet or more of land disturbing activity shall provide flow control BMPs that use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention and reduced impervious surface footprint to mimic pre-developed

hydrology and minimize stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control BMPs shall be applied to manage stormwater runoff from the aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs specific to the project location, size, and impervious coverage; or as required to demonstrate that developed discharge durations from the surfaces match ((~~pre-developed~~)) predeveloped durations for those surfaces for the range of predeveloped discharge rates from eight percent of the two-year peak flow to fifty percent of the two-year peak flow as specified in the Surface Water Design Manual.

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

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

2. Special requirement 2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other King County regulations require study of flood hazards relating to the proposed project, the one-hundred-year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared as specified in the Surface Water Design Manual;

3. Special requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a

stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual;

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

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

a. a project that creates a high-use site;

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

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

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

a. produce a compensating or comparable result in the public interest; and

b. meet this chapter's objectives of safety, function, appearance, environmental protection, and maintainability based upon sound engineering judgment.

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

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

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

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

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

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

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

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

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

B. State and local health standards;

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

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

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

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

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

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

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

J. Coordinated water system plans under chapter 70.116 RCW;

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

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

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

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

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

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

Q. Requirements under chapter 77.85 RCW for salmon recovery, water resource plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in accordance with chapter 90.82 RCW and regional water supply or water resource management plans; and

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

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

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

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

"NP" in a cell means no clearing or grading permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	Out of Critical Area Land* Buffer	Coal Mine Hazard	Erosion Hazard	Flood Hazard	Channel Migration	Landslide Hazard and Buffer	Seismic Hazard	Volcanic Hazard	Steep Slope Hazard and Buffer	Critical Aquifer Recharge Area	Wetland and Buffer	Aquatic Area and Buffer	Wildlife Area and Buffer
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP 25	NP 25	NP 25	NP 25			NP 25	NP 25		NP 25			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Forest management activity	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10

Roads													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

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

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

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

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

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

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

d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and

21A.38.230.

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

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

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

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

8. Cumulative clearing of less than seven thousand square feet and either:

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

b. limited to removal with hand labor.

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

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

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

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

a. slope stabilization or vegetation removal on slopes; or

b. ditches that are used by salmonids.

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

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

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

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

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

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

a. The King Conservation District;

b. King County department of natural resources and parks;

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

d. Washington state Department of Fish and Wildlife.

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

17. Only if consistent with a farm plan.

18. In accordance with a franchise permit.

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

20. When:

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

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

21. Only if:

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

b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally((-)) recognized tribe, and the activity is limited to:

(1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris, and other specific salmonid habitat improvements;

(3) hand labor except:

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

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

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

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best

management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

25. Except on properties that are:

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

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

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

a. King Conservation District;

b. department of natural resources and parks;

c. department of local services, permitting division; or

d. Washington state Department of Fish and Wildlife.

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

A.1. The county developed a strategic climate action plan in 2012 to establish long-term targets and guide actions within county services and operations to reduce greenhouse gas emissions and adapt to a changing climate. In accordance with this chapter, the executive updates the strategic climate action plan. Each update to the strategic climate action plan shall be developed with an environmental justice framework in partnership with those communities disproportionately impacted by climate change and in a manner consistent with Ordinance 16948, which establishes the county's fair and just principle. The strategic climate action plan shall include the following:

a. the identification of specific goals, strategies, measures, targets and priority actions for county services and operations to reduce emissions consistent with the countywide goal of reducing greenhouse gas emissions twenty-five percent by 2020, fifty percent by 2030, and eighty percent by 2050, compared to a 2007

baseline. The strategic climate action plan should address five goal areas for reducing greenhouse gas emissions: transportation and land use; building and facilities energy; green building; consumption and materials management, including the environmental purchasing program; and forestry and agriculture. Each goal area shall address environmental justice and ensure that the strategies promote an equitable distribution of any environmental benefit. The strategic climate action plan should establish explicit and, whenever possible, quantifiable connections between the overarching climate goals and specific strategies and actions;

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

(2) the green jobs strategy shall be developed in consultation with members of the King County climate and equity community taskforce identified in subsection A.1.b.(2)(f) of this section, labor and workforce development organizations directed in subsection A.7. of this section, and representatives of an environmental justice and climate equity organization, education, business, building managers, utilities, scientists with knowledge of the latest research on strategies to reduce emissions, tribes, local governments, and regional groups such as the King County-Cities Climate Collaboration and the Puget Sound Regional Council, and shall include:

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

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

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

County;

