20.12.200 Shoreline master program.
A. The King County shoreline master program consists of the following elements in effect on the effective date of this ordinance*:
   1. The King county Comprehensive Plan chapter six;
   2. K.C.C. chapter 21A.25;
   3. The following sections of K.C.C. chapter 21A.24:
      a. K.C.C. 21A.24.045;
      b. K.C.C. 21A.24.051;
      c. K.C.C. 21A.24.055;
      e. K.C.C. 21A.24.125;
      f. K.C.C. 21A.24.130;
      g. K.C.C. 21A.24.133;
      h. K.C.C. 21A.24.200;
      i. K.C.C. 21A.24.210;
      j. K.C.C. 21A.24.220;
      k. K.C.C. 21A.24.275;
      l. K.C.C. 21A.24.280;
      m. K.C.C. 21A.24.290;
      n. K.C.C. 21A.24.300;
      o. K.C.C. 21A.24.310;
      p. K.C.C. 21A.24.316;
      q. K.C.C. 21A.24.318;
      r. K.C.C. 21A.24.325;
      s. K.C.C. 21A.24.335;
      t. K.C.C. 21A.24.340;
      u. K.C.C. 21A.24.355;
      v. K.C.C. 21A.24.358;
      w. K.C.C. 21A.24.365;
      x. K.C.C. 21A.24.380;
      y. K.C.C. 21A.24.382;
      z. K.C.C. 21A.24.386
      aa. K.C.C. 21A.24.388; and
   4. The following:
      a. K.C.C. 20.18.040;
      b. K.C.C. 20.18.050;
      c. K.C.C. 20.18.056;
      d. K.C.C. 20.18.057;
      e. K.C.C. 20.18.058;
      f. K.C.C. 20.22.160;
      g. K.C.C. 20.24.510;
      h. K.C.C. 21A.32.045;
      i. K.C.C. 21A.44.090;
      j. K.C.C. 21A.44.100; and
      k. K.C.C. 21A.50.030.
B. The shoreline management goals and policies constitute the official policy of King County regarding areas of the county subject to shoreline management jurisdiction under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County’s local administrative, enforcement and permit review procedures shall conform to chapter 90.58 RCW but shall not be a part of the master program.

C. Amendments to the shoreline master program do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of local services, permitting division, shall, within ten days after the date of the Department of Ecology's approval, file a copy of the Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers, chief of staff, policy staff director and the lead staff of the mobility and environment committee, or its successor. (Ord. 19034 § 5, 2019: Ord. 18767 § 1, 2018: Ord. 16985 § 3, 2010: Ord. 3692 § 2, 1978).
SHORELINES

Sections:

21A.25.010 Shoreline master program elements.
21A.25.020 Definitions.
21A.25.030 Liberal construction.
21A.25.040 Shoreline master program goals - required for permits or appeals.
21A.25.050 Shoreline jurisdiction delineated.
21A.25.060 Names of shoreline environments designations.
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21A.25.300 Permits - prerequisite to other permits.
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21A.25.320 Appeals.

21A.25.010 Shoreline master program elements. The King County shoreline master program elements are established in K.C.C. 20.12.200. (Ord. 16985 § 17, 2010).
**21A.25.020 Definitions.** The definitions in K.C.C. chapter 21A.06, chapter 90.58 RCW and chapters 173-26 and 173-27 WAC apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW and chapters 173-26 and 173-27 WAC apply if there is a conflict with the definitions in K.C.C. chapter 21A.06. Other definition sections of the King County Code shall apply where applicable and where not in conflict with the chapters of the RCW and the WAC listed in this section. In addition, the following definitions apply to this chapter unless the context clearly requires otherwise:

A. "Development" means any development as defined in chapter 173-27 WAC; and

B. "Shoreline mixed use" means shoreline development that contains a water-dependent use combined with a water related, water enjoyment or a non-water-oriented use in a single building or on a single site in an integrated development proposal. Water dependent uses must comprise a significant portion of the floor area or site area in a shoreline mixed use development. (Ord. 19034 § 29, 2019: Ord. 18767 § 10, 2018: Ord. 16985 § 19, 2010: Ord. 11792 § 23, 1995: Ord. 3688 Ch. 2 (part), 1978. Formerly K.C.C. 25.08.010).

**21A.25.030 Liberal construction.** This chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. (Ord. 16985 § 21, 2010: Ord. 3688 § 104, 1978. Formerly K.C.C. 25.04.040).


**21A.25.050 Shoreline jurisdiction delineated.**

A. [The requirements of the shoreline master program apply to all uses and development occurring within the shoreline jurisdiction.]*

B. The shoreline jurisdiction does not include tribal reservation lands and lands held in trust by the federal government for tribes. Nothing in the King County shoreline master program or action taken under that program shall affect any treaty right to which the United States is a party.

C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment K to Ordinance 17485**. The King County shoreline jurisdiction is shown on a map adopted in chapter 6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. The county shall update the shoreline master program to reflect the new designation within three years of the discovery of the discrepancy. (Ord. 11792 § 24, 1995: Ord. 16985 § 24, 2010: Ord. 11016 § 18, 1993: Ord. 9614 § 111, 1990: Ord. 5317 § 18, 1981: Ord. 3688 § 106, 1978. Formerly K.C.C. 25.04.040).
21A.25.070 Boundary determination.
A. Where different environment designations have been given to a tributary and the main stream at the point of confluence, the environment designation given to the main stream shall extend for a distance of two hundred feet up the tributary.
B. In case of uncertainty as to a wetland or environment boundary, the director shall determine its exact location in accordance with RCW 90.58.030 and this chapter. (Ord. 16985 § 29, 2010: Ord. 3688 § 305, 1978. Formerly K.C.C. 25.12.050).

21A.25.080 Sequence of mitigation measures - priority.
A. Mitigation measures shall be applied in the following sequence of steps listed in order of priority, with subsection A.1. of this section being top priority:
   1. Avoiding the impact altogether by not taking a certain action or parts of an action;
   2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
   4. Reducing or eliminating the impact over time by preservation and maintenance operations;
   5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and
   6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
B. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
C. Mitigation shall be designed to:
   1. Achieve no net loss of ecological functions for each new development;
   2. Not require mitigation in excess of that necessary to assure that the development will result in no net loss of shoreline ecological functions; and
   3. Not result in a significant adverse impact on other shoreline ecological functions.
D. When compensatory measures are appropriate under the mitigation priority sequence in subsection A. of this section, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative compensatory mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline ecological functions as conditions of approval for compensatory mitigation measures. (Ord. 16985 § 129, 2010).

21A.25.090 Shoreline use and modification - defined - no net loss of shoreline ecological functions allowed - sequencing compliance.

A. Shoreline use is an activity that is allowed within a specific shoreline environment. Shoreline uses are identified in K.C.C. 21A.25.100.

B. Shoreline modification is construction of a physical element such as a bulkhead, groin, berm, jetty, breakwater, dredging, filling, vegetation removal or alteration or application of chemicals that changes the natural or existing shoreline conditions. Shoreline modifications are identified in K.C.C. 21A.25.160.

C. King County shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline ecological functions and comply with the sequencing requirements under K.C.C. 21A.25.080. (Ord. 16985 § 30, 2010).

21A.25.100 Shoreline use.

A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:

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

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

3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100.
4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply.

5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in accordance with each letter-number combination.

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

7. This section does not authorize a land use that is not allowed by the underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses within the shoreline jurisdiction. When there is a conflict between the permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first be given to water-dependent uses, then to water related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction must comply with all relevant county code provisions and with the King County Shoreline Master Program.

B. Shoreline uses

<table>
<thead>
<tr>
<th>P - Permitted Use</th>
<th>C - Shoreline Conditional Use</th>
<th>Blank - Prohibited. Shoreline uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture (K.C.C. 21A.08.090)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Aquaculture (fish and wildlife management K.C.C. 21A.08.090)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonnative marine finfish aquaculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial salmon net pens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noncommercial native salmon net pens</td>
<td>P2</td>
<td>P2</td>
</tr>
<tr>
<td>Aquaculture, not otherwise listed</td>
<td>P2</td>
<td>P2</td>
</tr>
<tr>
<td>Boating Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marinas (K.C.C. 21A.08.040)</td>
<td>C3</td>
<td>C3</td>
</tr>
<tr>
<td>Commercial Development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General services (K.C.C. 21A.08.050)</td>
<td>P4</td>
<td>P5</td>
</tr>
<tr>
<td>Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)</td>
<td>P6</td>
<td></td>
</tr>
<tr>
<td>Retail (K.C.C. 21A.08.070)</td>
<td>P7</td>
<td>P8</td>
</tr>
<tr>
<td>Government Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. Development conditions:

1. In the Natural environment, limited to low intensity agriculture, such as livestock use with an animal unit density of no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and related activities and
horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.

2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis. Other types of floating culture facilities may be located within one thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.

d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be located no closer than one thousand five hundred feet from the ordinary high water mark of this environment, unless the department allows a specific lesser distance that it determines is appropriate based upon a visual impact analysis.

e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline environment, commercial net pens are prohibited and other aquaculture activities are limited to activities that do not require structures, facilities or mechanized harvest practices and that will not alter the natural systems, features or character of the site.

f. Farm-raised geoduck aquaculture requires a shoreline substantial development permit if a specific project or practice causes substantial interference with normal public use of the surface waters.

g. A conditional use permit is required for new commercial geoduck aquaculture only, consistent with WAC 173-26-241(3)(b). All subsequent cycles of planting and harvest shall not require a new conditional permit.

3.a. New marinas are not allowed along the east shore of Maury Island, from Piner Point to Point Robinson.

b. Marinas must meet the standards in K.C.C. 21A.25.120.

4. Water dependent general services land uses in K.C.C. 21A.08.050 are allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water.

5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are allowed.
b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development that includes water-dependent uses.

c. Non-water-oriented general services land uses must provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;
(2) public access;
(3) water-oriented recreation;
(4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and
(5) protection and restoration of historic properties.

6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related business services uses are only allowed as part of a shoreline mixed-use development and only if they support a water-dependent use. The water-related business services uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a shoreline mixed-use development if the non-water-dependent retail use supports a water-dependent use. Non-water-dependent uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.

c. Non-water-oriented retail uses must provide a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

(1) economic development for water-dependent uses;
(2) public access;
(3) water-oriented recreation;
(4) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and
(5) protection and restoration of historic properties.

8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:

a. economic development for water-dependent uses;
b. public access;
c. water-oriented recreation;
d. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and

e. protection and restoration of historic properties.

9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

b. Non-water-dependent government services in K.C.C. 21A.08.060 are only allowed as part of a shoreline mixed-use development if the non-water-dependent government use supports a water-dependent use. Non-water-dependent uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the Natural environment.

10. The following standards apply to government services uses within the Aquatic environment:

a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;

b. Water intakes shall not be located near fish spawning, migratory or rearing areas. Water intakes must adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;

c. Desalinization facilities shall not be located near fish spawning, migratory or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and must adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone;

d. Cable crossings for telecommunications and power lines shall:

   (1) be routed around or drilled below aquatic critical habitat or species;

   (2) be installed in sites free of vegetation, as determined by physical or video seabed survey;

   (3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

   (4) use the best available technology;
e. Oil, gas, water and other pipelines shall meet the same standards as cable crossings and in addition:
   (1) pipelines must be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and
   (2) use the best available technology for operation and maintenance;

f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the Aquatic environment adjacent to the Conservancy and Natural shorelines.

11. In the Natural environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. In all shoreline environments, forest practices must meet the standards in K.C.C. 21A.25.130.

12. Manufacturing uses in the shoreline environment must give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:
   a. Non-water-oriented manufacturing uses are allowed only:
      (1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;
      (2) on sites where navigability is severely limited; or
      (3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and
      (4) all non-water-oriented manufacturing uses must also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation or water-dependent public education;
   b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;
   c. shall be located, designed and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values.
   d. restoration is required for all new manufacturing uses;
   e. boat repair facilities are not permitted within the Maury Island Aquatic Reserve, except as follows:
      (1) engine repair or maintenance conducted within the engine space without vessel haul-out;
      (2) topside cleaning, detailing and bright work;
      (3) electronics servicing and maintenance;
      (4) marine sanitation device servicing and maintenance that does not require haul-out;
(5) vessel rigging; and
(6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline.

13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if:
   a. there is no feasible alternate location;
   b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and
   c. the use complies with the standards in K.C.C. 21A.25.260.

15. Limited to in-stream infrastructure, such as bridges, and must consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

16. Limited to hatchery and fish preserves.

17. Mineral uses:
   a. must meet the standards in K.C.C. chapter 21A.22;
   b. must be dependent upon a shoreline location;
   c. must avoid and mitigate adverse impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;
   d. must provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;
   e. may be allowed within the active channel of a river only as follows:
(1) removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

(2) the mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and

(3) if no review has been previously conducted under this subsection C.17.e., prior to renewing, extending or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and


18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the High Intensity environment and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.


20. In the Conservancy environment, only the following recreation uses are allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation:
   a. parks; and
   b. trails.

21. In the Natural environment, only passive and low-impact recreational uses are allowed.

22. Single detached dwelling units must be located outside of the aquatic area buffer and set back from the ordinary high water mark to the maximum extent practical.

23. Only allowed as part of a water-dependent shoreline mixed-use development where water-dependent uses comprise more than half of the square footage of the structures on the portion of the site within the shoreline jurisdiction.

24. Residential accessory uses must meet the following standards:
   a. docks, piers, moorage, buoys, floats or launching facilities must meet the standards in K.C.C. 21A.25.180;
   b. residential accessory structures located within the aquatic area buffer shall be limited to a total footprint of one-hundred fifty square feet; and
c. accessory structures shall be sited to preserve visual access to the shoreline to the maximum extent practical.

25. New highway and street construction is allowed only if there is no feasible alternate location. Only low-intensity transportation infrastructure is allowed in the Natural environment.


27. Only bed and breakfast guesthouses.

28. Only in a marina.

29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.


21A.25.110 Aquaculture. An applicant for an aquaculture facility must use the sequential measures in K.C.C. 21A.25.080. The following standards apply to aquaculture:

A. Unless the applicant demonstrates that the substrate modification will result in an increase in native habitat diversity, aquaculture that involves little or no substrate modification shall be given preference over aquaculture that involves substantial substrate modification and the degree of proposed substrate modification shall be limited to the maximum extent practical.

B. The installation of submerged structures, intertidal structures and floating structures shall be limited to the maximum extent practical.

C. Aquaculture proposals that involve substantial substrate modification or sedimentation through dredging, trenching, digging, mechanical clam harvesting or other similar mechanisms, shall not be permitted in areas where the proposal would adversely impact critical saltwater habitats.

D. Aquaculture activities that after implementation of mitigation measures would have a significant adverse impact on natural, dynamic shoreline processes or that would result in a net loss of shoreline ecological functions shall be prohibited.

E. Aquaculture should not be located in areas that will result in significant conflicts with navigation or other water-dependent uses.

F. Aquaculture facilities shall be designed, located and managed to prevent the spread of diseases to native aquatic life or the spread of new nonnative species.

G. Aquaculture practices shall be designed to minimize use of artificial chemical substances and shall use chemical compounds that are least persistent and have the least impact on plants and animals. Herbicides and
pesticides shall be used only in conformance with state and federal standard and to the minimum extent needed for the health of the aquaculture activity.

H. Noncommercial native salmon net pen facilities that involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section may be located in King County [marine]* waters if they are consistent with subsections S. and Y. of this section and are:
   1. Native salmon net pens operated by tribes with treaty fishing rights;
   2. For the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks; or
   3. For rearing to adulthood in order to harvest eggs as part of a captive brood stock recovery program for endangered species.

I. If uncertainty exists regarding potential impacts of a proposed aquaculture activity and for all experimental aquaculture activities, unless otherwise provided for, the department may require baseline and periodic operational monitoring by a county-approved consultant, at the applicant's expense, and shall continue until adequate information is available to determine the success of the project and the magnitude of any probable significant adverse environmental impacts. Permits for such activities shall include specific performance measures and provisions for adjustment or termination of the project at any time if monitoring indicates significant, adverse environmental impacts that cannot be adequately mitigated.

J. Aquaculture developments approved on an experimental basis shall not exceed five acres in area, except land-based projects and anchorage for floating systems, and three years in duration. The department may issue a new permit to continue an experimental project as many times as it determines is necessary and appropriate.

K. The department may require aquaculture operations to carry liability insurance in an amount commensurate with the risk of injury or damage to any person or property as a result of the project. Insurance requirements shall not be required to duplicate requirements of other agencies.

L. If aquaculture activities are authorized to use public facilities, such as boat launches or docks, King County may require the applicant to pay a portion of the cost of maintenance and any required improvements commensurate with the use of those facilities.

M. New aquatic species that are not previously cultivated in Washington state shall not be introduced into King County saltwaters or freshwaters without prior written approval of the Director of the Washington state Department of Fish and Wildlife and the Director of the Washington Department of Health. This prohibition does not apply to: Pacific, Olympia,
Kumamoto, Belon or Virginica oysters; Manila, Butter, or Littleneck clams; or Geoduck clams.

N. Unless otherwise provided in the shoreline permit issued by the department, repeated introduction of an approved organism after harvest in the same location shall require approval by the county only at the time the initial aquaculture use permit is issued. Introduction, for purposes of this section, shall mean the placing of any aquatic organism in any area within the waters of King County regardless of whether it is a native or resident organism within the county and regardless of whether it is being transferred from within or without the waters of King County.

O. For aquaculture projects, over-water structures shall be allowed only if necessary for the immediate and regular operation of the facility. Over-water structures shall be limited to the, storage of necessary tools and apparatus in containers of not more than three feet in height, as measured from the surface of the raft or dock.

P. Except for the sorting or culling of the cultured organism after harvest and the washing or removal of surface materials or organisms before or after harvest, no processing of any aquaculture product shall occur in or over the water unless specifically approved by permit. All other processing and processing facilities shall be located landward of the ordinary high water mark.

Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including, but not limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water Pollution Control. No garbage, wastes or debris shall be allowed to accumulate at the site of any aquaculture operation.

R. Unless approved in writing by the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, predator control shall not involve the killing or harassment of birds or mammals. Approved controls include, but are not limited to, double netting for seals, overhead netting for birds and three-foot high fencing or netting for otters. The use of other nonlethal, nonabusive predator control measures shall be contingent upon receipt of written approval from the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as required.

S. Finfish net pens and rafts shall meet the following criteria in addition to the other applicable regulations of this section:

1. Finfish net pens shall not be located in Quartermaster Harbor. For the purposes of this subsection, Quartermaster Harbor" means the area of Puget Sound north of a straight line drawn from the southwest tip of Maury
Island, which is Piner Point, to the southeast tip of Vashon Island, which is Neill Point;

2. Finfish net pens shall meet, at a minimum, state approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail;

3. Finfish net pens shall not occupy more than two surface acres of water area, excluding booming and anchoring requirements. Anchors that minimize disturbance to substrate, such as helical anchors, shall be employed. Such operations shall not use chemicals or antibiotics;

4. Aquaculture proposals that include new or added net pens or rafts shall not be located closer than one nautical mile to any other aquaculture facility that includes net pens or rafts. The department may authorize a lesser distance if the applicant demonstrates to the satisfaction of the department that the proposal will be consistent with the environmental and aesthetic policies and objectives of this chapter and the shoreline master program. The applicant shall demonstrate to the satisfaction of the department that the cumulative impacts of existing and proposed operations would not be contrary to the policies and regulations of the program;

5. Net cleaning activities shall be conducted on a frequent enough basis so as not to violate state water quality standards. When feasible, the cleaning of nets and other apparatus shall be accomplished by air drying, spray washing or hand washing; and

6. In the event of a significant fish kill at the site of a net pen facility, the finfish aquaculture operator shall submit a timely report to public health – Seattle & King County, environmental health division, and the department stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

T. All floating and submerged aquaculture structures and facilities in navigable waters shall be marked in accordance with United States Coast Guard requirements.

U. The rights of treaty tribes to aquatic resources within their usual and accustomed areas shall be addressed through direct coordination between the applicant and the affected tribes through the permit review process.