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

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

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

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

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

iii. based on assessment of climate impacts and extreme weather events like heat waves on vulnerable communities, make recommendations for preparedness strategies and actions to include in county emergency response plans, the ((~~flood hazard management plan~~)) Flood Hazard Management Plan, and the

regional hazard mitigation plan;

c. the current assessment of climate change impacts in King County and identification of goals, strategies, measures, targets and priority actions within county services and county operations to address climate change impacts. Each goal and strategy shall address environmental justice and ensure that the strategies promote an equitable distribution of any environmental benefit;

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

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

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

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

4. The council recognizes that science related to climate change and successful climate solutions is evolving, and each update to the strategic climate action plan should build upon and refine the strategies, activities, and performance targets in accordance with best available science, practices, and progress toward emissions reductions targets.

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

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

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

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

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

SECTION 7. Ordinance 11112, Section 1, as amended, and K.C.C. 20.12.480 are each hereby amended to read as follows:

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

~~new text to Chapters 1 through 6 of the 2006 Plan, by replacing Chapter 7 of the 2006 Plan with a new Chapter 7, and by replacing Appendices A through G of the 2006 Plan with new Appendices A through L.~~)) As an amplification and augmentation of the King County Comprehensive Plan, the ((~~flood hazard management plan as amended by the update~~)) 2024 King County Flood Management Plan constitutes official county policy with regard to river and floodplain management in King County. ((~~For each site-specific project, such as levee improvements or concentrated areas of home buyouts or elevations, a project summary is included to provide a better understanding of the flood or erosion conditions of concern and the action or actions proposed to address them. Project summaries, and references to easements, buffers or levee improvements, including levee laybacks, in connection with such project summaries~~))Site-specific projects and program activities are intended to function at the level of a planning document((~~s~~)) and do not assume that the nature and scope of each of the described projects are the final project or action ((~~that are described in this chapter 5 of Attachment A to Ordinance 17673, as amended by Chapter 5 of Attachment B to Ordinance 17697 or in Appendices E, F and G of Attachment B to Ordinance 17697~~)). The proposed projects and ((~~actions~~)) other activities are not intended to substitute for the site-specific analysis to determine what is required for each of the site-specific capital projects that will be recommended and adopted as part of ((~~an annual~~)) biennial capital improvement plans. The priority, scope, nature, and cost of the proposed projects or actions may change as the hydraulic, engineering, and geotechnical conditions at each site are analyzed in greater detail, and as engineering alternatives are developed, analyzed, reviewed, and negotiated with federal, state, local, and tribal agencies and affected property owner or owners. However, while the plan sets forth what the county currently believes are best practices, nothing in this plan creates or precludes the creation of new land use requirements, laws, or regulations.((~~ For the reach of the Tukwila 205 levee and any extensions thereof between South 180th Street and South 204th Street, the setback, easement, and slope design recommendations of the 2006 King County Flood Hazard Management Plan, Attachment A to Ordinance 15763, as amended by the 2013 Flood Hazard Management Plan Update, Attachment B to Ordinance 17697, are satisfied if the repair, extension or~~

~~modification of an existing levee or the design of a new levee meet the design guidelines and factors of safety in United States Army Corps of Engineers Engineering Manual for the Design and Construction of Levees (EM 1110-2-1913) dated April 30, 2000, as most currently updated.~~))

SECTION 8. Ordinance 19146, Section 66, and K.C.C. 21A.23.020 are each hereby amended to read as follows:

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

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

2. The danger to life and property due to coastal flooding or erosion damage;

3. The susceptibility of the proposed building or facility and its contents to flood damage and the effect of the damage on the individual owner;

4. The importance of the services provided by the proposed building or facility to the community;

5. The necessity to the building or facility of a waterfront location;

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

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

8. The compatibility of the proposed use with existing and anticipated development;

9. The relationship of the proposed use to the Comprehensive Plan, shoreline master program and ((~~f~~))F lood ((~~hazard m~~))Management ((~~p~~))Plan;

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

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

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

13. Current and future risks from sea level rise conditions anticipated to occur over the next fifty years.

B. The director may only approve a sea level rise risk area variance upon a determination that:

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

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

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

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

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

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

3. Sea level rise risk area variances that allow the establishment of a use not otherwise permitted in the

zone where the proposal is located shall not be permitted.