V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23.
W. Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.
X. Commercial salmon net pens and nonnative marine finfish aquaculture are prohibited.
Y. Finfish net pens shall be consistent with the applicable aquaculture regulations in this section and shall meet the following criteria and requirements:
   1. Each finfish net pen application shall provide a current, peer-reviewed science review of environmental issues related to finfish net pen aquaculture;
   2. The department shall only approve a finfish net pen application if the department determines the scientific review demonstrates:
      a. that the project construction and activities will achieve no net loss of ecological function in a manner that has no significant adverse short-term impact and no documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes; and
      b. that the finfish net pen does not involve significant risk of cumulative adverse effects, including, but not limited to, risk of interbreeding with wild salmon or reduction of genetic fitness of wild stocks, parasite or disease transmission or other adverse effects on native species or threatened or endangered species and their habitats;
   3. The department's review shall:
      a. include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the finfish net pen; and
      b. evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment;
   4. Finfish net pens shall be designed, constructed and maintained to prevent escapement of fish in all foreseeable circumstances, including, but not limited to, tide, wind and wave events of record, floating and submerged debris, and tidal action;
   5. Finfish net pens shall not be located:
      a. within three hundred feet of an area containing eelgrass or a kelp bed;
      b. within one thousand five hundred feet of an ordinary high water mark; or
      c. in a designated Washington state Department of Natural Resources aquatic reserve;
6. A finfish net pen may not be used to mitigate the impact of a development proposal; and
7. For finfish net pens that are not noncommercial native salmon net pens, the conditional use permit for the net pen must be renewed every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation of the finfish net pen during the previous five years.


21A.25.120 Public boat launching facilities.
   A. The traffic generated the facility must be safely and conveniently handled by the streets serving the proposed facility;
   B. The facility must provide adequate parking in accordance with K.C.C. chapter 21A.18;
   C. Live-aboards on a vessel are only allowed in a marina and only as follows:
      1. They are for residential use only;
      2. The marina shall provide shower and toilet facilities on land;
      3. There shall be no sewage discharges to the water;
      4. Live-aboards shall not exceed ten percent of the total slips in the marina; and
      5. The vessels shall be owner-occupied;
   D. The marina must be sited to protect the rights of navigation;
   E. The marina must be equipped with pumpout facilities;
   F. The marina must have provisions available for cleanup of accidental spills of contaminants;
   G. Marinas and boat ramps must be located where their development will not interrupt littoral currents, at the ends of drift cells and away from erosional pocket beaches;
   H. Lighting shall be maintained to avoid creating shading for aquatic predator species and other impacts to upland wildlife;
   I. Vessels moored on waters of the state shall obtain any required lease or permission from the state; and
   J. New covered or enclosed moorages are not allowed in the Maury Island aquatic reserve. (Ord. 16985 § 33, 2010).

21A.25.130 Forest practices.
   A. Forest practices within shorelines of statewide significance shall meet the following conditions:
1. Only selective commercial timber harvest is allowed, except other timber harvesting methods may be permitted where the topography, soil conditions or silviculture practices necessary for forest regeneration render selective commercial timber harvests ecologically detrimental;

2. No more than thirty percent of the merchantable trees may be harvested in any ten year period of time; and

3. Clear cutting of timber that is necessary for the preparation of land for other uses authorized by the King County shoreline master program may be permitted so long as limited to the maximum extent practical.

B. Forest practices in the Natural environment must be of low intensity and only for the purpose of enhancing forest health.

C. Forest practices within shoreline environments must comply with the Forest Practices Rules in Title 222 WAC and the revised Forest Practices Board Manual except:

1. The small forest landowner forestry riparian easement program established in chapter 222-21 WAC does not apply within shorelines; and


21A.25.140 Public access.

A. Except as otherwise provided in subsection B. of this section, public access shall be required for:

1. Attached residential developments;

2. New subdivisions of more than four lots;

3. Developments for water enjoyment, water related and non-water-dependent uses;

4. Publicly owned land, including, but not limited to, land owned by public agencies and public utilities;

5. Marinas; and

6. Publicly financed shoreline stabilization projects.

B. Public access shall:

1. Connect to other public and private public access and recreation facilities on adjacent parcels to the maximum extent practical;

2. Be sited to ensure public safety is considered; and

3. Be open to the general public;

C. Public access is not required if the applicant demonstrates to the satisfaction of the department that public access would be incompatible with the proposed use because of safety or security issues, would result in adverse impacts to the shoreline environment that cannot be mitigated or there are constitutional or other legal limitations that preclude requiring public access;
D. Public pedestrian and bicycle pathways and recreation areas constructed as part of a private development proposal should enhance access and enjoyment of the shoreline and provide features in scale with the development, such as:
   1. View points;
   2. Places to congregate in proportion to the scale of the development;
   3. Benches and picnic tables;
   4. Pathways; and
   5. Connections to other public and private public access and recreation facilities; and

E. Private access from single detached residences to the shoreline shall:
   1. Not exceed three feet in width;
   2. Avoid removal of significant trees and other woody vegetation to the maximum extent practical; and
   3. Avoid a location that is parallel to the shoreline to the maximum extent practical. (Ord. 16985 § 36, 2010).

21A.25.150 Recreational development. Recreational development must meet the following standards:
   A. The recreational development must be permitted in the underlying zone;
   B. Recreational uses in the Natural environment must be water-oriented;
   C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;
   D. The development of underwater sites for sport diving shall not:
      1. Take place at depths of greater than eighty feet;
      2. Constitute a navigational hazard; and
      3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site;
   E. The construction of swimming facilities, docks, piers, moorages, buoys, floats and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats or launching facility construction in K.C.C. 21A.25.180;
   F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;
   G. Campgrounds in the Natural environment shall meet the following conditions:
      1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical areas buffers;
      2. Restrooms and parking shall be located outside the shoreline jurisdiction; and
      3. Removal of vegetation shall be limited to the maximum extent practical;
   H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;
   I. Water viewing, nature study, recording and viewing shall be accommodated by open space, platforms, benches or shelter, consistent with public safety and security;
J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and

K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non water oriented active recreation facility would have an adverse impact on critical saltwater habitat. (Ord. 16985 § 38, 2010: Ord. 3688 § 415, 1978. Formerly K.C.C. 25.16.200).

21A.25.160 Shoreline modification.

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.

<table>
<thead>
<tr>
<th>Shoreline modification</th>
<th>High Intensity</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservancy</th>
<th>Resource</th>
<th>Forestry</th>
<th>Natural</th>
<th>Aquatic</th>
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<tr>
<td>Shoreline stabilization, not including flood protection facilities</td>
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<td>P1</td>
<td>P1</td>
<td>C1</td>
<td>P1</td>
<td>C1</td>
<td>P1</td>
<td>C1</td>
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<tr>
<td>Flood protection facilities</td>
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**Piers and docks**

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<th>Pier type</th>
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<th>Natural</th>
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<tr>
<td>Docks, piers, moorage, buoys, floats or launching facilities</td>
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<td>P3</td>
<td>P3</td>
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**Fill**

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**Breakwaters, jetties, groins and weirs**

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<tr>
<td>Breakwaters, jetties, groins and weirs</td>
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<td>P5</td>
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**Dredging and dredge material disposal**

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**Shoreline habitat and natural systems enhancement projects**

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**Vegetation management**

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<td>P8</td>
<td>P9</td>
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</tbody>
</table>

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, the 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 Flood Hazard Reduction 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;


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. (Ord. 19034 § 33, 2019; Ord. 18767 § 13, 2018; Ord. 17485 § 28, 2012: Ord. 16985 § 39, 2010).
21A.25.170 Shoreline stabilization.

A. Shoreline stabilization shall not be considered an outright use and shall be permitted only when the department determines that shoreline protection is necessary for the protection of existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges. Vegetation, berms, bioengineering techniques and other nonstructural alternatives that preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and other structural stabilization. Lesser impacting measures should be used before more impacting measures.

B. Structural shoreline stabilization may be permitted subject to the standards in this chapter and as follows:
   1. The applicant provides a geotechnical analysis that demonstrates that erosion from waves or currents is imminently threatening or that, unless the structural shoreline stabilization is constructed, damage is expected to occur within three years;
   2. The erosion is not caused by upland conditions;
   3. The proposed structural shoreline protection will provide greater protection than feasible, nonstructural alternatives such as slope drainage systems, vegetative growth stabilization, gravel berms and beach nourishment;
   4. The proposal is the minimum necessary to protect existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges; and
   5. Adequate mitigation measures will be provided to maintain existing shoreline processes and critical fish and wildlife habitat and ensure no net loss or function of intertidal or riparian habitat.

C. Shoreline stabilization to replace existing shoreline stabilization shall be placed landward of the existing shoreline stabilization, but may be placed waterward directly abutting the old structure only in cases where removal of the old structure would result in greater impact on ecological functions. In critical saltwater habitats, existing shoreline stabilization shall not be allowed to remain in place if the existing shoreline stabilization is resulting in the loss of ecological functions. Adequate mitigation measures that maintain existing shoreline processes and critical fish and wildlife habitat must be provided that ensures no net loss or function of intertidal or riparian habitat.
D. The maximum height of the proposed shoreline stabilization shall be no more than one foot above the elevation of extreme high water on tidal waters, as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration, or four feet in height on lakes.

E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater habitat, unless a geotechnical report demonstrates an imminent danger to a legally established structure or public improvement. If allowed, shoreline stabilization along feeder bluffs and critical saltwater habitat must be designed to have the least impact on these resources and on sediment conveyance systems.

F. Shoreline stabilization shall minimize the adverse impact on the property of others to the maximum extent practical.

G. Shoreline stabilization shall not be used to create new lands.

H. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body.

I. Automobile bodies or other junk or waste material that may release undesirable material shall not be used for shoreline stabilization.

J. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

K. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.

L. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines (Washington state departments of Fish and Wildlife, Ecology and Transportation, 2003) and shall be designed to allow for appropriate public access to the shoreline.

M. The department shall provide a notice to an applicant for new development or redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise. (Ord. 16985 § 41, 2010: Ord. 5734 § 5, 1981: Ord. 3688 § 413, 1978. Formerly K.C.C. 25.16.180).

21A.25.180 Dock, pier, moorage pile or buoy, float or launching facility. Any dock, pier, moorage pile or buoy, float or launching facility authorized by this chapter shall be subject to the following conditions:

A. Docks, piers, moorage piles or buoys, floats or launching facilities are allowed only for water dependent uses or for public access and shall be limited to the minimize size necessary to support the use. New private boat launch ramps are not allowed;
B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on marine waters:
   1. Must include an evaluation of the nearshore environment and the potential impact of the facility on that environment; and
   2. Avoid impacts to critical saltwater habitats unless an alternative alignment or location is not feasible;
C. In the High Intensity, Residential, Rural and Conservancy environments, the following standards apply:
   1. Only one dock, pier, moorage pile or buoy, float or launching facility may be allowed for a single detached residential lot and only if the applicant demonstrates there is no feasible practical alternative;
   2. For subdivisions or short subdivisions or for multiunit dwelling unit development proposals:
      a. Only one joint use dock, pier, float or launching facility is allowed; and
      b. One moorage pile or buoy if a dock, pier, float or launching facility is allowed or two moorage piles or buoys if a dock, pier, float or launching facility is not allowed;
   3. Only one dock, pier, moorage pile or buoy, float or launching facility is allowed for each commercial or industrial use; and
   4. Multiuser recreational boating facilities serving more than four single detached residences shall comply with K.C.C. 21A.25.120;
D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or launching facility for a commercial or manufacturing use must be located at least two hundred fifty feet from another dock or pier;
E. In the Resource and Forestry Shoreline environments, only one dock, pier, moorage pile or buoy, float or launching facility is permitted and only as an accessory use to a residential use or to support a resource or forestry use;
F. In the Natural environment, a dock, pier, moorage pile or buoy, float or launching facility is prohibited;
G. In freshwater lakes:
   1. A new pier, dock or moorage pile for residential uses shall meet the following requirements:

<table>
<thead>
<tr>
<th>New Pier, Dock or Moorage Piles</th>
<th>Dimensional and Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers</td>
<td>(1) 480 square feet for single dwelling unit;</td>
</tr>
<tr>
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<tr>
<td>(2)</td>
<td>700 square feet for joint-use facility used by 2 dwelling units;</td>
</tr>
<tr>
<td>(3)</td>
<td>1000 square feet for joint-use facility used by 3 or more dwelling units;</td>
</tr>
<tr>
<td>(4)</td>
<td>These area limitations shall include platform lifts;</td>
</tr>
<tr>
<td>(5)</td>
<td>150 square feet for float for a single dwelling unit; and</td>
</tr>
<tr>
<td>(6)</td>
<td>Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>b.</th>
<th>Maximum Length for piers, docks, ells, fingers and attached floats</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(A) On Lake Washington and Lake Sammamish, 150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(B) On all other freshwater lakes, the shorter of: 80 feet or the point where the water depth is 13 feet below ordinary high water</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>26 feet for ells; and</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>20 feet for fingers and float decking attached to a pier</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>c.</th>
<th>Maximum Width</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>4 feet for pier or dock walkway or ramp;</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>6 feet for ells;</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>2 feet for fingers;</td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and</td>
<td></td>
</tr>
<tr>
<td>(5)</td>
<td>For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>d.</th>
<th>Height of piers and diving boards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier;</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Maximum of 3 feet above deck surface for diving boards or similar features;</td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Maximum of 3 feet above deck for safety railing, which shall be an open framework.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e.</th>
<th>Minimum Water Depth for ells and float decking attached to a pier</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Must be in water with depths of 10 feet or greater at the landward end of the float</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>f.</td>
<td>Decking for piers, docks walkways, platform lifts, ells and fingers</td>
<td>(1) If float tubs for docks preclude use of fully grated decking material, then a minimum of 2 feet of grating down the center of the entire float shall be provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material.</td>
</tr>
<tr>
<td>g.</td>
<td>Location of ells, fingers and deck platforms</td>
<td>(1) Within 30 feet of the OHWM, only the pier walkway or ramp is allowed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) No closer than 30 feet waterward of the OHWM, measured perpendicular to the OHWM.</td>
</tr>
<tr>
<td>h.</td>
<td>Pilings and Moorage Piles</td>
<td>(1) Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) First set of pilings or moorage piles located no closer than 18 feet from OHWM.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) Moorage piles shall not be any farther waterward than the end of the pier or dock.</td>
</tr>
<tr>
<td>i.</td>
<td>Mitigation</td>
<td>Plantings or other mitigation as provided in subsection L. of this section.</td>
</tr>
</tbody>
</table>

2. On Lake Washington and Lake Sammamish, the department may approve the following modifications to a new pier proposal that deviates from the dimensional standards of subsection G.1. of this section if both the U.S. Army Corps of Engineers and Washington state Department of Fish and Wildlife have approved an alternate project design. In addition, the following requirements and all other applicable provisions in this chapter shall be met:

<table>
<thead>
<tr>
<th>Administrative Approval for Alternative Design of New Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>State and Federal Agency Approval</td>
</tr>
<tr>
<td></td>
<td>U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved proposal.</td>
</tr>
<tr>
<td>b.</td>
<td>Maximum Area</td>
</tr>
<tr>
<td></td>
<td>No larger than authorized through state and federal approval.</td>
</tr>
<tr>
<td>c.</td>
<td>Maximum Width</td>
</tr>
<tr>
<td></td>
<td>(1) Except as provided in c.ii. of this subsection, the pier and all components shall meet the standards noted in subsection G.1. of this section.</td>
</tr>
<tr>
<td></td>
<td>(2) 4 feet for portion of pier or dock located within 30 feet of the OHWM; and 6 feet for walkways.</td>
</tr>
</tbody>
</table>
d. Minimum Water Depth | No shallower than authorized through state and federal approval

3.a. A replacement of an existing pier or dock shall meet the following requirements:

<table>
<thead>
<tr>
<th>Replacement of Existing Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)</td>
<td>Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.</td>
</tr>
<tr>
<td>(2) Mitigation</td>
<td>(a) Existing skirting shall be removed and may not be replaced.</td>
</tr>
<tr>
<td></td>
<td>(b) Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.</td>
</tr>
</tbody>
</table>

b. On Lake Washington and Lake Sammamish, the department may approve the following modifications to a pier replacement proposal that deviates from the dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of Engineers and Washington state Department of Fish and Wildlife have approved an alternate project design. With submittal of a building permit, the applicant shall provide documentation that the U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved the alternative proposal design. In addition, the following requirements and all other applicable provisions in this chapter shall be met;

<table>
<thead>
<tr>
<th>Administrative Approval for Alternative Design of Replacement Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) State and Federal Agency Approval</td>
<td>U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal</td>
</tr>
<tr>
<td>(2) Maximum Area</td>
<td>No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater</td>
</tr>
<tr>
<td>(3) Maximum Length</td>
<td>26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</td>
</tr>
</tbody>
</table>
### Maximum Width

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways</td>
</tr>
<tr>
<td>(b) 8 feet for ells and float decking attached to a pier</td>
</tr>
<tr>
<td>(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide</td>
</tr>
<tr>
<td>(d) Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</td>
</tr>
</tbody>
</table>

### Minimum Water Depth

<table>
<thead>
<tr>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>No shallower than authorized through state and federal approval</td>
</tr>
</tbody>
</table>

4. Proposals involving the addition to or enlargement of existing piers or docks must comply with the requirements in the following table. These provisions shall not be used in combination with the provisions for new or replacement piers in subsection G.1. or G.3. of this section.

<table>
<thead>
<tr>
<th>Addition to Existing Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Addition or enlargement</td>
<td>(1) Must demonstrate that there are no alternatives with less impact on the shoreline; and</td>
</tr>
<tr>
<td></td>
<td>(2) Must demonstrate that there is a need for the enlargement of an existing pier or dock and that there are no alternatives with less impact on the shoreline. Examples of need include, but are not limited to safety concerns or inadequate depth of water</td>
</tr>
<tr>
<td>b. Dimensional standards</td>
<td>Enlarged portions must comply with the new pier or dock standards for length and width, height, water depth, location, decking and pilings and for materials as described in subsection G.1. of this section.</td>
</tr>
<tr>
<td>c. Decking for piers, docks walkways, ells and fingers</td>
<td>Must convert an area of decking within 30 feet of the OHWM to grated decking equivalent in size to the additional surface coverage. Grated or other materials must allow a minimum of fifty percent light transmittance through the material</td>
</tr>
<tr>
<td>d. Mitigation</td>
<td>(1) Existing skirting shall be removed and may not be replaced</td>
</tr>
<tr>
<td></td>
<td>(2) Existing in-water and overwater structures located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures or pier or dock walkways or piers, shall be removed at a 1:1 ratio to the area of the addition</td>
</tr>
</tbody>
</table>

5.a. Repair proposals that replace only decking or decking substructure and less than fifty percent of the existing pier-support piles must comply with the following regulations:
Minor Repair of Existing Pier or Dock

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Replacement pilings or moorage piles</td>
<td>(a) Must use materials as described under subsection G.1.h(3) of this section</td>
</tr>
<tr>
<td></td>
<td>(b) Must minimize the size of pilings or moorage piles and maximize the spacing between pilings to the extent allowed by site-specific engineering or design considerations</td>
</tr>
<tr>
<td>(2) Replacement of 50 percent or more of the decking or 50 percent or more of the substructure</td>
<td>Must replace any solid decking surface of the pier or dock located within 30 feet of the OHWM with a grated surface material that allows a minimum of fifty percent light transmittance through the material</td>
</tr>
</tbody>
</table>

b. Other repairs to existing legally established moorage facilities where the nature of the repair is not described in this subsection shall be considered minor repairs and are permitted, consistent with all other applicable codes and regulations. If cumulative repairs of an existing pier or dock would make a proposed repair exceed the threshold for a replacement pier established in subsection G.3. of this section, the repair proposal shall be reviewed under subsection G.1. of this section for a new pier or dock, except as described in subsection G.3.b. of this section for administrative approval of alternative design;

H. Boatlifts, personal watercraft lifts, boatlift canopies and moorage piles may be permitted as an accessory to piers and docks, subject to the following regulations:

<table>
<thead>
<tr>
<th>Boatlift, Personal Watercraft Lift, Boat Canopy and Moorage Piles</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Location</td>
<td>a. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM</td>
</tr>
<tr>
<td></td>
<td>b. Boat lifts are not permitted within the Maury Island Environmental Aquatic Reserve</td>
</tr>
<tr>
<td></td>
<td>c. The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be a least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier</td>
</tr>
<tr>
<td></td>
<td>d. Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock</td>
</tr>
</tbody>
</table>
### Maximum Number

- **a.** 1 free-standing or deck-mounted boatlift per dwelling unit
- **b.** 1 personal watercraft lift or 1 fully grated platform lift per dwelling unit
- **c.** 1 boatlift canopy per dwelling unit, including joint use piers

### Canopy Materials

- **a.** Must be made of translucent fabric materials.
- **b.** Must not be constructed of permanent structural material.