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

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

SECTION 9. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

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

1. Critical aquifer recharge area;

2. Coal mine hazard area;

3. Erosion hazard area;

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

5. Landslide hazard area under forty percent slope;

6. Seismic hazard area; and

7. Volcanic hazard areas.

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

1. Severe channel migration hazard area;

2. Landslide hazard area over forty percent slope;

3. Steep slope hazard area;

4. Wetland;

5. Aquatic area;

6. Wildlife habitat conservation area; and

7. Wildlife habitat network.

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

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservation Area and Wildlife Habitat Network
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15

Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					

Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					

Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

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

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

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

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

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

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

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

f. the alteration is no closer than:

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

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

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

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

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

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

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

c. the structure is either:

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

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

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

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

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

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

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

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

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

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

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

5. Allowed for structures when:

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

b. the risk of landsliding is low; and

c. there is not an expansion of the structure.

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

a. existing legally established primary structures if:

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

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

b. existing legally established accessory structures if:

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

(2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

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

a. the expansion or replacement does not increase the footprint of a nonresidential structure;

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or its buffer or along a

lake shoreline or its buffer where:

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

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

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

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

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

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

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

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

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

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

b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.

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

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

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

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

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

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

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

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

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

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

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

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

21. Cutting of firewood is subject to the following:

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

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

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

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

23. Allowed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

county to be consistent with best available science.

26. Allowed only if:

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

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

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

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

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

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

e. construction occurs during approved periods for instream work.

29. Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.

30. Allowed only if:

a. the new construction or replacement is made fish passable in accordance with the most recent

Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

b. the site is restored with appropriate native vegetation.

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

a. there is not another feasible alternative available with less impact on the aquatic area and its buffer; and

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

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

33. Allowed outside the roadway if:

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

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

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

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

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

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

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

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

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

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

(1) the width is the minimized;

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

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

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

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

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

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

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

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

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

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

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

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible

alternative and equivalent or greater environmental protection can be achieved; and

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

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

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

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

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

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

38. Allowed if:

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

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

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

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

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

39. Allowed only if:

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

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

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there

is no other feasible crossing site;

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

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

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

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

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

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

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

a. necessary to avoid erosion of slopes; and

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

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

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

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

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

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

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

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

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

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

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

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

b. sponsored or cosponsored by a public agency that has natural resource management as a function or by a federally recognized tribe.

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

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

a. the trail surface is made of pervious materials, except that public multipurpose trails may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised boardwalk or bridge;

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

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

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

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

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

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

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

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

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

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

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

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

48. Only if the maintenance:

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

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

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

49. Limited to alterations to restore habitat forming processes or directly restore habitat function and

value, including access for construction, as follows:

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

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

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

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

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

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

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

b. survey monument placement;

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

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

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

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

b. there is no expansion into an area that:

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

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

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

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

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

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

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

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

56. Only allowed in:

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

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

(3) aquatic area buffer; and only if:

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

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

(3) the farm pad is designed to the standards in an approved farm management plan in accordance

with K.C.C. 21A.24.051; and

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

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

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

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

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

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

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

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

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

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

(4) the width of clearing is minimized;

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

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

critical area buffer area is provided to protect the critical area;

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

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

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

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

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

a. is the best flood risk reduction alternative practicable;

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

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

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

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

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

b. Only allowed if:

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

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

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

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

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

(6) the project meets the following design criteria:

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

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

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

(d) structures shall be located outside of the wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if applicable) to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the Ordinary High Water Mark;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the tree house or associated infrastructure;

h. exterior lighting shall meet the following criteria:

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

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

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

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

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

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

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

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

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

b. the facility and corridor is not located over habitat used for salmonid rearing or spawning or by a

species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

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

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

e. paralleling the channel or following a down-valley route within an aquatic area buffer is avoided to the maximum extent practical;

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

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. the facility and corridor is not located within a severe channel migration hazard area;

i. to the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;

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

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

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

k. the facility does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility

facility or other infrastructure owned or operated by a public utility.

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

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

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

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

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

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

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

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

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

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

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

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

69. Only for maintenance of agricultural waterways if:

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

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

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

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

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

SECTION 10. Ordinance, 19128, Section 20, and K.C.C. 21A.24.226 are each hereby amended to read as follows:

A. The director may approve variances to floodplain development regulations not otherwise allowed by this chapter. In reviewing and evaluating these variance applications, the director shall consider all technical evaluations, all relevant factors, applicable standards specified in other sections of the King County Code and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A variance may be approved for new construction and substantial improvements to be erected on a

lot of one-half acre or less in size contiguous to and surrounded by lots with existing buildings constructed below the flood protection elevation, but only if subsection A. of this section has been fully considered and all other criteria in this subsection B. have been met. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases;

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

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

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

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

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

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

D. An applicant for a variance shall be given a written notice that the approval of the variance to construct a building below the flood protection elevation will result in increased flood insurance premium rates up to amounts as high as twenty-five dollars per one hundred dollars of coverage and will increase risks to life and property.

E.1. An application for a variance to floodplain development regulations shall be submitted in writing to the department of local services, permitting division, together with any supporting documentation that

demonstrates how the proposal meets the criteria in this section.

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

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

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

SECTION 11. Ordinance, 16267, Section 59, as amended, and K.C.C. 21A.24.381 are each hereby amended to read as follows:

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

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

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

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

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

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

3. The project must either:

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

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

SECTION 12. Ordinance, 16985, Section 39, as amended, and K.C.C. 21A.25.160 are each hereby amended to read as follows:

A. The shoreline modification table in this section determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific modifications are grouped by the shoreline modification categories in WAC 173-26-231. The table should be interpreted as follows:

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

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

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

4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying

zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply;

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

6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment; and

7. This section does not authorize a shoreline modification that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific modifications within the shoreline jurisdiction. All shoreline modifications in the shoreline jurisdiction must comply with all relevant county code provisions and with the King County shoreline master program.

B. Shoreline modifications.

	High Intensity	Residential	Rural	Conservancy	Resource	Forestry	Natural	Aquatic
Shoreline stabilization								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
Piers and docks								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
Fill								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4

Breakwaters, jetties, groins and weirs								
Breakwaters, jetties, groins and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
Dredging and dredge material disposal								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
Shoreline habitat and natural systems enhancement projects								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
Vegetation management								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

C. Development conditions.

1. New shoreline stabilization, including bulkheads, must meet the standards in K.C.C. 21A.25.170;

2.a. Flood protection facilities must be consistent with the standards in K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024 King County Flood ((~~Hazard~~)) Management Plan ((~~adopted January 16, 2007~~)), and the Integrated Stream Protection Guidelines (Washington state departments of Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard protection measures are allowed in the shoreline jurisdiction only when the applicant demonstrates by a scientific and engineering analysis that the structural measures are necessary to protect existing development, that nonstructural measures are not feasible and that the impact on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss of shoreline ecological functions. New flood protection facilities designed as shoreline stabilization must meet the standards in K.C.C. 21A.25.170.

b. Relocation, replacement or expansion of existing flood control facilities within the Natural

environment are permitted, subject to the requirements of the King ((~~county~~)) County Flood ((~~Hazard Reduction~~)) Management Plan and consistent with the Washington State Aquatic Guidelines Program's Integrated Streambank Protection Guidelines and bioengineering techniques used to the maximum extent practical. New facilities would only be permitted consistent with an approved watershed resources inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

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

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

b. A shoreline conditional use permit is required to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.a. If the department determines the primary purpose is restoration of the natural character and ecological functions of the shoreline, a shoreline habitat and natural systems enhancement project may include shoreline modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, including the installation of large woody debris, dredging and filling. Mitigation actions identified through biological

assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, shoreline stabilization, including the installation of large woody debris, dredging and filling.

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

8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

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

SECTION 13. Ordinance, 3688, Section 414, as amended, and K.C.C. 21A.25.190 are each hereby amended to read as follows:

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

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

1. When necessary to support a water dependent use;

2. To provide for public access;

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

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

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

Resources;

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

7. As part of mitigation actions, environmental restoration projects and habitat enhancement projects;

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

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

1. When necessary for the operation of a water dependent use;

2. When necessary to mitigate conditions that endanger public safety or fisheries resources;

3. As part of and necessary to roadside or agricultural ditch maintenance that is performed consistent with best management practices promulgated through administrative rules under the critical areas provisions of K.C.C. chapter 21A.24 and if:

a. the maintenance does not involve any expansion of the ditch beyond its previously excavated size. This limitation shall not restrict the county's ability to require mitigation, under K.C.C. chapter 21A.24, or other applicable laws;

b. the ditch was not constructed or created in violation of law;

c. the maintenance is accomplished with the least amount of disturbance to the stream or ditch as possible;

d. the maintenance occurs during the summer low flow period and is timed to avoid disturbance to the stream or ditch during periods critical to salmonids; and

e. the maintenance complies with standards designed to protect salmonids and salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection D.3.e. shall not be construed to permit the

mining or quarrying of any substance below the ordinary high water mark;

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

a. significant ecological impacts are minimized;

b. mitigation is provided;

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

5. For restoration projects when;

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

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

c. any habitat enhancement or restoration project; and

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

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

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

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

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

if statement of exemption or substantial development permit is subsequently obtained following the procedures in K.C.C. 16.82.065.