### Fill for Boatlift

- **a.** Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:
  - **b.** May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate
  - **c.** Must be clean
  - **d.** Must consist of rock or precast concrete blocks
  - **e.** Must only be used to anchor the boatlift
  - **f.** Minimum amount of fill is used to anchor the boatlift

### Moorage Buoys

I. Moorage buoys shall meet the following conditions:

1. Buoys shall not impede navigation;
2. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float structures;
3. Buoys shall be located and managed in a manner that minimizes impacts to eelgrass and other aquatic vegetation;
4. Preference should be given mid-line float or all-rope line systems that have the least impact on marine vegetation;
5. New buoys that would result in a closure of local shellfish beds for future harvest shall be prohibited; and
6. No more than four buoys per acre are allowed;

J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other overwater structure or device shall meet the following setback requirements:

   a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use shall comply with the following location standards:

<table>
<thead>
<tr>
<th>New Pier, Dock, Boatlift and Moorage Pile or Buoy</th>
<th>Minimum Setback Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Side property lines</td>
<td>15 feet</td>
</tr>
<tr>
<td>(2) Another moorage structure not on the subject property, excluding adjacent moorage structure that does not</td>
<td>25 feet, except that this standard shall not apply to moorage piles</td>
</tr>
</tbody>
</table>
b. Joint-use structures may abut property lines when the property owners sharing the moorage facility have mutually agreed to the structure location in a contract recorded with the King County division of records and elections to run with the properties. A copy of the contract must accompany an application for a building permit or a shoreline permit.

2. An overwater structure may abut property lines for the common use of adjacent property owners.

K. On marine shorelines, a new, repaired, or replaced pier, dock or float for residential uses shall meet the following requirements:

<table>
<thead>
<tr>
<th>Pier, Dock or Float on Marine Waters</th>
<th>Dimensional and Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maximum Area: surface coverage, including all attached float decking and ramps</td>
<td>a. 480 square feet for single dwelling unit;</td>
</tr>
<tr>
<td></td>
<td>b. 700 square feet for joint-use facility used by 2 dwelling units;</td>
</tr>
<tr>
<td></td>
<td>c. 1000 square feet for joint-use facility used by 3 or more dwelling units;</td>
</tr>
<tr>
<td></td>
<td>d. These area limitations shall include platform lifts; and</td>
</tr>
<tr>
<td></td>
<td>e. 240 square feet for float for a single dwelling unit.</td>
</tr>
<tr>
<td>2. Maximum Width</td>
<td>a. 4 feet for pier or dock for single dwelling unit;</td>
</tr>
<tr>
<td></td>
<td>b. 6 feet for pier or dock for joint use facility; and</td>
</tr>
<tr>
<td></td>
<td>c. 4 feet for ramp connecting to a pier or float</td>
</tr>
<tr>
<td>3. Floats</td>
<td>a. For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float;</td>
</tr>
<tr>
<td></td>
<td>b. For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float;</td>
</tr>
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<td></td>
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</tr>
<tr>
<td>c.</td>
<td>To the maximum extent practical, floats must be installed with the length in the north-south direction;</td>
</tr>
<tr>
<td>d.</td>
<td>If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location;</td>
</tr>
<tr>
<td>e.</td>
<td>Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubs not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris;</td>
</tr>
<tr>
<td>f.</td>
<td>Flotation components shall be installed under the solid portions of the float, not under the grating; and</td>
</tr>
<tr>
<td>g.</td>
<td>If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length.</td>
</tr>
</tbody>
</table>

4. Float stops

<p>| | |</p>
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<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations;</td>
</tr>
<tr>
<td>b.</td>
<td>If float stops attached to pilings are not feasible (this must be explained in the application), then up to four 10 inch diameter stub pilings can be installed instead;</td>
</tr>
<tr>
<td>c.</td>
<td>Float feet attached to the float may be considered an option only under these circumstances: (1) in coarse substrate with 25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (2) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate;</td>
</tr>
<tr>
<td>d.</td>
<td>For repair or replacement of existing float feet if: (1) substrate contains mostly gravel; and (2) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and</td>
</tr>
<tr>
<td>e.</td>
<td>Floats can be held in place with lines anchored with a helical screw or &quot;duckbill&quot; anchor, piling with stoppers or float support/stub pilings as follows: (1) For a single-use float, a maximum of 4 piling (not including stub piling) or helical screw or “duckbill” anchors can be installed to hold the float in place. (2) For a joint-use float, a maximum of 8 piling or helical screw or &quot;duckbill&quot; anchors can be installed to hold the float in place. (3) If anchors and anchor lines</td>
</tr>
</tbody>
</table>
need to be used, the anchor lines shall not rest on the substrate at any time. (4) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted.

<table>
<thead>
<tr>
<th>5. Decking for piers, docks walkways, platform lifts, ells and fingers</th>
<th>a. Grating must not be covered, on the surface or underneath, with any stored items, such as floats, canoes, kayaks, planter boxes, sheds, carpet, boards or furniture;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b. Grating shall be kept clean of algae, mud or other debris that may impede light transmission;</td>
</tr>
<tr>
<td></td>
<td>c. Piers, docks, and platform lifts must be fully grated or contain other materials that allow a minimum of fifty percent light transmittance through the material;</td>
</tr>
<tr>
<td></td>
<td>d. Grating openings shall be oriented lengthwise in the east-west direction to the extent practicable and the structures themselves should be oriented to maximize natural light penetration;</td>
</tr>
<tr>
<td></td>
<td>e. Overwater structures shall incorporate as much functional grating as possible. Grating needs to have a minimum of 60% open area; and</td>
</tr>
<tr>
<td></td>
<td>f. The area of floating boat lifts to be moored at the overwater structure shall be included in the float grating calculations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Pier or dock configuration</th>
<th>Only straight line piers or docks are allowed. Ells, fingers or &quot;T&quot; shaped docks and piers are not allowed.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7. Pilings and Moorage Piles</th>
<th>a. Pilings or moorage piles shall not be treated with pentachlorophenol, creosote, chromated copper arsenate (CCA) or comparably toxic compounds;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>b. Replacement or proposed new piling can be steel, concrete, plastic or untreated or treated wood. Any piling subject to abrasion and subsequent deposition of material into the water shall incorporate design features to minimize contact between all of the different components of overwater structures during all tidal elevations;</td>
</tr>
<tr>
<td></td>
<td>c. New piling associated with a new pier must be spaced at least 20 feet apart lengthwise along the structure, unless the length of structure itself is less than 20 feet. If the structure itself is less than 20 feet in length, piling can only be placed at the ends of the structure. Piles in forage fish spawning areas shall be spaced at least 40 feet apart;</td>
</tr>
<tr>
<td></td>
<td>d. If the project includes the replacement of existing piling, they should be either partially cut with a new piling</td>
</tr>
</tbody>
</table>
secured directly on top, fully extracted, or cut 2 feet below the mudline. If treated piling are fully extracted or cut, the holes or piles must be capped with clean, appropriate material. Hydraulic water jets cannot be used to remove piling;

e. A maximum of two moorage piles may be installed to accommodate the moorage of boats exceeding the length of the floats; and

f. Dolphins are not permitted.

| 8. Mitigation | Plantings or other mitigation as provided in subsection L. of this section; |

L. New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat canopies and moorage piles or buoys shall comply with the following:

1. Existing habitat features, such as large and small woody debris and substrate material, shall be retained and new or expanded moorage facilities placed to avoid disturbance of such features;

2. Invasive weeds, such as milfoil, may be removed as provided in K.C.C. chapter 21A.24; and

3. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a minimum of ten feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots, such as willow species. Such planting shall be monitored for a period of five years consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

M. Except as otherwise provided for covered boat lifts under subsection H. of this section, covered docks or piers, covered moorages and covered floats are not permitted waterward of the ordinary high water mark; and

N. No dwelling unit may be constructed on a dock or pier. A water related or water enjoyment use may be allowed on a dock, pier or other over-water structure only as part of a mixed-use development and only if accessory to and in support of a water-dependent use. (Ord. 18767 § 14, 2018: Ord. 16985 § 43, 2010: Ord. 15971 § 107, 2007: Ord. 12763 § 1, 1997: Ord. 3688 § 409(4), 1978. Formerly K.C.C. 25.16.120).
21A.25.190 Excavation, dredging, dredge material disposal and filling. Excavation, dredging, dredge material disposal and filling may be permitted only 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 hydrologic 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 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. (Ord. 16985 § 45, 2010: Ord.
21A.25.200 Channel migration zone - new development to avoid future shoreline stabilization. In the channel migration zone in the shoreline jurisdiction, to the maximum extent practical, new development shall be located and designed to avoid the need for future shoreline stabilization. (Ord. 16985 § 131, 2010).

21A.25.210 Expansion of a dwelling unit or residential accessory structure.

The expansion of a dwelling unit or residential accessory structure located in the shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

A. If the proposed expansion will result in a total cumulative expansion of the dwelling unit and accessory structures of more than one thousand square feet, a shoreline variance is required; and

B. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed. (Ord. 17485 § 29, 2012; Ord. 16985 § 46, 2010).

21A.25.220 Shoreline dimensions and density.

A. The shoreline dimensions table in subsections B. and C. of this section establishes the shoreline standards within each of the shoreline environments. The shoreline environment is located on the vertical column and the density and dimensions standard is located on the horizontal row of the table. 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 standards are the same as for the underlying zoning.

2. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that shoreline environment.

3. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions immediately following the table that are related to the density and dimension standard for that environment.

B. The dimensions enumerated in this section apply within the shoreline jurisdiction. If there is a conflict between the dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive shall apply.

**Shoreline dimensions.**

<table>
<thead>
<tr>
<th>High</th>
<th>Residential</th>
<th>Rural</th>
<th>Conservation</th>
<th>Resort</th>
<th>Natural</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Island</td>
<td>Inn</td>
<td></td>
<td>Cerris</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. Development conditions.

1. This height can be exceeded consistent with the base height for the zone only if the structure will not obstruct the view of a substantial number of residences on areas adjoining the shoreline or if overriding considerations of the public interest will be served, and only for:
   a. agricultural buildings;
   b. water dependent uses and water related uses; and
   c. regional light rail transit support structures, but no more than is reasonably necessary to address the engineering, operational, environmental issues at the location of the structure;

2. The minimum lot areas may be reduced as follows:
   a. to no less than 10,000 square feet or the minimum lot areas for the zone, whichever is greater, through lot averaging; and
   b. when public access is provided, to no less than 8,000 square feet, or the minimum lot area for the zone, whichever is greater, through cluster development, as provided in K.C.C. chapter 21A.14.

3. For lots created before the December 10, 2010, if achieving the ten percent maximum impervious surface limit is not feasible, the amount of impervious surface shall be limited to the maximum extent practical but not to exceed the amount of impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040.

4. Except for a mixed use development, the density of the underlying zoning or 6 units per acre, whichever is lower. A mixed use development may have the density of the underlying zone. (Ord. 17485 § 30, 2012: Ord. 16985 § 47, 2010).

21A.25.230 Subdivisions.

A. Any existing lot that does not comply with the density and dimensions standards of K.C.C. chapter 21A.12 or K.C.C. 21A.25.220 and that is located wholly or partially within the shoreline jurisdiction shall be subject to the following provisions:
1. If the adjoining property is not under the same ownership as such lot, then the lot shall be considered a separate building site; and

2. If the adjoining property is under the same ownership as such lot, then the lot shall not be considered a separate building site until the lot is combined with adjoining property under the same ownership in such a way as to comply with the density and dimensions standards of K.C.C. chapter 21A.12.

B. Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, recreation space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.

C. All newly created lots wholly or partially within the shoreline shall be of uniform size and dimension, whenever possible.

D. Subdivision of more than four lots shall provide an improved and maintained pedestrian easement to the shoreline that is of sufficient width to ensure usable access for all residents. Public access to the shoreline shall be in conformance with the standards in K.C.C. 21A.25.140.

E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of the lots should allow for the construction of residential units that do not require shoreline stabilization. (Ord. 16985 § 49, 2010: Ord. 11792 § 26, 1995: Ord.3688 § 410, 1978. Formerly K.C.C. 25.16.150).

21A.25.240 Historic resources. Historic resources include historic buildings, sites, objects, districts and landscapes, prehistoric and historic archaeological resources and traditional cultural places. Development within shoreline environments shall protect historic resources as follows:

A.1. Known historic resources are inventoried by the historic preservation program and are subject to the procedures in K.C.C. 20.62.150. As required by K.C.C. 20.62.150, the department shall inform the historic preservation officer regarding the impacts of development proposals on inventoried resources. Disturbance of known archaeological sites is also subject to state regulations, including chapters 27.44, 27.53 and 68.80 RCW.

2. If a known archaeological site or traditional cultural place is affected by a development proposal, the historic preservation officer shall inform and consult with the Washington state Department of Archaeology and Historic Preservation and any concerned Native American tribes. To the extent feasible, the historic preservation officer shall coordinate county and state required permitting and compliance procedures and requirements to avoid
substantial duplication of effort by permit applicants. The department shall require a site inspection or evaluation by a professional archaeologist in coordination with any concerned Native American tribes.

3. In considering shoreline permits or shoreline exemptions with regard to known historic resources, the department may attach conditions to provide sufficient time for the Historic Preservation Officer to consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes, and to ensure that historic resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term stewardship and protection arrangements. Provision for the protection and preservation of historic resources shall be incorporated in permits and exemptions to the maximum extent practical;

B.1. Consistent with the definitions and requirements in chapters 27.44, 27.53 and 68.80 RCW, and with the intent of K.C.C. chapter 20.62, whenever potentially significant historic resources, or archaeological artifacts, are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the department.

2. For inadvertent discoveries, the department shall notify the historic preservation officer. If an archaeological site or artifacts have been discovered, the department shall also notify the Washington state Department of Archaeology and Historic Preservation, any concerned Native American tribes and other appropriate agencies. The department shall require that a historic resource assessment be conducted immediately by a professional archaeologist, ethnographer or historic preservation professional, as applicable, in consultation with the historic preservation officer, to determine the significance of the discovery and the extent of damage that may have occurred to the resource. The historic resource assessment shall be distributed to the historic preservation officer, and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington state Department of Archaeology and Historic Preservation, and any concerned Native American tribes for a fifteen-day review period or, in the case of inadvertent discovery of human remains, a thirty-day review period to determine the significance of the discovery. If the historic resource has been determined not to be significant by the agencies or governments listed in this subsection B.2., or if those agencies or governments have failed to respond within the applicable review period following receipt of the historic resource assessment, the stopped work may resume; and

3. Upon receipt of a positive determination of a resource's significance, or if available information suggests that a negative determination is erroneous,
the department or the historic preservation officer may require that a historic resource management plan be prepared by a qualified professional archaeologist or other appropriate professional if such action is reasonable and necessary to implement related program objectives and is consistent with the intent of King County policies and codes protecting historic resources;

C.1. If a private or publicly owned historic resource is identified, public access shall be encouraged as appropriate for purposes of public education, but only if:

a. the type or level of public access is consistent with the long term protection of both historic resource values and shoreline ecological functions; and

b. an access management plan is developed in accordance with development site- and resource-specific conditions in consultation with the historic preservation officer and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington state Department of Archaeology and Historic Preservation, any concerned Native American tribes or other agencies, as appropriate, to address physical protection of the resource, hours of operation, interpretive or directional signage, lighting, pedestrian access or traffic and parking, as appropriate.

2. For archaeological sites and traditional cultural places, the historic preservation program, the Washington state Department of Archaeology and Historic Preservation, any concerned Native tribes or other agencies, as appropriate, shall approve public access measures before provision of public access to a site. (Ord. 16985 § 50, 2010).

21A.25.250 Parking facilities. Parking facilities, except parking facilities associated with single detached dwelling units, shall meet the following standards:

A. Parking areas serving a water-related, water-enjoyment or a non-water-oriented use must be located beneath or upland of the development that the parking area serves, except for utility facilities;

B. The design of parking facilities must use low-impact designs, such as porous concrete and vegetated swales;

C. Lighting shall be the minimum necessary and shall be shielded and directed away from the water and critical areas and critical area buffers; and

D. In the Natural environment, parking areas shall be located at least two hundred feet from the ordinary high water mark. (Ord. 16985 § 51, 2010).

21A.25.260 New utility facilities and repair and replacement of existing utility facilities. New utility facilities and repair and replacement of existing
utility facilities may be permitted subject to the general requirements of this chapter, as follows:

A. To the maximum extent practical, new utility and transmission facilities shall:
   1. Avoid disturbance of unique and fragile areas;
   2. Avoid disturbance of wildlife spawning, nesting and rearing areas;
   3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic recreation or historic areas;
   4. Avoid changing groundwater patterns and hyporheic flows that support streams and wetlands;
   5. Not be located within the Natural shoreline unless the utility is low-intensity; and
   6. Avoid locating new utility and transmission facilities in tidelands or in or adjacent to the Maury Island aquatic reserve;

B. New utility distribution and transmission facilities shall be designed to:
   1. Be located outside the shoreline jurisdiction where feasible;
   2. Be located within existing rights of way and utility corridors where feasible;
   3. Minimize visual impact;
   4. Harmonize with or enhance the surroundings;
   5. Not create a need for shoreline protection; and
   6. To the maximum extent practical, use natural screening;

C. To the maximum extent practical the construction, repair, replacement and maintenance of utility facilities shall:
   1. Maximize the preservation of natural beauty and the conservation of resources;
   2. Minimize scarring of the landscape;
   3. Minimize siltation and erosion;
   4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
   5. Avoid disruption of critical aquatic and wildlife stages;

D. Rehabilitation of areas disturbed by the construction, repair, replacement or maintenance of utility facilities shall:
   1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain plant and wildlife habitats; and
   2. Use plantings compatible with the native vegetation;

E. Solid waste transfer stations shall only be permitted within the High Intensity shoreline environment; and

F. Utility production and processing facilities, such as power plants and sewage treatment plants, are not allowed within the shoreline jurisdiction. (Ord. 16985 § 53, 2010: Ord. 3688 § 411, 1978. Formerly K.C.C. 25.16.160).
21A.25.270 Signs. Signs may be permitted subject to K.C.C. chapter 21A.20, but only as follows:
   A. Signs waterward of the ordinary high water mark shall be permitted only to the extent necessary for the operation of a permitted overwater development. No such a sign shall be larger than five square feet;
   B. In the Rural environment, signs may not exceed fifty square feet;
   C. In the Resource, Natural and Conservancy environments, signs are not allowed except for:
      1. Signs of not more than twenty-five square feet within public parks or trails; and
      2. Signs permitted under K.C.C. chapter 21A.20 for residential uses;
   D. Signs to protect public safety or prevent trespass may be allowed and should be limited in size and number to the maximum extent practical. (Ord. 16985 § 55, 2010: Ord. 3688 § 408, 1978. Formerly K.C.C. 25.16.080).

21A.25.280 Transportation facilities.
   A. Transportation facilities, including, but not limited to, streets, alleys, highways, railroads and regional light rail transit may be located in all shoreline environments.
   B. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.
   C. Within railroad and regional light rail transit rights-of-way, allowed uses shall be limited to: tracks, signals or other operating devices; movement of rolling stock; utility lines and equipment; and facilities accessory to and used directly for the delivery and distribution of services to abutting property.
   D. New transportation facilities shall, to the maximum extent practical:
      1. Be located outside of the shoreline jurisdiction;
      2. Avoid disturbance of unique and fragile areas;
      3. Avoid disturbance of wildlife spawning, nesting and rearing areas;
      4. Avoid changing groundwater patterns and hyporheic flows that support streams and wetlands;
      5. Not create a need for shoreline protection; and
      6. Use natural screening. (Ord. 16985 § 56, 2010).

21A.25.290 Development limitations - mitigation - substantial development - record of review - conditions of approval - programmatic statement of exemption - exception to statement of exemption.
   A. Development within the shoreline jurisdiction, including preferred uses and uses that are exempt from permit requirements, shall be undertaken only if that development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC and the King County shoreline master program and will not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall
employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.

B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140, WAC 173-27-044 or WAC 173-27-045. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:
   1. WAC 173-27-050 applies; or
   2. The proposed use or modification will occur waterward of the ordinary high water mark except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section.

C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations.

D. As necessary to ensure consistency of the project with the shoreline master program and this chapter, the department may attach conditions of approval to a substantial development permit or a statement of exemption or to the approval of a development proposal that does not require either.

E. The department may issue a programmatic statement of exemption as follows:
   1. For an activity for which a statement of exemption is required, the activity shall:
      a. be repetitive and part of a maintenance program or other similar program;
      b. have the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the programmatic statement of exemption; and
      c. be suitable to having standard conditions that will apply to any and all sites;
   2. The department shall uniformly apply conditions to each activity authorized under the programmatic statement of exemption at all locations covered by the statement of exemption. The department may require that the applicant develop and propose the uniformly applicable conditions as part of the statement of exemption application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic statement of exemption until applicable conditions are developed and approved;
   3. Activities authorized under a programmatic statement of exemption shall be subject to inspection by the department. The applicant may be required to notify the department each time work subject to the programmatic statement of exemption is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions in the programmatic statement of exemption;
   4. The department may require revisions, impose new conditions or otherwise modify the programmatic statement of exemption or withdraw the programmatic statement of exemption and require that the applicant apply for a standard statement of exemption, if the department determines that:
      a. the programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
b. the programmatic statement of exemption does not provide adequate regulation of the activity;

c. the programmatic statement of exemption conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or

d. a site requires site-specific regulation; and

5. If an activity covered by a programmatic statement of exemption also requires other county, state and federal approvals, to the extent feasible, the department shall attempt to incorporate conditions that comply with those other approvals into the programmatic statement of exemption.

F. A statement of exemption is not required for maintenance of agricultural drainage or agricultural waterways used by salmonids if:

1. 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;

2. 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;

3. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program;

4. The maintenance project complies with the requirements of K.C.C. chapter 16.82; and


21A.25.300 Permits - prerequisite to other permits. In the case of development subject to the permit requirements of this chapter, applicants may need to obtain other permits and comply with other nonshoreline King County regulations. King County shall not issue any other permit for such development until such time as approval has been granted under this chapter. Any development subsequently authorized by King County shall be subject to the same terms and conditions that apply to the development authorized under this chapter. (Ord. 18767 § 16, 2018: Ord. 16985 § 60, 2010: Ord. 3688 § 802, 1978. Formerly K.C.C. 25.32.020).

21A.25.320 Appeals.

A. Appeals from the final decision of the county with regard to shoreline management shall be governed solely by RCW 90.58.180.

B. The effective date of King County's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

C. When a hearing and decision has occurred under K.C.C. 25.32.080, as recodified by Ordinance 16985*, and the examiner's recommendation with regard to disposition of a proposed development under K.C.C. Titles 20 and 21A requires King County council action, the final decision of the county shall be effective on the date of filing as defined in RCW 90.58.140 for the purposes of appeal as provided in RCW 90.50.140. However, development may not occur until the King County council has taken final action on the examiner's recommendation required by K.C.C. Titles 20 and 21A. (Ord. 16985 § 64, 2010: Ord. 12196 § 62, 1996: Ord. 3688 § 810, 1978. Formerly K.C.C. 25.32.100).
Section 21A.24.045  Allowed alterations.

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.

<table>
<thead>
<tr>
<th>A= alteration is allowed Numbers indicate applicable development condition in subsection D. of this section</th>
<th>Landslide Hazard Over 40% and Buffer</th>
<th>Steep Slope Hazard and Buffer</th>
<th>Wetland and Buffer</th>
<th>Aquatic Area and Severe Channel Migration</th>
<th>Wildlife Habitat Conservation Area and Wildlife Habitat Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of new single detached dwelling unit</td>
<td>A 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of a new tree-supported structure</td>
<td>A 64</td>
<td>A 64</td>
<td>A 64</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction of nonresidential structure</td>
<td>A 3</td>
<td>A 3</td>
<td></td>
<td>A 3, 4</td>
<td></td>
</tr>
<tr>
<td>Maintenance or repair of existing structure</td>
<td>A 5</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A 4</td>
</tr>
<tr>
<td>Expansion or replacement of existing structure</td>
<td>A 5, 7</td>
<td>A 5, 7</td>
<td>A 7, 8</td>
<td>A 6, 7, 8</td>
<td>A 4, 7</td>
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<tr>
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<td>Construction or maintenance of a commercial fish farm</td>
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D. The following alteration conditions apply:

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

2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:
   a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;
   b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;
   c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;
   d. access is located to have the least adverse impact on the critical area and critical area buffer;
   e. the site alteration is the minimum necessary to accommodate the development proposal and in no case in excess of five thousand square feet;
   f. the alteration is no closer than:
      (1) on a site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;
      (2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and
      (3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; and
   g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.

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;

(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.
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 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

21A.24.051 Agricultural activities development standards.
   A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.
   B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan.
   C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads and agricultural drainage.
   D. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority:
1. To maintain the productive agricultural land base and economic viability of agriculture on the site;
2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner;
3. To the maximum extent practical in accordance with the site specific goals of the landowner, maintain and enhance natural hydrologic systems on the site;
4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and
5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

E. If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:
   1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;
   2. Consider the priorities of the King County shoreline protection and restoration plan; and
   3. Ensure no net loss of shoreline ecological functions.

F. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. The plan shall include, but is not limited to, the following elements:
   1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;
   2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;
   3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;
   4. A plan for implementation of performance standards and best management practices;
   5. A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm management plan if adverse impacts occur.

G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

H. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection D. of this section and consistent with subsection E. of this section.

I. Once approved, activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of local services, permitting division, shall consult with the department of natural resources and parks and the King Conservation District to

21A.24.055 Rural stewardship plans.

A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section.

B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan.

C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors:

1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map;
2. The existing condition of wetland and aquatic area buffers;
4. The location of the site in the drainage basin;
5. The percentage of impervious surfaces and clearing on the site; and
6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred.

D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan.

E. Modifications of critical area buffers shall be based on the following prioritized goals:

1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction;
2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;
3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;
4. To maintain, restore or enhance native vegetation;
5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site;
6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;
7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and
8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.

F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall:
   1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program;
   2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and
   3. Ensure no net loss of shoreline ecological functions.

G. A rural stewardship plan may include, but is not limited to, the following elements:
   1. Critical areas designation under K.C.C. 21A.24.500;
   2. Identification of structures, cleared and forested areas and other significant features on the site;
   3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;
   4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development;
   5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site;
   6. A schedule for implementation of the elements of the rural stewardship plan; and
   7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur.

H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section.

I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100.

J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply:
   1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and
   2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter.

K. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section.
L. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of local services, permitting division, shall first inform the department of natural resources and parks of the activity. Before taking code enforcement action, the department of local services, permitting division, shall consult with the department of natural resources and parks to determine whether the activity is consistent with the rural stewardship plan. (Ord. 19034 § 24, 2019; Ord. 18791 § 174, 2018: Ord. 17420 § 103, 2012: Ord. 16985 § 121, 2010: Ord. 16267 § 41, 2008: Ord. 15051 § 139, 2004).

21A.24.070 Alteration exception.
A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:
   1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:
      a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;
      b. the proposal minimizes the adverse impact on critical areas to the maximum extent practical;
      c. the approval does not require the modification of a critical area development standard established by this chapter;
      d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;
      e. the linear alteration:
         (1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or
         (2) is required to overcome limitations due to gravity;
   2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer; and
   3. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.3.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:
      a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;
      b. the alteration is the minimum necessary to accommodate the development proposal;
      c. the approval does not require the modification of a critical area development standard established by this chapter, except as set forth in subsection A.3.i. of this section;
d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. When the site disturbance is within a critical area buffer, the building setback line shall be measured from the building footprint to the edge of the approved site disturbance;

f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer;

i. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility; and

h. the critical area is not used as a salmonid spawning area;

the director may approve an alteration to the elevation or dry flood proofing standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand dollars if the development proposal meets the criteria in subsection A.3. of this section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G.

D. Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.


21A.24.125 Avoiding impacts to critical areas.

A. An applicant for a development proposal or alteration, shall apply the following sequential measures, which appear in order of priority, to avoid impacts to critical areas and critical area buffers:

1. Avoiding the impact or hazard by not taking a certain action;

2. Minimizing the impact or hazard by:
   a. limiting the degree or magnitude of the action with appropriate technology; or
   b. taking affirmative steps, such as project redesign, relocation or timing;

3. Rectifying the impact to critical areas by repairing, rehabilitating or restoring the affected critical area or its buffer;

4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;

5. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal or alteration;

6. Compensating for the adverse impact by enhancing critical areas and their buffers or creating substitute critical areas and their buffers; and

7. Monitoring the impact, hazard or success of required mitigation and taking remedial action.
B. The specific mitigation requirements of this chapter for each critical area or requirements determined through the resource mitigation reserves program apply when compensation for adverse impacts is required by the sequence in subsection A. of this section. (Ord. 15051 § 149, 2004).

21A.24.130 Mitigation and monitoring.
   A. If mitigation is required under this chapter to compensate for adverse impacts, unless otherwise provided, an applicant shall:
      1. Mitigate adverse impacts to:
         a. critical areas and their buffers; and
         b. the development proposal as a result of the proposed alterations on or near the critical areas; and
      2. Monitor the performance of any required mitigation.
   B. The department shall not approve a development proposal until mitigation and monitoring plans are in place to mitigate for alterations to critical areas and buffers.
   C. Whenever mitigation is required, an applicant shall submit a critical area report that includes:
      1. An analysis of potential impacts;
      2. A mitigation plan that meets the specific mitigation requirements in this chapter for each critical area impacted; and
      3. A monitoring plan that includes:
         a. a demonstration of compliance with this title;
         b. a contingency plan in the event of a failure of mitigation or of unforeseen impacts if:
            (1) the department determines that failure of the mitigation would result in a significant impact on the critical area or buffer; or
            (2) the mitigation involves the creation of a wetland; and
         c. a monitoring schedule that may extend throughout the impact of the activity or, for hazard areas, for as long as the hazard exists.
   D. Mitigation shall not be implemented until after the department approves the mitigation and monitoring plan. The applicant shall notify the department when mitigation is installed and monitoring is commenced and shall provide King County with reasonable access to the mitigation for the purpose of inspections during any monitoring period.
   E. If monitoring reveals a significant deviation from predicted impact or a failure of mitigation requirements, the applicant shall implement an approved contingency plan. The contingency plan constitutes new mitigation and is subject to all mitigation including a monitoring plan and financial guarantee requirements. (Ord. 15051 § 150, 2004: Ord. 10870 § 460, 1993).

21A.24.133 Off-site mitigation.
   A. To the maximum extent practical, an applicant shall mitigate adverse impacts to a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network on or contiguous to the development site. The department may approve mitigation that is off the development site if an applicant demonstrates that:
      1. It is not practical to mitigate on or contiguous to the development proposal site; and
2. The off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or aquatic area habitat functions.

B. When off-site mitigation is authorized, the department shall give priority to locations within the same drainage subbasin as the development proposal site that meet the following:
   1. Mitigation banking sites and resource mitigation reserves as authorized by this chapter;
   2. Private mitigation sites that are established in compliance with the requirements of this chapter and approved by the department; and
   3. Public mitigation sites that have been ranked in a process that has been supported by ecological assessments, including wetland and aquatic areas established as priorities for mitigation in King County basin plans or other watershed plans.

C. The department may require documentation that the mitigation site has been permanently preserved from future development or alteration that would be inconsistent with the functions of the mitigation. The documentation may include, but is not limited to, a conservation easement or other agreement between the applicant and owner of the mitigation site. King County may enter into agreements or become a party to any easement or other agreement necessary to ensure that the site continues to exist in its mitigated condition.

D. The department shall maintain a list of sites available for use for off-site mitigation projects.

E.1. The department and the department of natural resources and parks have develop a program to allow the payment of a fee in lieu of providing mitigation on a development site. The program addresses:
   a. when the payment of a fee is allowed considering the availability of a site in geographic proximity with comparable hydrologic and biological functions and potential for future habitat fragmentation and degradation; and
   b. the use of the fees for mitigation on public or private sites that have been ranked according to ecological criteria through one or more programs that have included a public process.

2. The in lieu fee mitigation program shall submit a report by May 1 in the first year of the biennial budget cycle, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the transportation economy and environment committee or its successor. The report should address the following:
   a. information on the amount and source of revenues received by the program;
   b. a description and rationale for projects selected for funding;
   c. an accounting of budgeted and actual expenditures made;
   d. the status of all projects approved in the previous five years, and anticipated completion date for those projects, if not yet complete. (Ord. 18302 § 1, 2016: Ord. 17254 § 4, 2012: Ord. 15051 § 151, 2004).

21A.24.200 Building setbacks. Unless otherwise provided, an applicant shall set buildings and other structures back a distance of fifteen feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. When the site disturbance is within a critical area buffer, the building setback line shall be measured from
the building footprint to the edge of the approved site disturbance. The following are allowed in the building setback area:

A. Landscaping;
B. Uncovered decks;
C. Building overhangs if the overhangs do not extend more than eighteen inches into the setback area;
D. Impervious ground surfaces, such as driveways and patios, but the improvements are required to meet any special drainage provisions specified in public rules adopted for the various critical areas;
E. Utility service connections as long as the excavation for installation avoids impacts to the buffer; and
F. Minor encroachments if adequate protection of the buffer will be maintained. (Ord. 18767 § 9, 2018: Ord. 15051 § 157, 2004: Ord. 10870 § 467, 1993).

21A.24.210 Coal mine hazard areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing coal mine hazard areas:

A. The applicant shall design alterations within coal mine hazard areas to:
   1. Minimize the risk of structural damage in a moderate coal mine hazard area; and
   2. Eliminate or minimize significant risk of personal injury in a severe coal mine hazard area;
B. Within declassified coal mine areas all alterations are allowed;
C. Within moderate coal mine hazard areas and coal mine by-product stockpiles, all alterations are allowed when the risk of structural damage is minimized; and
D. Within severe coal mine hazard areas the following alterations are allowed:
   1. All grading, filling, stockpile removal, and reclamation activities undertaken in accordance with a coal mine hazard assessment report with the intent of eliminating or mitigating threats to human health, public safety, environmental restoration or protection of property if:
      a. signed and stamped plans have been prepared by a professional engineer;
      b. as-built drawings are prepared following reclamation activities; and
      c. the plans and as-built drawings are submitted to the department for inclusion with the coal mine hazard assessment report prepared for the property;
   2. Private road construction when significant risk of personal injury is eliminated or minimized;
   3. Buildings with less than four thousand square feet of floor area that contain no living quarters and that are not used as places of employment or public assembly when significant risk of personal injury is eliminated or minimized; and

21A.24.220 Erosion hazard areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing erosion hazard areas:
A. Clearing in an erosion hazard area is allowed only from April 1 to October 1, except that:
   1. Clearing of up to fifteen-thousand square feet within the erosion hazard area may occur at any time on a lot;
   2. Clearing of noxious weeds may occur at any time; and
   3. Forest practices regulated by the department are allowed at any time in accordance with a clearing and grading permit if the harvest is in conformance with chapter 76.09 RCW and Title 222 WAC;

B. All subdivisions, short subdivisions, binding site plans or urban planned developments on sites with erosion hazard areas shall retain existing vegetation in all erosion hazard areas until building permits are approved for development on individual lots. The department may approve clearing of vegetation on lots if:
   1. The clearing is a necessary part of a large scale grading plan; and
   2. It is not feasible to perform the grading on an individual lot basis; and

C. If the department determines that erosion from a development site poses a significant risk of damage to downstream wetlands or aquatic areas, based either on the size of the project, the proximity to the receiving water or the sensitivity of the receiving water, the applicant shall provide regular monitoring of surface water discharge from the site. If the project does not meet water quality standards established by law or public rules, the county may suspend further development work on the site until such standards are met. (Ord. 15051 § 160, 2004: Ord. 10870 § 469, 1993).

21A.24.275 Channel migration zones - development standards and alterations. The following development standards apply to development proposal and alterations on sites within channel migration zones that have been mapped and adopted by public rule:

A. The development standards that apply to the aquatic area buffers in K.C.C. 21A.24.365 also apply to the severe channel migration zone and the portion of the moderate channel migration zone that is within the aquatic area buffer. The more-restrictive standards apply where there is a conflict;

B. Only the alterations identified in K.C.C. 21A.24.045 are allowed within a severe channel migration hazard area; and

C. The following standards apply to development proposals and alterations within the moderate channel migration hazard area:
   1. Maintenance, repair or expansion of any use or structure is allowed if the existing structure’s footprint is not expanded towards any source of channel migration hazard, unless the applicant can demonstrate that the location is the least subject to risk;
   2. New primary dwelling units, accessory dwelling units or accessory living quarters, and required infrastructure, are allowed if:
      a. the structure is located on a separate lot in existence on or before February 16, 1995;
      b. a feasible alternative location outside of the channel migration hazard area is not available on-site; and
      c. to the maximum extent practical, the structure and supporting infrastructure is located the farthest distance from any source of channel migration hazard, unless the applicant can demonstrate that an alternative location is:
(1) the least subject to risk; or
(2) within the outer third of the moderate channel migration hazard area as measured perpendicular to the channel;

3. New accessory structures are allowed if:
   a. a feasible alternative location is not available on-site; and
   b. to the maximum extent practical, the structure is located the farthest distance from the migrating channel; and

4. The subdivision of property is allowed within the portion of a moderate channel migration hazard area located outside an aquatic area buffer if:
   a. All lots contain five-thousand square feet or more of buildable land outside of the moderate channel migration hazard area;
   b. Access to all lots does not cross the moderate channel migration hazard area; and
   c. All infrastructure is located outside the moderate channel migration hazard area except that an on-site septic system is allowed in the moderate channel migration hazard area if:
      (1) a feasible alternative location is not available on-site; and
      (2) to the maximum extent practical, the septic system is located the farthest distance from the migrating channel. (Ord. 16985 § 123, 2010: Ord. 15051 § 166, 2004: Ord. 11621 § 75, 1994).

21A.24.280 Landslide hazard areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing landslide hazard areas:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a landslide hazard area with a slope of forty percent or greater;

B. A buffer is required from all edges of the landslide hazard area. To eliminate or minimize the risk of property damage or injury resulting from landslides caused in whole or part by the development, the department shall determine the size of the buffer based upon a critical area report prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to the department, the minimum buffer is fifty feet. If the landslide hazard area has a vertical rise of more than two-hundred feet, the department may increase the minimum building setback in K. C. C. 21A.24.200 to one-hundred feet;

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a landslide hazard area or buffer is prohibited;

D. All alterations shall minimize disturbance to the landslide hazard area, slope and vegetation unless necessary for slope stabilization; and

E. Alterations in a landslide hazard area located on a slope less than forty percent are allowed if:
   1. The proposed alteration will not decrease slope stability on contiguous properties; and
   2. The risk of property damage or injury resulting from landsliding is eliminated or minimized. (Ord. 15051 § 167, 2004: Ord. 12822 § 9, 1997: Ord. 10870 § 475, 1993).
21A.24.290 Seismic hazard areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing seismic hazard areas:

A. The department may approve alterations to seismic hazard areas only if:
   1. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
   2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:
   1. Mobile homes;
   2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and
   3. One story buildings with less than two-thousand-five hundreds square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly. (Ord. 16267 § 47, 2008: Ord. 15051 § 168, 2004: Ord. 10870 § 476, 1993).

21A.24.300 Volcanic hazard areas - development standards and alterations. The following development standards apply to development proposal and alterations on sites containing volcanic hazard areas:

A. Within volcanic hazard areas located along the White river upstream from Mud Mountain dam:
   1. Critical facilities, apartments, townhouses or commercial structures are not allowed;
   2. All new lots created by subdivision, short subdivision or binding site plan shall designate building areas and building setbacks outside of the volcanic hazard area; and
   3. The notice of critical areas required under this chapter is required for new single detached dwellings on existing lots;

B. Within volcanic hazard areas located along the White river downstream from Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate development proposals for critical facilities for risk of inundation or flooding resulting from mudflows originating on Mount Rainier. The applicant shall design critical facilities to withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric Electron mudflow; and

C. This section does not apply until King County has refined the mapping of volcanic hazard areas in cooperation with the United State Geological Survey and adopted volcanic hazard area maps by public rule. (Ord. 17539 § 55, 2013: Ord. 15051 § 169, 2004: Ord. 10870 § 477, 1993).

21A.24.310 Steep slope hazard areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:
21A.24.045 **Steep slope hazard area** - alterations and buffers. The following requirements apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a steep slope hazard area;

B. A buffer is required from all edges of the steep slope hazard area. To eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a critical area report prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to the department, the minimum buffer is fifty feet. For building permits for single detached dwelling units only, the department may waive the special study requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area; and

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited;

D. All alterations are allowed in the following circumstance:
   1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and
   2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes. (Ord. 15051 § 170, 2004: Ord. 13190 § 21, 1998: Ord. 11621 § 77, 1994: Ord. 11273 § 5, 1994: Ord. 10870 § 478, 1993).

21A.24.316 **Critical aquifer recharge areas** - development standards. The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:
   1. Transmission pipelines carrying petroleum or petroleum products;
   2. Sand and gravel, and hard rock mining unless:
      a. the site has mineral zoning as of January 1, 2005; or
      b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;
   3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;
   4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
   5. Hydrocarbon extraction;
   6. Commercial wood treatment facilities on permeable surfaces;
   7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173 WAC, with hazardous substances, as defined in chapter
70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C. Title 17;
8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
9. Golf courses;
10. Cemeteries;
11. Wrecking yards;
12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in K.C.C. chapter 10.04; and
13. On lots smaller than one acre, an on-site septic system, unless:
   a. the system is approved by the Washington state Department of Health and has been listed by the Washington State Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A*; or
   b. the Seattle-King County department of public health determines that the systems required under subsection A.13.a. of this section will not function on the site.
B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:
1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;
2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
3. Hydrocarbon extraction;
4. Commercial wood treatment facilities located on permeable surfaces;
5.a. Except for a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17; and
   b. For a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC and K.C.C. Title 17;
6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
7. Wrecking yards;
8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and
9. On lots smaller than one acre, an on-site septic systems, unless:
   a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A*; or
   b. the Seattle-King County department of public health determines that the systems required under subsection B.9.a. of this section will not function on the site.
C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:

1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
2. Hydrocarbon extraction;
3. Commercial wood treatment facilities located on permeable surfaces;
4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
6. Wrecking yards; and
7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater shall either bring the tank into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove the tank; and
2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying an island that is surrounded by saltwater shall bring the tank into compliance with the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within the urban growth area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. On an island surround by saltwater, the owner of a new well located within two hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer recharge area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant demonstrates through a critical areas report that the development proposal is located
outside the critical aquifer recharge area and that the development proposal will not cause a significant adverse environmental impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state department of ecology, in accordance with 90.76.040 RCW and WAC 173-360-530. (Ord. 16267 § 51, 2008: Ord. 15051 § 179, 2004).

*Reviser’s note: The reference to WAC chapter 426-172A is erroneous. WAC chapter 246.272A was apparently intended.


A. Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement as set forth in WAC 173-22-035.


21A.24.325 Wetlands - buffers.

A. Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

1. The buffers shown on the following table apply unless modified in accordance with subsections B., C., D. and E. of this section:

<table>
<thead>
<tr>
<th>WETLAND CATEGORY AND CHARACTERISTICS</th>
<th>INTENSITY OF IMPACT OF ADJACENT LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>HIGH IMPACT</td>
</tr>
<tr>
<td>Category I</td>
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</tr>
<tr>
<td>Wetlands of High Conservation Value</td>
<td>250 feet</td>
</tr>
<tr>
<td>Bog</td>
<td>250 feet</td>
</tr>
<tr>
<td>Estuarine</td>
<td>200 feet</td>
</tr>
<tr>
<td>Coastal Lagoon</td>
<td>200 feet</td>
</tr>
<tr>
<td>Forested</td>
<td>Buffer width to be based on score for habitat functions or water quality functions</td>
</tr>
<tr>
<td>Habitat score from 8 to 9 points (high level of function)</td>
<td>300 feet</td>
</tr>
<tr>
<td>Habitat score from 6 to 7 points (moderate level of function)</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category I wetlands not meeting any of the criteria above</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category II</td>
<td></td>
</tr>
<tr>
<td>Estuarine</td>
<td>150 feet</td>
</tr>
<tr>
<td>Habitat score from 8 to 9 points (high level of function)</td>
<td>300 feet</td>
</tr>
<tr>
<td>Habitat score from 6 to 7 points (moderate level of function)</td>
<td>150 feet</td>
</tr>
<tr>
<td>Category II wetlands not meeting any of the criteria above</td>
<td>100 feet</td>
</tr>
<tr>
<td>Category III</td>
<td></td>
</tr>
</tbody>
</table>
Habitat score from 8 to 9 points (high level of function)

<table>
<thead>
<tr>
<th></th>
<th>300 feet</th>
<th>225 feet</th>
<th>150 feet</th>
</tr>
</thead>
</table>

Habitat score from 6 to 7 points (moderate level of function)

<table>
<thead>
<tr>
<th></th>
<th>150 feet</th>
<th>110 feet</th>
<th>75 feet</th>
</tr>
</thead>
</table>

Category III wetlands not meeting any of the criteria above

<table>
<thead>
<tr>
<th></th>
<th>80 feet</th>
<th>60 feet</th>
<th>40 feet</th>
</tr>
</thead>
</table>

Category IV

<table>
<thead>
<tr>
<th></th>
<th>50 feet</th>
<th>40 feet</th>
<th>25 feet</th>
</tr>
</thead>
</table>

2. For purposes of this subsection A., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:
   a. High impact includes:
      (1) sites zoned commercial or industrial;
      (2) commercial, institutional or industrial use on a site regardless of the zoning designation;
      (3) nonresidential use on a site zoned for residential use;
      (4) high-intensity active recreation use on a site regardless of zoning[, such as] golf courses, ball fields and similar use;
      (5) all sites within the Urban Growth Area; or
      (6) Residential zoning greater than one dwelling unit per acre;
   b. Moderate impact includes:
      (1) residential uses on sites zoned residential one dwelling unit per acre or less;
      (2) residential use on a site zoned rural area, agriculture or forestry;
      (3) agricultural uses without an approved farm management plan;
      (4) utility corridors or right-of-way shared by several utilities, including maintenance roads; or
      (5) moderate-intensity active recreation or open space use, such as paved trails, parks with biking, jogging and similar use; and
   c. Low impact includes:
      (1) forestry use on a site regardless of zoning designation;
      (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning;
      (3) agricultural uses carried out in accordance with an approved farm management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C. 21A.24.045.D.54.; or
      (4) utility corridors without a maintenance road and little or no vegetation maintenance.

B. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if:
   1. The department determines that:
      a. the buffer averaging will improve wetland protection if the wetland has significant differences in characteristics that effect habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower-rated area; or
      b. averaging includes the corridors of a wetland complex; and
   2. The resulting buffer meets the following standards:
      a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer before averaging;
      b. the additional buffer is contiguous with the standard buffer;
c. the buffer at its narrowest point is never less than either seventy-five percent of the required width or seventy-five feet for Category I and II, fifty feet for Category III, and twenty-five feet for Category IV, whichever is greater;

d. the averaged buffer will not result in degradation of wetland functions and values as demonstrated by a critical areas report from a qualified wetland professional; and

e. the buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as demonstrated by a critical areas report from a qualified wetland professional.

C. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened or species of local importance, the following shall apply:
   a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and
   b. the department may apply the buffer reduction rules in subsection C.6. of this section and the buffer averaging rules in subsection B. of this section;

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the buffer width is the greater of the buffer width required by the wetland's category in this section or the top of the hazard area;

3. For a wetland complex located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051*, the buffer width is determined as follows:
   a. the buffer width for each individual wetland in the complex is the same width as the buffer width required for the category of wetland;
   b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:
      (1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding;
      (2) the corridor minimizes fragmentation of the wetlands;
      (3) higher category wetlands are connected through corridors before lower category wetlands; and
      (4) the corridor width is a least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and
      (5) shorter corridors are preferred over longer corridors;
   c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;
   d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding; and
e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor;

4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:
   a. does not provide additional protection of the proposed development or the wetland; and
   b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland;

5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department determines that a larger buffer is necessary to achieve no net loss of wetland ecological function; and

6. The buffer widths required for proposed land uses with high intensity impacts to wetlands can be reduced to those required for moderate intensity impacts under the following conditions:

   a. For wetlands that score moderate or high for habitat, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:
      (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington state Department of Fish and Wildlife in the priority habitat and species list. The corridor must be protected for the entire distance between the wetland and the priority habitat and legally recorded via a conservation easement; and
      (2) Measures to minimize the impacts of different land uses on wetlands as identified in subsection C.6.b. of this section are applied; and

   b. For wetlands that score low for habitat, which means less than six points, the buffer width can be reduced to that required for moderate intensity impacts by applying measures to minimize impacts of the proposed land uses, as follows:

<table>
<thead>
<tr>
<th>Disturbance</th>
<th>Measures to minimize impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>Direct lights away from wetland.</td>
</tr>
<tr>
<td>Noise</td>
<td>Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.</td>
</tr>
<tr>
<td>Toxic runoff</td>
<td>Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants</td>
</tr>
</tbody>
</table>
limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.

| Stormwater runoff | Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual. |
| Change in water regime | Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns. |
| Pets and human disturbance | Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement. |
| Dust | Use best management practices to control dust. |

D. The department may approve a modification to the buffers established in subsection A. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

E. If the site is located within the shoreline jurisdiction, the department shall determine that a proposal to reduce wetland buffers under this section will result in no net loss of shoreline ecological functions. (Ord. 19034 § 26, 2019: Ord. 16985 § 124, 2010: Ord. 16950 § 25, 2010: Ord. 16267 § 52, 2008: Ord. 15051 § 185, 2004).

*Available in the King County Archives.*

21A.24.335 Wetlands - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing wetlands or their buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. The applicant shall not introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval;

C. A category IV wetland less than two-thousand-five-hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed; and


21A.24.340 Wetlands - specific mitigation requirements. In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer:

A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to:
1. Habitat complexity, connectivity and other biological functions; and
2. Seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual;

B. The following ratios of area of mitigation to area of alteration apply to mitigation measures for permanent alterations:
   1. For alterations to a wetland buffer, a ratio of one to one; and
   2. For alterations to a wetland:

<table>
<thead>
<tr>
<th>Category and type of wetland</th>
<th>Wetland reestablishment or creation</th>
<th>Wetland rehabilitation</th>
<th>1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)</th>
<th>Wetland enhancement only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>1:1 R/C and 2:1 E</td>
<td>6:1</td>
</tr>
<tr>
<td>Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>1:1 R/C and 2:1 E</td>
<td>8:1</td>
</tr>
<tr>
<td>Category II estuarine</td>
<td>Case-by-case</td>
<td>4:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>All other Category II</td>
<td>3:1</td>
<td>8:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>12:1</td>
</tr>
<tr>
<td>Category I forested</td>
<td>6:1</td>
<td>12:1</td>
<td>1:1 R/C and 10:1 E</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>All other Category I</td>
<td>4:1</td>
<td>8:1</td>
<td>1:1 R/C and 6:1 E</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I wetlands of high conservation value</td>
<td>Not allowed</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I coastal lagoon</td>
<td>Not allowed</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I bog</td>
<td>Not allowed</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 E</td>
<td>Case-by-case</td>
</tr>
</tbody>
</table>

C. The following ratios of area of mitigation to area of alteration apply to mitigation measures for temporary alterations where wetlands will not be impacted by permanent fill material:

<table>
<thead>
<tr>
<th>Wetland category</th>
<th>Permanent conversion of forested and shrub wetlands into emergent wetlands</th>
<th>Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enhancement</td>
<td>Rehabilitation</td>
</tr>
<tr>
<td>Category I</td>
<td>6:1</td>
<td>4.5:1</td>
</tr>
<tr>
<td>Category II</td>
<td>3:1</td>
<td>2:1</td>
</tr>
<tr>
<td>Category III</td>
<td>2:1</td>
<td>1.5:1</td>
</tr>
<tr>
<td>Category IV</td>
<td>1.5:1</td>
<td>1:1</td>
</tr>
</tbody>
</table>

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:
1. The department determines there is uncertainty as to the probable success of the proposed restoration or creation;
2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;
3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
4. The alteration causing the impact was an unauthorized impact.

E. The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:
   1. The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;
   2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;
   3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or
   4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:
      a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;
      b. the category of the area with a different class is lower than that of the entire wetland; and
      c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.

F. For temporary alterations to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the altered wetland or buffer; and

G. Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not limited to, on-site revegetation, maintenance and other restoration of the buffer or setback area to the maximum extent practical. (Ord. 19034 § 27, 2019: Ord. 16267 § 54, 2008: Ord. 15051 § 188, 2004: Ord. 14045 § 48, 2001: Ord. 13190 § 23, 1998: Ord. 11621 § 79, 1994: Ord. 10870 § 481, 1993).

21A.24.358 Aquatic areas - buffers.
A. Aquatic area buffers shall be measured as follows:
   1. From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;
   2. If the aquatic area is located within a mapped severe channel migration area, the aquatic area buffer width shall be the greater of the aquatic area buffer width as measured consistent with subsection A.1. of this section or the outer edge of the severe channel migration area; and
3. If the aquatic area buffer includes a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in this section or the top of the hazard area.

B. Within the Urban Growth Area, aquatic area buffers shall be as follows:
   1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;
   2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;
   3. A type N aquatic area buffer is sixty-five-feet; and
   4. A type O aquatic area buffer is twenty-five-feet.

C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:
   1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;
   2. A type N aquatic area buffer is sixty-five-feet; and
   3. A type O aquatic area buffer is twenty-five-feet.

D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one-hundred-feet.

E. The department may approve a modification of buffer widths if:
   1. a. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:
      (1) the total area of the buffer is not reduced;
      (2) the buffer area is contiguous; and
      (3) averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;
   b. the applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, in which case the department shall establish a buffer width that protects the remaining ecological functions that the buffer can provide;
   c. the site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;
   d. a legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; or
   e. the aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration; and
   2. If the site is located within the shoreline jurisdiction, that no net loss of shoreline ecological functions will result when considering projects that combine reduced buffers and habitat restoration. (Ord. 16985 § 125, 2010: Ord. 16950 § 26, 2010: Ord. 16267 § 56, 2008: Ord. 15051 § 193, 2004).

21A.24.365 Aquatic areas - development standards and alterations. The following development standards apply to development proposals and alterations on sites containing aquatic areas or their buffers:
A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area buffers;

B. Grading for allowed alterations in aquatic area buffers is only allowed from May 1 to October 1. This period may be modified when the department determines it is necessary along marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C. 16.82.095;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:
   1. Minimizing soil compaction, or
   2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within an aquatic area buffer should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; and

E. To the maximum extent practical:
   1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;
   2. A spatial connection should be provided between vegetation within and outside the aquatic area buffer to prevent creation of wind throw hazards; and
   3. Hazard trees should be retained in aquatic area buffers and either topped or pushed over toward the aquatic area; and

F. If a restoration, enhancement or mitigation project proposes to place large woody debris waterward of the ordinary high water mark of a Type S aquatic area, the applicant shall consider the potential for recreational hazards in project design. (Ord. 16267 § 57, 2008: Ord. 15051 § 195, 2004).

21A.24.380 Aquatic areas - specific mitigation requirements. In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to an aquatic area or aquatic area buffer:

A. Mitigation measures must achieve equivalent or greater aquatic area functions including, but not limited to:
   1. Habitat complexity, connectivity and other biological functions;
   2. Seasonal hydrological dynamics, water storage capacity and water quality; and
   3. Geomorphic and habitat processes and functions;

B. To the maximum extent practical, permanent alterations that require restoration or enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area buffer must consider the following design factors, as applicable to the function being mitigated:
   1. The natural channel or shoreline reach dimensions including its depth, width, length and gradient;
   2. The horizontal alignment and sinuosity;
   3. The channel bed, sea bed or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;
   4. Bank and buffer configuration and erosion and sedimentation rates; and
   5. Similar vegetation species diversity, size and densities in the channel, sea bed or lake bottom and on the riparian bank or buffer;
C. Mitigation to compensate for adverse impacts shall meet the following standards:
   1. Not upstream of a barrier to fish passage;
   2. Is equal or greater in biological function; and
   3. To the maximum extent practical is located on the site of the alteration or within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of mitigation to area of alteration; or
   4. Is located in the same aquatic area drainage subbasin or marine shoreline and attains the following ratios of area of functional mitigation to area of alteration:
      a. a 3:1 ratio for a type S or F aquatic area; and
      b. a 2:1 ratio for a type N or O aquatic area;
D. For purposes of subsection C. of this section, a mitigation measure is in the same aquatic area reach if the length of aquatic area shoreline meets the following criteria:
   1. Similar geomorphic conditions including slope, soil, aspect and substrate;
   2. Similar processes including erosion and transport of sediment and woody debris;
   3. Equivalent or better biological conditions including invertebrates, fish, wildlife and vegetation; and
   4. Equivalent or better biological functions including mating, reproduction, rearing, migration and refuge; or
   5. For tributary streams, a distance of no more than one-half mile;
E. The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:
   1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;
   2. Financing or funding guarantees for the duration of the monitoring program; and
   3. Experienced, qualified staff to perform the monitoring;
F. For rectifying an illegal alteration to any type of aquatic area or its buffer, mitigation measures must meet the following standards:
   1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation to area of alteration; and
   2. To the maximum extent practical, replicates the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section; and
G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.
   H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer. (Ord. 16267 § 58, 2008: Ord. 15051 § 197, 2004: Ord. 10870 § 485, 1993).

21A.24.382 Wildlife habitat conservation areas - development standards.

The following development standards apply to development proposals and alterations on sites containing wildlife habitat conservation areas:
A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat conservation area;
   B. For a bald eagle:
      1. The wildlife habitat conservation area is an area with a four-hundred-foot radius from an active nest; and
      2. Between March 15 and April 30, alterations are not allowed within eight hundred feet of the nest; and
   C. For a great blue heron:
      1. The wildlife habitat conservation area is an area with an eight-hundred-twenty-foot radius from the rookery. The department may increase the radius up to an additional one-hundred sixty-four feet if the department determines that the population of the rookery is declining; and
      2. Between January 1 and July 31, clearing or grading are not allowed within nine-hundred-twenty-four feet of the rookery;
   D. For a marbled murrelet, the wildlife habitat conservation area is an area with a one-half-mile radius around an active nest;
   E. For a northern goshawk, the wildlife habitat conservation area is an area with a one-thousand-five-hundred-foot radius around an active nest located outside of the urban growth area;
   F. For an osprey:
      1. The wildlife habitat conservation area is an area with a two-hundred-thirty-foot radius around an active nest; and
      2. Between April 1 and September 30, alterations are not allowed within six-hundred-sixty feet of the nest;
   G. For a peregrine falcon:
      1. The wildlife habitat conservation area is an area extending for a distance of one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the rim of the cliff, and the area immediately below the cliff; and
      2. Between March 1 and June 30, land-clearing activities that result in loud noises, such as from blasting, chainsaws or heavy machinery, are not allowed within one-half mile of the eyrie; and
      3. New power lines may not be constructed within one-thousand feet of the eyrie;
   H. For a spotted owl, the wildlife habitat conservation area is an area with a three-thousand-seven-hundred-foot radius from an active nest;
   I. For a Townsend's big-eared bat:
      1. Between June 1 and October 1, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located outside of the urban area, with an active nursery colony; and
      2. Between November 1 and March 31, the wildlife habitat conservation area is an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine located outside the urban growth area serving as a winter hibernacula;
3. Between March 1 and November 30, a building, bridge, tunnel, or other structure used solely for day or night roosting may not be altered or destroyed; 
4. Between May 1 and September 15, the entrance into a cave or mine that is protected because of bat presence is protected from human entry; and 
5. A gate across the entrance to a cave or mine that is protected because of bat presence must be designed to allow bats to enter and exit the cave or mine; 
J. For a Vaux's swift: 
1. The wildlife habitat conservation area is an area with a three-hundred-foot radius around an active nest located outside of the urban growth areas; 
2. Between April 1 and October 31, clearing, grading, or outdoor construction is not allowed within four hundred feet of an active or potential nest tree. The applicant may use a species survey to demonstrate that the potential nest tree does not contain an active nest; 
K. The department shall require protection of an active breeding site of any federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections B. through J. of this section. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science. (Ord. 17485 § 23, 2012: Ord. 15051 § 198, 2004).

21A.24.386 Wildlife habitat networks - development standards and alterations. The following standards apply to development proposals and alterations on sites containing wildlife habitat network: 
A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in the wildlife habitat network; 
B. The wildlife habitat network is sited to meet the following conditions: 
1. The network forms one contiguous tract or setback area that enters and exits the property where the network crosses the property boundary; 
2. To the maximum extent practical, the network maintains a width of three-hundred feet. The network width shall not be less than one-hundred-fifty feet at any point; and 
3. The network is contiguous with and includes critical areas and their buffers; 
4. To the maximum extent practical, the network connects isolated critical areas or habitat; and 
5. To the maximum extent practical, the network connects with wildlife habitat network segments, open space tracts or wooded areas on adjacent properties, if present; 
C. The wildlife habitat network tract must be permanently marked in accordance with this chapter; 
D. An applicant proposing recreation, forestry or any other use compatible with preserving and enhancing the habitat value of the wildlife habitat network located within the site must have an approved management plan. The applicant shall include and record the approved management plan for a binding site plan or subdivision with the covenants, conditions and restrictions (CCRs), if any. Clearing within the wildlife habitat network in a tract or tracts is limited to that allowed by an approved management plan;
E. If the wildlife habitat network is contained in a setback area, a management plan is not required. Clearing is not allowed within a wildlife habitat network within a setback area on individual lots, unless the property owner has an approved management plan;

F. In urban planned developments, fully contained communities, binding site plans, subdivisions and short subdivisions a homeowners association or other entity capable of long term maintenance and operation shall monitor and assure compliance with any approved management plan;

G. Segments of the wildlife habitat network set aside in tracts, conservation easements or setback area must comply with K.C.C. 16.82.150;

H. The department may credit a permanent open space tract containing the wildlife habitat network toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife habitat network tract shall be clearly identified in the management plan;

I. The director may waive or reduce these standards for public facilities such as schools, fire stations, parks and road projects. (Ord. 15051 § 203, 2004: Ord. 11621 § 53, 1994. Formerly K.C.C. 21A.14.386).

21A.24.388 Wildlife habitat conservation areas and wildlife networks - specific mitigation requirements.

In addition to the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the following applies to mitigation to compensate for the adverse impacts associated with wildlife habitat conservation areas and wildlife habitat networks:

A. Mitigation to compensate for the adverse impacts to a wildlife habitat conservation area must prevent disturbance of each protected species. On-site mitigation may include management practices, such as timing of the disturbance. Off-site mitigation is limited to sites that will enhance the wildlife habitat conservation area;

B. Mitigation to compensate for the adverse impacts to the wildlife habitat network must achieve equivalent or greater biologic functions including, but not limited to, habitat complexity and connectivity functions. Specific mitigation requirements for impacts to the wildlife habitat network shall:

1. Expand or enhance the wildlife network as close to the location of impact as feasible; and

2. Attain the following ratios of area of mitigation to area of alteration:
   a. for mitigation on site:
      (1) 1:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and
      (2) 1.5:1 ratio for enhancement or restoration; and
   b. for mitigation off-site:
      (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network; and
      (2) 3:1 ratio for enhancement or restoration;

C. For temporary alterations, the department may require rectification, restoration or enhancement of the altered wildlife habitat network;

D. The department may increase the width of the wildlife habitat network to mitigate for risks to habitat functions;
E. To the maximum extent practical, mitigation projects involving wildlife habitat network restoration should provide replication of the site’s prealteration natural environment including:
   1. Soil type, conditions and physical features;
   2. Vegetation diversity and density; and
   3. Biologic and habitat functions; and
F. The department may modify the requirements in this section if the applicant demonstrates that greater wildlife habitat functions will be obtained in the same wildlife habitat conservation area or wildlife habitat network through alternative mitigation measures. (Ord. 15051 § 204, 2004).

20.18.040 Site-specific land use map or shoreline master program map amendment classification (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11).
   A. Site-specific land use map or shoreline master program map amendments may be considered during the annual update, midpoint update or eight-year update, depending on the degree of change proposed.
   B. The following categories of site-specific land use map amendments or shoreline master program map may be initiated by either the county or a property owner for consideration in the annual update:
      1. Amendments that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and
      2. Four-to-one-proposals.
   C. The following categories of site-specific land use map and shoreline master program amendments may be initiated by either the county or a property owner for consideration in the eight-year update or midpoint update:
      1. Amendments that could be considered in the annual update;
      2. Amendments that require substantive change to Comprehensive Plan policy language; and

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.
   A. Site-specific land use map and shoreline master program map amendments are legislative actions that may be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.
      1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-initiated amendments. An analysis
of the motion’s fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds.

2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, for preparation of a recommendation to the hearing examiner.

3. If initiated by property owner application, the property owner shall submit a docket request for a site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, for preparation of a recommendation to the hearing examiner.

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:
   1. Applicant information, including signature, telephone number and address;
   2. The applicant's interest in the property, such as owner, buyer or consultant; and
   3. Property owner concurrence, including signature, telephone number and address.

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:
   1. Name and address of the owner or owners of record;
   2. Description of the proposed amendment;
   3. Property description, including parcel number, property street address and nearest cross street;
   4. County assessor's map outlining the subject property; and
   5. Related or previous permit activity.

D. Upon initiation of a site-specific land use map or shoreline master program map amendment, an initial review conference shall be scheduled by the department of local services, permitting division. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department of local services, permitting division, shall review the proposed amendment’s consistency with applicable county policies or regulatory enactments including specific reference to Comprehensive Plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council
shall submit an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

G. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

H. Following the submittal of the information required by subsection E., F. or G. of this section, the department of local services, permitting division, shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of local services, permitting division, shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this chapter and K.C.C. chapter 20.20. The council’s consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the potential zoning.

J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next appropriate review cycle following issuance of the examiner’s recommendation.

K.1. An amendment to a land use designation or shoreline environment designation for a property may not be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

20.18.056 Shoreline environment redesignation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18810, Sections 10 and 11).

A. Shoreline environments designated by the master program may be considered for redesignation during the eight-year update or midpoint update.


20.18.057 Redesignation applications.

A. In addition to the requirements of K.C.C. 20.18.050, a shoreline redesignation initiated by an applicant must include:

1. A mitigation plan providing for significant enhancement of the first one hundred feet adjacent to the shoreline and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent that the impacts of development can be determined at the time of the proposed shoreline redesignation; and

2. A discussion of how the proposed shorelines redesignation meets the criteria in K.C.C. 20.22.160.


20.18.058 Redesignations initiated by motion.

A. In addition to the requirements in K.C.C. 20.18.050, a council motion initiating a shoreline redesignation must be accompanied by the information required by K.C.C. 20.18.057.

B. A motion initiating a site-specific shoreline redesignation must identify the resources and the work program required to provide the same level of review accorded to an applicant-initiated shoreline redesignation. Before adoption of the motion, the executive shall have the opportunity to provide an analysis of the motion’s fiscal impact. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds. The council may consider the supplemental appropriation ordinance concurrently with the proposed motion referring the shoreline redesignation proposal to the examiner.

20.22.160 Examiner duties – shoreline recommendation. When an examiner issues a recommendation on a shoreline redesignation, the examiner shall include findings on whether the shoreline redesignation complies with the following:

A. The King County Comprehensive Plan policies, state and county shorelines management goals and objectives and the designation criteria of the proposed shoreline designation;
B. The impacts of development allowed by the proposed change do not permanently impair any habitat critical to endangered or threatened species;
C. The impacts of development allowed by the proposed change are adequately addressed in a mitigation plan providing significant enhancement of the first one hundred feet adjacent to the stream and improved habitat for species declared as endangered or threatened under the Endangered Species Act, to the extent those impacts may be determinable at the time of the shorelines redesignation. A full mitigation plan shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and
D. If the shoreline redesignation results in greater density of development, the proposal utilizes clustering or a multistory design to pursue minimum densities while minimizing lot coverage adjacent to the shoreline setback area. (Ord. 18230 § 35, 2016: Ord. 16985 § 15, 2010: Ord. 13687 § 7, 1999. Formerly K.C.C. 20.24.510).

21A.32.045 Nonconformance - reestablishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement. A nonconforming use that has been discontinued or a nonconforming structure or site improvement that has been damaged or destroyed, may be reestablished or reconstructed if:

A. The nonconforming use, structure or site improvement that previously existed is not expanded;
B. A new nonconformance is not created;
C.1. The use has not been discontinued for more than twelve months before its reestablishment, or the nonconforming structure or site improvement is reconstructed in accordance with a complete permit application submitted to the department within twelve months of the occurrence of damage or destruction; or
2. If the use has been discontinued for more than twelve months, the applicant provides documentation that demonstrates to the satisfaction of the department that there was no intent to abandon the use. Documentation may include, but is not limited to, requests for approvals necessary to reestablish the use or structure submitted to appropriate county, state and federal agencies within twelve months after the use was discontinued. A statement from the property owner that merely states that there is no intent to abandon is not sufficient documentation without a showing of additional actions taken by the property owner to reestablish the use or structure; and
D. A nonconforming use, structure or site improvement located within the shoreline jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at present or at the time of its destruction may be reconstructed only insofar as it is consistent with existing regulations. (Ord. 16985 § 111, 2010: Ord. 16594 § 5, 2009: Ord. 13130 § 3, 1998).
21A.44.090 Shoreline variance.
   A. A shoreline variance shall be granted by the county from the bulk, dimensional or performance standards set forth in K.C.C. 21A.25.220 only if the applicant demonstrates that:
      1. The review criteria of WAC 173-27-170 have been met;
      2. The shoreline variance does not permit a use that is specifically prohibited in the environmental designation; and
      3. Views from nearby roads and public areas are protected.
   B. A variance from county zoning code requirements shall not be construed to mean a variance from shoreline master program use regulations and vice versa.
   C. The burden of proving that a proposed variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application. (Ord. 16985 § 113, 2010: Ord. 5734 § 15, 1981: Ord. 3688 § 804, 1974. Formerly K.C.C. 25.32.040).

21A.44.100 Shoreline conditional use.
   A. A shoreline conditional use shall be granted by the department for conditional uses identified in K.C.C. 21A.25.100 and 21A.25.160 as shoreline conditional uses only if the applicant demonstrates that the review criteria of WAC 173-27-160 have been met.
   B. A shoreline conditional use may be granted by the department for uses not classified as conditional uses in K.C.C. 21A.25.100 and 21A.25.160 only if the applicant demonstrates that:
      1. The criteria in subsection A. of this section have been met;
      2. The use is not specifically prohibited in the shoreline environment;
      3. The use clearly requires specific site location on the shoreline not provided for under the shoreline master program; and
      4. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the K.C.C. chapter 21A.25.

21A.50.030 Violations defined. No building permit or land use approval in conflict with this title shall be issued. Structures or uses that do not conform to this title, except legal nonconformances specified in K.C.C. chapter 21A.32 and approved variances, are violations subject to the enforcement, penalty and abatement provisions of K.C.C. Title 23, including, but not limited to:
   A. Establishing a use not permitted in the zone in which it is located;
   B. Constructing, expanding or placing a structure in violation of setback, height and other dimensional standards in this title;
   C. Establishing a permitted use without complying with applicable development standards set forth in other titles, ordinances, rules or other laws, including but not limited
to, road construction, surface water management, the Fire Code and rules of the department of public health;

D. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;

E. Failing to secure required land use or permit approval before establishing a permitted use;

F. Failing to maintain site improvements, such as landscaping, parking or drainage control facilities as required by this code or other King County ordinances;

G. Undertaking any development within the shoreline jurisdiction without first obtaining a required substantial development permit or required statement of exemption; and

H. Undertaking any development within the shoreline jurisdiction that is exempt from the requirement to obtain a substantial development permit that is not in compliance with the policy of RCW 90.58.020 and the requirements of chapter 173-26 WAC and the King County shoreline master program. (Ord. 16985 § 116, 2010: Ord. 10870 § 631, 1993).
CHAPTER 6
SHORELINES

I. Introduction
A. Recitals

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

1. Shorelines are some of the most valuable and fragile of King County’s natural resources. There is appropriate concern throughout the county relating to the utilization, protection, restoration, and preservation of the shoreline jurisdiction.

2. Ever increasing pressures of additional use are being placed on the shoreline jurisdiction, which in turn necessitates increased coordination in its management and development.

3. Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the
public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.

4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of King County's shoreline jurisdiction.

5. It is the intent of King County to provide for the management of the shoreline jurisdiction by planning for and fostering all reasonable and appropriate uses. This program is designed to insure the development in a manner that, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.

6. King County shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

7. In the implementation of this chapter, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.

8. Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines, industrial and commercial developments that are particularly dependent on their location on or use of the shoreline jurisdiction, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.

9. Shorelines and shorelands in King County shall be appropriately designated and these classifications shall be revised when circumstances warrant, regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of King County Shoreline Master Program.

10. Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.
B. About King County and King County Shorelines

1. Geography

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

2. King County’s shoreline jurisdiction

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

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

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

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

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

1. **Overview of Shoreline Management Act**

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

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

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

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

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

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

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

In 2003, the Department of Ecology adopted revised state guidelines. Cities and counties with Shoreline Master Programs are required to update their Shoreline Master Programs to bring them into compliance with these new state guidelines.
2. History of shoreline management in King County

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

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

The 1978 Plan stated that:

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

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

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

3. Shoreline jurisdiction under the Shoreline Management Act

Shorelines of the State in King County, as defined by the Shoreline Management Act, include all marine waters, lakes greater than 20 acres, and rivers and streams with a minimum of 20 cubic feet per second mean annual flow. The shoreline jurisdiction includes these water bodies and shorelands. Shorelands are defined as those areas extending landward for 200 feet from the ordinary high water mark, floodways and contiguous floodplain areas landward 200 feet from such floodways, and all associated wetlands and river deltas. King County currently includes the 100-year floodplain in its shoreline jurisdiction. Shoreline jurisdiction under the Shoreline Management Act does not include tribal reservation lands or lands held in trust by the federal government for the tribes.
Table S-1 below shows the number of shoreline miles managed under King County’s Shoreline Master Program.

<table>
<thead>
<tr>
<th>Shoreline (miles)</th>
<th>Lake</th>
<th>River/Stream</th>
<th>Marine</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>234</td>
<td>1,696</td>
<td>51</td>
</tr>
</tbody>
</table>

D. King County’s Shoreline Master Program

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

1. Components of the Shoreline Master Program

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

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

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

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

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

King County Shoreline Inventory and Characterization (May 2007): The Shoreline Inventory and Characterization includes the data and analytic methods used to develop King County’s shoreline inventory and shoreline characterization (including evaluation of existing physical and shoreline ecological processes
2016 Comprehensive Plan – updated October 29, 2018
Attachment A to Ordinance 18427, as amended by Ordinance 18623 and Ordinance 18810

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

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

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

2. Shoreline policies

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

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

King County’s shoreline policies must:
1. Be consistent with the Shoreline Management Act;
2. Address the Master Program elements of Revised Code of Washington 90.58.100;
3. Include policies for environmental designations as described in Washington Administrative Code 173-26-211;
4. Be designed and implemented in a manner consistent with all relevant constitutional and other legal limitations on regulation of private property; and
5. Be consistent with the King County Comprehensive Plan and functional plans adopted as components of the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

- **Aquatic Shoreline Environment**: Applied to the areas waterward of the ordinary high water mark.
4. **Shoreline program elements**

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

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

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

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

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

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

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

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

- **Flood hazard element** that considers the prevention and minimization of flood damages.
5. Shoreline modifications and uses

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

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

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

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

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

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

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

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

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

A King County’s Responsibility to Regulate Shorelines

1. King County assumes primary responsibility for shoreline planning and regulation

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

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

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

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

King County’s Shoreline Master Program is intended to be consistent with the required elements of the Department of Ecology’s guidelines for implementing the Shoreline Management Act that are found in Washington Administrative Code 173-26 and 173-28. King County’s Shoreline Master Program shall be interpreted consistently with the Shoreline Management Act. In the event of a conflict between Shoreline Management Act and King County’s Shoreline Master Program, the Shoreline Master Program should be interpreted to give meaning and effect to the Shoreline Management Act.

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

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

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

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

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

B. Shoreline Jurisdiction

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

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

a. “Shorelines”

Shorelines are defined in the Shoreline Management Act as follows:

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

b. “Shorelines of statewide significance”

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

- Those areas of Puget Sound between the ordinary high water mark and the line of extreme low tides;
- Lakes, whether natural, artificial or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark; and
- Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at 1,000 cubic feet per second or more.
In unincorporated King County, the water bodies that qualify as shorelines of statewide significance include:

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

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

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

“Shorelands” or “shoreland areas” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter.

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

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

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

The first option allows the county to include 100-year floodplains:

> Any county or city may determine that portion of a 100-year floodplain to be included in its Master Program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward 200 feet therefrom.

*(Revised Code of Washington 90.58.030(2)(f)(i))*

In its original Shoreline Master Program adopted in 1977, King County included the 100-year floodplain. The continued regulation of the 100-year floodplain is necessary to comply with certain federal requirements under the National Flood Insurance Program. Therefore, King County continues to extend its shoreline jurisdiction to cover 100-year floodplains.

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

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

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

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

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

2. **Jurisdictional map**

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

A. Introduction to Shoreline goals

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

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

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

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

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

B. Statement of Applicability

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

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

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

C. Shoreline Preferred Uses

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

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

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

a. Reserve appropriate areas for protecting and restoring shoreline ecological processes and functions to control pollution and prevent damage to the natural environment and to public health.

b. Reserve shoreline areas for water-dependent and associated water-related uses. Harbor areas, established pursuant to Article XV of the State Constitution, and other areas that have reasonable commercial navigational accessibility and necessary support facilities, such as transportation and utilities, should be reserved for water-dependent and water-related uses that are associated with commercial navigation, unless adequate shoreline is reserved for future water-dependent and water-related uses and unless protection of the existing natural resource values of such areas preclude such uses. Shoreline mixed-use developments may be allowed if they include and support...
water-dependent uses and address specific conditions that affect water-dependent uses.

c. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.

d. Locate single family residential uses where they are appropriate and can be developed without significant impact to shoreline ecological processes and functions or displacement of water-dependent uses.

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

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

D. General Policy Goals

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

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

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

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

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

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

d. Protection of the public right of navigation and corollary uses of waters of the state.
e. The protection and restoration of buildings and sites having historic, cultural, and educational value.
f. Planning for public facilities and utilities correlated with other shorelines uses.
g. Prevention and minimization of flood damage.
h. Recognizing and protecting private property rights.
i. Preferential accommodation of single family residential uses.
j. Coordination of shoreline management with other relevant local, state and federal programs.

E. Shorelines of Statewide Significance Policy Goals

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

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

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

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

S-207 In developing and implementing its Shoreline Master Program for shorelines of statewide significance, King County shall give preference, in the following order of preference, to uses that:

a. Recognize and protect the statewide interest over local interest;
b. Preserve the natural character of the shoreline;
c. Result in long-term over short-term benefit;
d. Protect the resources and ecology of the shoreline;
e. Increase public access to publicly owned areas of the shorelines;
f. Increase recreational opportunities for the public in the shoreline; and
g. Provide for any other element as defined in Revised Code of Washington 90.58.100.

S-208 In developing and implementing policies relating to shorelines of statewide significance, King County shall provide for optimum implementation of policies that satisfy the statewide interest.
F. State-Owned Shoreline Policy Goals

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

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

G. Balancing Policy Goals

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

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

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

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

S-213 King County shall balance shoreline use and shoreline protection when meeting the policy goals of the Shoreline Management Act.
H. Multiple Approaches to Accomplishing Policy Goals

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

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

a. Regulations controlling development within the shoreline jurisdiction;
b. Acquisition of land and easements by purchase, lease, or gift, either alone or in concert with other local governments;
c. Accepting grants, contributions, and appropriations from any public or private agency or individuals;
d. Public facility and park planning;
e. Watershed planning;
f. Voluntary salmon recovery projects; and
g. Incentive programs, such as the transfer of development rights or the public benefit rating system.

IV. Shoreline Element Policy Goals

A. Need for shoreline elements

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

B. Economic Development Element

King County’s economy is the largest and most significant in the Puget Sound Region and in Washington State. With almost half of the state’s nonagricultural jobs and almost 83,900 businesses, it is essential that the King County accommodate the industries and infrastructure to support a healthy and vibrant economy. Most of the county’s industry and infrastructure lies within the incorporated cities and is not subject to the King County Shoreline Master Program. However, there are some portions of the shoreline jurisdiction in unincorporated King County that provide for economic development of the region.
S-301 King County should plan for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

C. Public Access Element

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

S-302 King County shall:

a. Support the public interest with regard to rights to access waters held in public trust by the state, while protecting private property rights and public safety, as well as considering impacts on shoreline ecological processes and functions.

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

c. To the greatest extent feasible consistent with the overall best interest of the state and the people generally, protect the public’s opportunity to enjoy the physical and aesthetic qualities of shorelines of the state, including views of the water.

e. Regulate the design, construction, and operation of permitted uses in the shorelines of the state to minimize, insofar as practical, interference with the public’s use of the water.

When planning shoreline public access, King County should try to achieve an integrated system that can supplement, and be coordinated with, multimodal transportation planning. King County has identified areas of potential public access that will be assessed in more detail through shoreline permits and public projects. The King County Shoreline Public Access Plan (July 2009) provides details on the analysis of existing shoreline public access in King County, identified public access gaps and opportunities, and the resulting shoreline Public Access Plan.
S-303 The King County Shoreline Master Program should increase the amount and diversity of public access to the shoreline jurisdiction in areas identified within a shoreline public access gap. New public access should minimize impacts to shoreline ecological processes and functions, preserve natural shoreline character as much as possible, protect private property rights and consider public safety.

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

S-305 King County shall require public access to shorelines of the state for water-enjoyment, water-related, and nonwater-dependent non-residential uses and for subdivisions of land into more than four parcels unless:

a. The development proposal is not compatible with public access;
b. There is a safety or security concern;
c. Inclusion of public access will have an environmental impact that cannot be mitigated; or
d. There are legal limitations on allowing public access.

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

D. Recreational Element

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

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

S-308 King County should evaluate opportunities to acquire shoreline property for purposes of public recreation from willing sellers of private property.
E. Circulation Element

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

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

F. Land Use Element

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

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

G. Conservation Element

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

1. Critical areas

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

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

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

2 Scenic vistas

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

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

3 Aesthetics

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

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

H. Historic, Cultural, Scientific and Educational Element

The historic, cultural, scientific and educational element provides for protection and restoration of historic resources. Historic resources include historic building, sites, objects, districts and landscapes, prehistoric and historic archaeological resources and traditional cultural places.
S-314 Historic resources in the shoreline jurisdiction should be protected to prevent the destruction of, or damage to, any site having archaeological, historic, cultural, or scientific value through coordination and consultation with the appropriate local, state and federal authorities, including affected tribes.

a. Sites should be protected in collaboration with appropriate tribal, state, federal, and other local governments. Cooperation among public and private parties is to be encouraged in the identification, protection, and management of cultural resources.

b. Where appropriate, access to such sites should be made available to parties of interest. Access to such sites must be designed and managed in a manner that gives maximum protection to the resource.

c. Opportunities for education related to archaeological, historical and cultural features should be provided where appropriate and incorporated into public and private programs and development.

S-315 King County should work with tribal, state, federal and local governments to maintain an inventory of all known historic resources. King County shall protect these inventories from public disclosure to the extent permitted or required under applicable federal and state law. As appropriate, such sites should be preserved and restored for study, education and public enjoyment to the maximum possible extent.

S-316 Provisions for historic resource preservation, restoration and education should be incorporated with open space or recreation areas in site development plans whenever compatible and possible.

S-317 Cooperation among involved private and public parties should be encouraged to achieve these historic, cultural, scientific and educational objectives.

S-318 Private and public owners of historic resources should be encouraged to provide public access and educational opportunities at levels consistent with long term protection of both historic values and shoreline ecological processes and functions. Site-specific conditions may require public site access to be restricted at times, but educational means should be provided whenever possible.

S-319 Historic resource development should be planned and carried out so as to prevent impacts to the resource. Impacts to neighboring properties and other shoreline uses should be limited to temporary or reasonable levels.
S-320 Owners of historic resource are encouraged to make substantial development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, Tribes and others, may have ample time to assess the site and make arrangements to preserve historic, cultural, scientific and educational values as applicable.

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

V. Shoreline Plan Relationship to Other Laws

A. Washington’s Growth Management Act

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

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

B. King County Countywide Planning Policies

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

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

C. Critical Areas Regulations

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

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

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

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

D. Zoning, Clearing and Grading, and Stormwater Regulations

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

1. Be sufficient in scope and detail to ensure implementation of the Shoreline Management Act statewide shoreline management policies, this chapter, and the King County Comprehensive Plan and functional plans adopted to implement the Comprehensive Plan;

2. Include regulations that apply to the environmental designations classified under Washington Administrative Code 173-26-211;

3. Include general regulations, specific use regulations that address issues of concern in regard to specific uses, and modification regulations;
4. Include clearing and grading and stormwater regulations that protect the ecological processes and functions of the shorelines; and

5. Design and implement regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. (Revised Code of Washington 90.58.100)

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

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

E. Flood Hazard Management Plan

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

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

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

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

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

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

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

IV. Shoreline Environment Designations

A. Introduction to shoreline environment designations

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

King County has established eight shoreline environment designations:

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

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

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

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

- Existing development patterns together with zoning, the King County Comprehensive Plan land use designations and other officially adopted plans;
- Existing shoreline ecological processes and functions and the degree of human alteration;
- Whether the reach has a restoration priority that demonstrates it has both basin conditions and existing shoreline condition that support extra efforts to maintain shoreline ecological processes and functions and the length of such reaches;
- Federal, state, county, tribal and municipal watershed ownership status;
- The goals of King County residents for their shorelines as set forth in this chapter;
- Pursuant to Revised Code of Washington 90.58.100(4), for state-owned shorelines the public demand for wilderness beaches and other recreational activities and for ecological study areas; and
- Other state policies in the Shoreline Management Act and the Department of Ecology’s guidelines (Revised Code of Washington 90.58.020 and Washington Administrative Code 173-26, respectively).

Figure S-1 depicts the decision making process that is used to determine the appropriate shoreline environment designation for a given shoreline.
Figure S-1: Pathway of decisions in applying criteria to produce shoreline designations.

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

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

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

Table S-2. Restoration scores and associated actions.

<table>
<thead>
<tr>
<th>Restoration Score</th>
<th>Basin Condition</th>
<th>Reach Condition</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>High</td>
<td>High</td>
<td>Conserve, Preserve</td>
</tr>
<tr>
<td>B</td>
<td>High</td>
<td>Moderate</td>
<td>Conserve, Preserve, Restore, Enhance</td>
</tr>
<tr>
<td>C</td>
<td>High</td>
<td>Low</td>
<td>Restore, Enhance</td>
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<tr>
<td>D</td>
<td>Moderate</td>
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<td>Conserve, Enhance, Restore, Preserve</td>
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<td>E</td>
<td>Moderate</td>
<td>Moderate</td>
<td>Conserve, Enhance, Restore</td>
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<td>F</td>
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<tr>
<td>H</td>
<td>Low</td>
<td>Moderate</td>
<td>Enhance, Create</td>
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<tr>
<td>I</td>
<td>Low</td>
<td>Low</td>
<td>Enhance, Create</td>
</tr>
</tbody>
</table>

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

The various actions are defined as follows:

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

- **Conserve** – To maintain biodiversity by protecting or increasing the natural potential of landscapes to support multiple native species. Typically, this is accomplished through financial incentives for landowners intended to offset any economic loss resulting from managing the land for conservation.

- **Restore** – To transform degraded conditions to a close approximation of historical conditions. Restoration generally involves more intense and extensive modification and manipulation of site
conditions than would occur with enhancement projects. Example actions include levee breaching, removal, or setback.

- **Enhance** – To improve a targeted ecological attribute and/or process. Example actions may include culvert replacement, riparian plantings and fencing, invasive species removal, and streambank stabilization.

- **Create** – To construct or place habitat features where they did not previously exist in order to foster development of a functioning ecosystem. Examples include tidal channel excavation and the placement of dredge material intended to create marsh or other habitat. Creation represents the most experimental approach and, therefore, may have a lower degree of success, particularly when landscape-scale ecological processes are not sufficient to support the created habitat type.

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

## B. High Intensity Shoreline Environment

**Purpose**

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

**High Intensity Designation Criteria**

**S-501**  
A shoreline may be designated High Intensity if the shoreland is characterized by high intensity development or uses or is zoned Neighborhood Business (NB), Commercial Business (CB), Regional Business (RB), Office (O), or Industrial (I), and:

- **a.** The shoreland does not contain limitations on urban uses, such as geological hazards or flood hazards; and

- **b.** The shoreline does not provide important shoreline ecological processes and functions that would be significantly compromised by high intensity residential, commercial, or industrial use.
High Intensity Management Policies:

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

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

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

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

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

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

C. Residential Shoreline Environment

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

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

Residential Shoreline Environment Management Policies:

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

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

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

D. Rural Shoreline Environment

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

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

Rural Shoreline Environment Management Policies:

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

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

E. Conservancy Shoreline Environment

Purpose

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

Conservancy Shoreline Environment Designation Criteria

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

S-516  King County should limit uses in the Conservancy Shoreline Environment to those that sustain the shoreline area’s physical and biological resources or to uses of a nonpermanent nature that do not substantially degrade the rural or natural character of the shoreline area or disturb historic and cultural resources. King County should discourage non-residential uses in the Conservancy Shoreline except as follows:

a. King County should allow aquaculture, forestry and agriculture in the Conservancy Shoreline Environment; and
b. King County should allow water-dependent and water-enjoyment recreation facilities as preferred uses if significant adverse impacts to the shoreline are mitigated.

S-517  King County shall require that new uses or development in the Conservancy Shoreline Environment preserve the existing character of the shoreline consistent with the purpose of the environment, including:

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

F. Resource Shoreline Environment

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

Resource Shoreline Environment Designation Criteria

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

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

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

G.  Forestry Shoreline Environment

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

Forestry Shoreline Designation Criteria

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

Forestry Shoreline Management Policies:

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

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

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

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

Natural Shoreline Environment Designation Criteria

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

a. Of high ecological quality and is performing an important, irreplaceable ecological process or function that would be damaged by human activity;

b. Unable to support new development or uses without significant adverse impacts to shoreline ecological processes and functions or risk to human safety;

c. A federally designated wilderness area or in an area managed by the King County Department of Natural Resources and Parks as natural lands; or

d. A marine shoreline reach that extends at least five hundred feet along the ordinary high water mark and either has a restoration plan rating of A or has a restoration plan rating of B and is located adjacent to the Maury Island Marine Aquatic Reserve.

Natural Shoreline Environment Management Policies:

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

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

a. Commercial uses;

b. Industrial uses;

c. Nonwater-oriented recreation uses that require shoreline modification in order to provide shoreline access;

d. Mining and associated facilities, such as docks, piers, and loading facilities; and

e. Transportation facilities, utility corridors, and parking areas that can be located outside of the Natural Shoreline Environment.
King County may allow single family residential development in the Natural Shoreline Environment as a shoreline conditional use if the scale and intensity of the use is limited to protect shoreline ecological processes and functions and is consistent with the purpose of the environment. King County shall require new subdivisions and short-subdivisions in the Natural Shoreline Environment to locate new structures and impervious surfaces outside of the shoreline jurisdiction to the maximum extent practicable.

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

Except for removal of noxious weeds or invasive vegetation as provided for in S-645, King County shall not allow vegetation removal in the Natural Shoreline Environment that will reduce the capability of vegetation to perform normal ecological processes and functions.

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

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

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

I. Aquatic Environment

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

Aquatic Shoreline Environment Designation Criteria
S-534 A shoreline shall be designated Aquatic if it is waterward of the ordinary high water mark of the shoreline.
Aquatic Shoreline Environment Management Policies:

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

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

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

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

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

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

VII. Environment Protection Policies

A. General Environmental Protection Policy Goals

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

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

\section{Cumulative Impacts and "No Net Loss" of Ecological Processes and Functions}

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

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

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

S-605 King County's Shoreline Master Program goals and policies will promote restoration of impaired shoreline ecological processes and functions. Policies and programs and non-regulatory actions that contribute to restoration goals will be identified. King County should consider the direct and indirect effects of regulatory or non-regulatory programs of other local, state, and federal governments, as well as any restoration effects that may result from shoreline development regulations and mitigation standards.

S-606 The King County Shoreline Master Program identifies restoration opportunities and planning elements that together should improve the overall condition of habitat and resources within the shoreline jurisdiction.

S-607 King County should provide options for property-specific technical assistance and tailored applications of shoreline management regulations through Rural Stewardship Plans for single family residential uses in the upland areas of the Rural, Conservancy and Natural Shoreline Environments. Rural Stewardship Plans must be consistent with the goals of the Shoreline Management Act and King County Shoreline Protection and Restoration Plan, and ensure no net loss of shoreline ecological processes and functions.

S-608 The King County Shoreline Master Program shall consider the cumulative impacts of reasonably foreseeable future development to ensure no net loss of shoreline ecological processes and functions.

S-609 The Shoreline Master Program is intended to fairly allocate the burden of addressing cumulative impacts. King County should adopt policies and regulations that are designed to avoid the need for individualized cumulative impacts analysis for commonly occurring and planned development.

S-610 King County shall prefer and provide special permitting considerations for docks and piers that are shared among multiple landowners.
When updating the Shoreline Master Program, King County should analyze proposed policies and regulations to determine whether they will cause cumulative adverse impacts to the shoreline and consider how such impacts may be avoided. The evaluation of cumulative impacts should consider:

a. Current condition of the shorelines and associated natural processes;

b. Reasonably foreseeable future development and shoreline uses;

c. An appropriate evaluation of the effect on shoreline ecological processes and functions caused by unregulated activities, development exempt from permitting, and effects such as the incremental impact of residential bulkheads, residential piers, or runoff from newly developed properties; and

d. Beneficial effects of any established regulatory programs under other local, state, and federal laws.

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

King County shall consider and address cumulative impacts of shoreline development on shoreline ecological processes and functions and on shoreline uses given priority under Revised Code of Washington Chapter 90.58.

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

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

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

1. Standard for protection under the Shoreline Management Act

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

2. Use of scientific and technical information

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

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

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

S-615 In considering development regulations to protect shoreline ecological processes and functions, King County shall consider the scientific and technical information contained in functional plans adopted to implement the Comprehensive Plan, adopted watershed plans, King County critical areas regulations and state, tribal and federal programs.
In order to ensure no net loss of shoreline ecological processes and functions resulting from development proposed in shoreline critical areas, the King County Shoreline Master Program requires that development proposals analyze the environmental impacts of the proposal and consider measures to avoid, if possible, and then mitigate for the adverse environmental impacts.

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

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

3. Wetlands

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

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

a. Removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
b. Dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater;
c. Draining, flooding, or disturbing of the open water level, duration of inundation, or groundwater table;
d. Driving of pilings;
e. Placing of obstructions;
f. Construction, reconstruction, demolition, or expansion of any structure;
g. Significant vegetation removal, except for non-conversion forest practices regulated under Revised Code of Washington chapter 76.09;
h. Other uses or development that results in a significant ecological impact to the physical, chemical or biological characteristics of wetlands; and
i. Activities reducing the functions of buffers.
Wetlands shall be categorized based on rarity, irreplaceability, or sensitivity to disturbance, as well as the functions the wetland provides. The Shoreline Management Act provides the option of using specified wetland rating systems or developing a regionally specific system, provided the system is scientifically based and provides a method to distinguish wetland quality and function. King County adopted the Washington State Wetland Rating System for Western Washington for use in categorizing wetlands under the Growth Management Act critical areas development standards.

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

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

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

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

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

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

**S-621** In determining appropriate mitigation measures applicable to shoreline development, the mitigation sequencing requirements described in Washington Administrative Code 173-26-202(d)(e) require that lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
King County may authorize alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of shoreline ecological processes and functions.

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

a. Compensatory mitigation replacement ratios or other mitigation provisions shall consider:
   1. The risk of failure of the compensatory mitigation action;
   2. The length of time the compensatory mitigation action will take to replace adequately the impacted wetland functions and values; and
   3. The gain or loss of the type, quality, and quantity of the ecological functions of the compensation.

b. Performance standards shall be established to evaluate the success of compensatory mitigation.

c. Long-term monitoring shall be required to determine if performance standards are met.

d. Long-term protection and management shall be required for compensatory mitigation sites.

4. Critical Aquifer Recharge Areas

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

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

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

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

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

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

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

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

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

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

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

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

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

**a. Critical saltwater habitat**

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

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

**S-629** Protection and restoration of critical saltwater habitats should integrate management of shorelands as well as submerged areas.
Comprehensive planning for the protection and restoration of critical saltwater habitat should include state resource agencies, local and regional government entities including, but not limited to the Port of Seattle and Sound Transit, and affected tribes. To reverse the impacts from development on critical saltwater habitats, the King County Shoreline Master Program should look for opportunities to restore critical saltwater shorelines and protect them from further degradation. All resources should be reviewed and considered.

S-630 As part of its management planning for critical saltwater habitats, King County should include an evaluation of current data and trends regarding:

a. Available inventory and collection of necessary data regarding physical characteristics of the habitat, including upland conditions, and any information on species population trends;
b. Terrestrial and aquatic vegetation;
c. The level of human activity in such areas, including the presence of roads and level of recreational types. Passive or active recreation may be appropriate for certain areas and habitats;
d. Restoration potential;
e. Tributaries and small streams flowing into marine waters;
f. Dock and bulkhead construction, including an inventory of bulkheads serving no protective purpose;
g. Conditions and ecological function in the near-shore area;
h. Uses surrounding the critical saltwater habitat areas that may negatively impact those areas, including permanent or occasional upland, beach, or over-water uses;
i. Potential tribal uses of critical saltwater habitats to ensure that these uses are protected and restored when possible; and
j. An analysis of what data gaps exist and a strategy for gaining this information.

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

S-631 Docks, bulkheads, bridges, fill, floats, jetties, utility crossings, and other human-made structures shall not intrude into or over critical saltwater habitats except when all of the conditions below are met:

a. The public’s need for such an action or structure is clearly demonstrated, and the proposal is consistent with protection of the public trust, as embodied in Revised Code of Washington 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 state and Tribal interests in resource protection and species recovery.

**S-632** Public or private noncommercial docks for public, individual residential or community use may be authorized provided that:

a. Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible; and

b. The project, including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat.

**b. Critical freshwater habitat**

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

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

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

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

**S-634** King County should establish priorities for protection and restoration, where appropriate, along unincorporated river corridors and lake shorelines.
King County should regulate uses and development as necessary within and along stream channels, associated channel migration zones, wetlands, lake shorelines, and floodplains within the shoreline jurisdiction, to assure that no net loss of shoreline ecological processes and functions results from new development near freshwaters of the state, including associated hyporheic zones.

King County shall protect ecological functions associated with critical freshwater habitat as necessary to assure no net loss from shoreline activities and associated changes.

King County should facilitate authorization of appropriate restoration projects.

C. Frequently Flooded Areas and Channel Migration Hazard Areas

The King County 2006 Flood Hazard Management Plan was adopted as a functional plan of the King County Comprehensive Plan. The Flood Plan outlines the policies, programs, and projects that King County uses to reduce the risk from flooding and channel migration. The King County 2006 Flood Hazard Management Plan was reviewed for consistency with the Shoreline Management Act and determined to be consistent with it. King County maps Channel Migration Hazard Areas and applies critical areas regulations to assure that channel migration can be accommodated.

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

King County shall continue mapping channel migration zones on all of its rivers and streams within shoreline jurisdiction where channel migration zones have not already been mapped.

D. Shoreline Vegetation Conservation

A major intent of vegetation conservation is to protect and restore the ecological processes and functions performed by stands of vegetation along shorelines. Vegetation conservation can also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect particular plant and animal species and their habitats, and to enhance shoreline uses.
In King County, aquatic environments, as well as their associated upland and wetland vegetated areas, provide significant habitat for a wide variety of fish and wildlife species. Healthy environments for aquatic species are inseparably linked with the ecological integrity of the surrounding terrestrial ecosystems. For example, nearly continuous stretches of mature forest characterize the natural riparian conditions of the Pacific Northwest. Riparian areas along marine shorelines provide the same or similar functions as their freshwater counterparts. The most commonly recognized functions of the shoreline vegetation include, but are not limited to:

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

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

Sustaining different ecological functions requires varying widths, compositions, and densities of vegetation. The importance of the different functions, in turn, varies with the type of shoreline setting. For example, in forested shoreline settings, periodic introduction of fallen trees, especially conifers, into the stream channel is an important attribute that is critical to natural stream channel maintenance.
Vegetation conservation includes activities to protect and restore vegetation that contributes to the ecological functions of shoreline areas along or near marine and freshwater shorelines. Vegetation conservation provisions generally include the prohibiting or limiting plant clearing and earth grading, restoring vegetation, and controlling invasive weeds and nonnative species.

**S-640**

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

**S-641**

Vegetation conservation provisions apply to all shoreline uses and developments, whether or not the use or development requires a shoreline substantial development permit.

**S-642**

Vegetation conservation standards shall not apply retroactively to existing uses and structures, such as existing agricultural practices.

**S-643**

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

**S-644**

King County should adopt development regulations for vegetated areas along streams, which once supported or could in the future support mature trees, that include buffers of sufficient width to facilitate the growth of mature trees and periodic recruitment of woody vegetation into the water body to support vegetation-related shoreline functions.

**S-645**

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

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

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

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

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

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

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

F. Preparing for Climate Change

As discussed in Chapter 5 of the King County Comprehensive Plan, climate change has the potential for significant impacts on shorelines and shoreline habitats. Sea-level rise and storm surges may place at risk infrastructure, habitat restoration projects, and other development, including residential development. New development and maintenance or replacement of existing development should take into account the potential for harm that may result from sea-level rise.

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

S-651 Habitat protection and restoration projects in the shoreline jurisdiction shall consider implications of sea-level rise and other climate change impacts to promote resiliency of habitats and species.
VIII. Shoreline Use and Shoreline Modification

A. Shoreline Use versus Shoreline Modification

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

B. Shoreline Use

1. Generally

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

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

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

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

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

S-705 King County shall adopt use policies and development regulations to achieve consistency among and between shorelands and adjacent lands as required by Revised Code of Washington 90.58.340.
2. **Shoreline Conditional Uses**

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

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

S-706 The following types of uses and development should require a shoreline conditional use permit:

1. Uses and development that may significantly impair or alter the public’s use of the waters of the state;
2. Uses and development which, by their intrinsic nature, may have a significant impact on shoreline ecological processes and functions depending on location, design, and site conditions; and
3. Development in critical saltwater habitats.

3. **Agriculture**

The Shoreline Management Act defines agricultural activities as:

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

The Shoreline Management Act prohibits shoreline master programs from requiring modification to or limiting existing agricultural activities on agricultural lands in the shoreline jurisdiction. This limitation does not apply to new agricultural activities.
The King County Shoreline Master Program shall not require modification of or limit existing agricultural activities in the shoreline jurisdiction. Existing agricultural activities in the shoreline jurisdiction shall be governed by existing provisions of the King County Comprehensive Plan and the King County Code.

New agricultural activities in the shoreline jurisdiction shall comply with the critical areas regulations incorporated into the shoreline master program as they apply to agricultural activities.

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

New agricultural activities within the shoreline jurisdiction and outside the Agricultural Production Districts shall be consistent with the shoreline designation where the land is located.

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

Development and uses on land removed from the Agricultural Production Districts shall be consistent with the shoreline designation where the land is located.

4. Forestry

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

If land is being converted to a non-forest use through Class IV-General forest practice, the provisions of the King County Shoreline Management Program that apply to development activities governs the proposed land use.
Because shorelines of statewide significance require a higher level of protection, special provisions apply to forestry within shorelines of statewide significance.

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

a. Other timber harvesting methods in those limited instances where the topography, soil conditions, or silviculture practices necessary for regeneration render selective logging ecologically detrimental; and

b. Clear cutting of timber that is solely incidental to the preparation of land for other uses authorized by the King County Shoreline Master Program.

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

5. Surface Drilling for Oil and Gas

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

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

6. Aquaculture

Aquaculture is the culture or farming of food fish, shellfish, or other aquatic plants and animals. Aquaculture is dependent on the use of the water area and, when consistent with goals for aesthetics, public access, control of pollution and prevention of damage to the environment, is a preferred use of the water area. Aquaculture is a growing industry of statewide significance. Aquaculture should be accommodated so long as it does not result in a net loss of shoreline ecological processes and functions. The visual and aesthetic impacts of aquaculture should not overwhelm adjacent land uses.
Aquaculture is a water-dependent use and is a preferred use of the shoreline when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for native species, (Washington Administrative Code 173-26-241(3)(b)).

Potential locations for aquaculture activities are relatively restricted because of specific requirements related to water quality, temperature, oxygen content, currents, adjacent land use, wind protection, commercial navigation, and salinity. The technology associated with some forms of aquaculture is still experimental and in formative states. Therefore, when implementing development regulations related to aquaculture, King County should provide flexibility in its development regulations governing the siting of aquaculture facilities. Those regulations shall require avoidance of adverse impacts to existing uses, to the maximum extent practical, and no net loss in shoreline ecological functions and processes.

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

Aquaculture facilities shall be designed, operated and located so as not to spread disease to native aquatic life, establish new nonnative species that cause significant ecological impacts, or substantially impact the aesthetic qualities and public access of the shoreline.

Preference should be given to those forms of aquaculture that involve lesser environmental and visual impacts and lesser impacts to native plant and animal species. In general, projects that require no structures, submerged structures or intertidal structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification, recognizing that in some circumstances that the importation of sand or pea gravel on rocky or cobble substrates may result in more diverse habitat. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.
S-721  Aquaculture shall not be permitted if it involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of non-native species, or other adverse effects on native species or threatened or endangered species and their habitats.

S-722  King County shall consider the potential beneficial impacts and the potential adverse impacts of new aquaculture development on the physical environment; on other existing and approved land and water uses, including navigation; and on the aesthetic qualities of a project area.

S-723  Legally established aquaculture uses, including authorized experimental projects, should be protected from incompatible uses that may seek to locate nearby. King County may deny uses or developments that have a high probability of damaging or destroying a legally established existing aquaculture.

S-724  King County should review and make permit decisions on restoration projects associated with aquaculture in a timely manner.

S-725  Experimental aquaculture projects in water bodies should be limited in scale and should be approved for a limited period of time. Experimental aquaculture means an aquaculture activity that uses methods or technologies that are unprecedented or unproven in the State of Washington.

S-726  King County should actively seek substantive comment regarding potential adverse impacts of any shoreline permit application for aquaculture from all appropriate Federal, State and local agencies; the Muckleshoot Tribe, the Puyallup Tribe of Indians, the Tulalip Tribes and other tribes with treaty fishing rights; and the general public. Comments of nearby residents or property owners directly affected by an aquaculture proposal should be considered and evaluated, especially in regard to use compatibility and aesthetics.

S-727  The rights of treaty tribes to aquatic resources within their usual and accustomed areas should be addressed through the permit review process. Direct and early coordination between the applicant or proponent and the tribe should be encouraged.
7. **Boating Facilities**

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

S-728 Boating facilities shall be located only at sites with suitable environmental conditions, shoreline configuration, access, and neighboring uses, and:

a. Meet health, safety and welfare requirements;
b. Mitigate aesthetic impacts;
c. Provide public access in new marinas, unless there is a safety or security concern;
d. Prevent the impacts to shoreline resources from boaters living on their vessels;
e. Restrict vessels should be restricted from extended mooring on waters of the state unless authorization is obtained from the Washington Department of Natural Resources and impacts to navigation and public access are mitigated;
f. Assure no net loss of shoreline ecological processes and functions or other significant adverse impacts; and
g. Protect the rights of navigation.

8. **Commercial Development**

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

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

S-730 King County shall permit non-water-oriented commercial uses in the shoreline jurisdiction only if:

a. The non-water-oriented commercial use is limited to the minimum size necessary for the use;
b. The use provides a significant public benefit with respect to the Shoreline Management Act’s objectives such as providing public access and ecological restoration; and
c. The use is part of a mixed-use project that includes water-dependent uses; or navigability is severely limited at the proposed site.

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

S-732 King County shall allow over-water nonwater-dependent commercial uses only in existing structures or if the use is auxiliary to and necessary to support a water-dependent use. The area of any over-water structure shall be limited to the maximum extent practical.

S-733 King County shall prohibit commercial development that will have significant adverse impact to other shoreline uses, resources and values, such as navigation, recreation and public access. King County shall require mitigation for all commercial development in the shoreline jurisdiction to ensure that it does not cause a net loss of shoreline ecological processes and functions.

9. Industry

The King County Shoreline Master Program establishes a hierarchy for industrial development within the shoreline jurisdiction. Most industrial land in King County is located within cities rather than within unincorporated King County.

S-734 In the shoreline jurisdiction, King County shall give preference to industrial uses in the following order: first, water-dependent industrial uses; second, water-related industrial uses; and third, non-water-oriented industrial uses.

S-735 To mitigate for the impacts of industrial development within the shoreline jurisdiction, King County should require ecological restoration and public access, unless it determines that public access is infeasible or inappropriate.

S-736 King County shall require industrial uses located on public land in the shoreline jurisdiction to provide public access, unless the use is incompatible with public access or there are public safety concerns.

S-737 King County should encourage Industrial development and redevelopment to be located where environmental cleanup and restoration of the shoreline can be incorporated.
S-738 King County shall permit new nonwater-oriented industrial development in the shoreline jurisdiction only if:
   a. The use is part of a mixed-use project that includes water-dependent uses or navigability is severely limited; and
   b. The use provides a significant public benefit with respect to the Shoreline Management Act’s objectives, such as providing public access and ecological restoration.

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

10. **In-Water Structures**

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

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

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

11. **Mining**

King County has identified and designated land that is appropriate for the removal of sand, gravel, soil, minerals and other extractable resources. In King County, gravel removal was a common method of flood control in the first half of the 20th century. However, mining within shorelines can have significant impacts, particularly to habitat for threatened and endangered aquatic and riparian species.
Mining may be allowed within the shoreline jurisdiction if it is:

a. Consistent with the environment designation policies of the King County Shoreline Master Program and provisions of the Shoreline Management Act; and

b. Located within mineral resource lands designated by the King County Comprehensive Plan.

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

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

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

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

a. Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

b. The mining and any associated permitted activities will not have significant adverse impacts to habitat for threatened or endangered species nor cause a net loss of shoreline ecological processes and functions;

c. The determinations required by items 1 and 2 of this policy shall be consistent with Revised Code of Washington 90.58.100(1) and Washington Administrative Code 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant environmental review requirements of the State Environmental Policy Act and the Department of Ecology guidelines;
d. In considering renewal, extension, or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, King County shall require compliance with this policy if no such review has previously been conducted. Where there has been prior review, King County shall review the previous determinations in order to ensure that current site conditions comply with the Program; and

e. These requirements do not apply to dredging of authorized navigation channels when conducted in accordance with Washington Administrative Code 173-26-231(3)(f).

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

12. **Recreational Development**

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

S-748 Recreational development is allowed in the shoreline jurisdiction and must be consistent with the shoreline environment designation in which the property is located.

S-749 King County shall plan to provide public recreational uses on county-owned shoreline, consistent with the goals of this chapter.

13. **Residential Development**

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

S-750 Single family residential development is a priority use in the shoreline jurisdiction in King County.
S-751 King County shall require a conditional use permit for construction or expansion of a single-family residence that is located within an aquatic area buffer in the Forestry or Natural Shoreline Environment.

S-752 Shoreline residential development, including accessory structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect these structures and uses.

S-753 New over-water residences, including floating homes, are not a preferred use and shall be prohibited in the shoreline jurisdiction. Existing communities of floating or over-water homes should be reasonably accommodated to allow improvements associated with life-safety matters and to ensure protection of private property rights. King County shall limit the expansion of existing floating homes, including over-water and underwater footprint, and over-water communities to the minimum necessary to ensure consistency with constitutional and other legal limitations that protect private property.

S-754 King County should require multifamily residential development and subdivisions within the shoreline jurisdiction creating more than four lots to provide public access.

S-755 King County shall require subdivisions and short subdivisions to:

a. Be designed, configured and developed in a manner that ensures no net loss of shoreline ecological processes and functions at full build-out of all lots;

b. Prevent the need for new shoreline stabilization or flood risk reduction measures that would cause significant impacts to other properties or public improvements, a net loss of shoreline ecological processes and functions, or interfere with channel migration; and

c. Implement the provisions and policies for shoreline designations and the general policy goals of this chapter.

14. Transportation and Parking

Providing for transportation and parking is necessary to support water-dependent uses, to support the regional economy, and for access to privately owned property. However, transportation facilities should be located and designed to have the least impact on the ecological processes and functions of the shoreline. Transportation planning in shorelines should not be focused totally on automobiles, but should consider a wide range of options, including buses, light rail, commuter rail, bicycle, equestrian, and pedestrian facilities. Transportation planning can be a tool for finding opportunities to provide public access to the shorelines.
S-756  King County shall require transportation and parking plans and projects located in the shoreline jurisdiction to be consistent with the public access policies in this chapter and environmental protection provisions.

S-757  Where appropriate, circulation system planning in the shoreline jurisdiction shall include systems for pedestrian, bicycle and public transportation and combining transportation uses to minimize the footprint of transportation facilities. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the King County Shoreline Master Program.

S-758  Transportation and parking facilities located in the shoreline jurisdiction shall be planned, located and designed to have the least possible adverse impact on unique or fragile shoreline features, not result in a net loss of shoreline ecological processes and functions or adversely impact existing or planned water-dependent uses. Where other options are available and feasible, new transportation facilities or transportation facility expansions should not be constructed within the shoreline jurisdiction.

S-759  Parking facilities in the shoreline jurisdiction are not a preferred use. King County shall allow parking facilities in the shoreline jurisdiction only when necessary to support an authorized use and when an alternatives analysis shows there are no feasible alternatives outside of the 200-foot shoreline jurisdiction. Parking facilities in the shoreline jurisdiction shall use Low Impact Designs, such as porous concrete and vegetated swales, and be planned, located and designed to minimize the environmental and visual impacts.

15. Utilities

Utilities include services and facilities that produce, convey, store, or process power, gas, water, sewage, stormwater, communications, oil, or waste. Utilities that are classified as on-site utilities serving only one primary use are considered “accessory utilities” and are considered part of the primary use.

S-760  Utility facilities shall be designed and located to assure no net loss of shoreline ecological processes and functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses, while meeting the needs of future populations in areas planned to accommodate growth.
S-761 King County shall allow modification of existing utility facilities and the location of new water-oriented portions of utility facilities in the shoreline jurisdiction provided that a mitigation sequence is applied (see policy S-616) and there is no net loss of shoreline ecological processes and functions. To the maximum extent practical, those parts of utility production and processing facilities that are not water-oriented, such as power plants and sewage treatment plants, shall be located outside of the shoreline jurisdiction.

S-762 Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located outside of the shoreline jurisdiction where feasible. Transmission facilities located within the shoreline jurisdiction shall assure no net loss of shoreline ecological processes and functions.

S-763 Utilities should be located in existing developed rights-of-way and corridors to the maximum extent practical.

S-764 Unless no other feasible alternative location exists, King County should discourage:
   a. Locating pipelines and cables in water, on tidelands or roughly parallel to the shoreline; and
   b. The development of facilities that may require periodic maintenance that disrupts shoreline ecological processes and functions.

King County shall ensure that any utility facilities that are allowed do not result in a net loss of shoreline ecological processes and functions or significant adverse impacts to other shoreline resources and values.

C. Shoreline Modifications

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

S-765 King County should allow structural shoreline modifications only when necessary to support or protect a legally established structure or a legally existing shoreline use that is in danger of loss or substantial damage, or when a modification is necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
In order to reduce the adverse effects of shoreline modifications, King County should limit shoreline modifications in number and extent to the maximum extent practicable.

King County shall only allow shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

King County shall ensure that shoreline modifications individually and cumulatively do not result in a net loss of shoreline ecological processes and functions. In order to achieve this goal, King County shall give preference to those types of shoreline modifications that have a lesser impact on the shoreline and by requiring mitigation of identified impacts resulting from shoreline modifications.

Where applicable, King County shall develop regulations and impose conditions based on scientific and technical information and a comprehensive analysis of shoreline conditions for drift cells for marine waters or reaches for lakes and river and stream systems.

King County should plan for the enhancement of impaired shoreline ecological processes and functions where feasible and appropriate, while accommodating permitted uses. To the maximum extent practical, King County should incorporate appropriate measures to protect shoreline ecological processes and functions from the impacts of shoreline modifications.

2. Shoreline Stabilization

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

These natural processes are likely to be affected by climate change. Lowland rivers may see higher flows in the autumn and winter and mid-elevation rivers may see higher winter flows. In both cases, these changes could lead to more frequent flooding. The marine shorelines around Vashon-Maury Island and the Duwamish Estuary may also see effects due to sea-level rise. Increased sea elevations will make development and infrastructure in low-lying areas more susceptible to flooding due to high tides and storms. Waves will encroach further onto low-lying beaches and cause greater beach erosion, threatening or damaging low-lying structures. At the same time steep slopes may receive increased moisture due to predicted changes in precipitation patterns, potentially resulting in an increase in landslides that may cause property destruction and threaten human safety.
Humans have long desired to "control" these natural processes by constructing shoreline stabilization structures. The negative side of structural solutions includes the high cost of construction, long-term cost of maintenance and repair, the false sense of security for humans relying on these structures, and the high impact to the shoreline environment. These negative impacts are likely to increase as the effects of climate change become more apparent. These impacts include:

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

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

1. Vegetation enhancement;
2. Upland drainage control;
3. Biotechnical measures;
4. Beach enhancement;
5. Anchor trees;
6. Gravel placement;
7. Rock revetments;
8. Gabions;
9. Concrete groins;
10. Retaining walls and bluff walls;
11. Bulkheads; and
12. Seawalls.

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

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

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

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

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

S-774 King County shall require new shoreline development to be located and designed to avoid the need for future shoreline stabilization to the maximum extent practicable.
King County shall require that lots in new subdivisions and short subdivisions to be created so that shoreline stabilization will not be necessary in order for reasonable development to occur, using geotechnical analysis of the site and shoreline characteristics.

King County shall require new development on steep slopes or bluffs to be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

King County shall not allow new development that requires shoreline stabilization that will cause significant adverse impacts to adjacent or down-current properties and shoreline areas.

King County should notify all prospective developers of new development along Vashon-Maury Island that their development may be impacted by sea-level rise and should encourage all such new development to be set back a sufficient distance to avoid the need for shoreline protection during the expected life of the development.

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

King County shall require the use of soft methods of shoreline stabilization to the maximum extent practicable. King County shall allow new hard structural stabilization measures only as follows:

a. To protect existing nonwater-dependent development and structures, including single-family residences, if:
   1. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
   2. Nonstructural measures, such as locating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient;
   3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist. The damage must be caused by natural processes, such as tidal action, currents and waves; and
   4. Mitigation is provided such that the erosion control structure will not result in a net loss of shoreline ecological processes and functions.

b. To protect water-dependent development if:
   1. The erosion is not the result of upland conditions, such as the loss of vegetation and drainage;
2. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient;
3. The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report submitted by a qualified specialist; and
4. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.

c. To protect shoreline restoration projects or hazardous substance remediation projects pursuant to Revised Code of Washington Chapter 70.105D if:
   1. Nonstructural measures, planting vegetation or installing on-site drainage improvements are not feasible or not sufficient; and
   2. The erosion control structure will not result in a net loss of shoreline ecological processes and functions.

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

S-780 An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.

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

S-782 Replacement walls or bulkheads to protect a residence shall not encroach waterward as measured at an elevation of two-feet above the current ordinary high-water mark, unless:
   a. The residence was occupied prior to January 1, 1972;
   b. There are overriding safety or environmental concerns; and
   c. The replacement structure shall abut the existing shoreline stabilization structure and be located on the landward side of the existing structure.

S-783 If a net loss of ecological processes and functions associated with critical saltwater habitats will result from leaving an existing shoreline protection structure that is proposed for replacement, King County shall require the structure to be removed as part of the replacement measure.
S-784 King County shall encourage the use soft shoreline stabilization measures that use placement or growth of natural materials that closely resemble natural scales and configurations and that provide restoration of shoreline ecological processes and functions waterward of the ordinary high-water mark.

S-785 King County should encourage replaced structural shoreline stabilization located on Vashon-Maury Island to be relocated outside of the 100-year floodplain whenever possible. The edge of the 100-year floodplain is consistent with a two-foot sea-level rise.

King County should make decisions on shoreline stabilization measures based on technical studies and reports that objectively analyze the current conditions and the impact of the proposed stabilization measure. A geotechnical report addressing geologic and habitat conditions developed by a qualified geologist or geotechnical engineer and habitat specialist should be a requirement of a development proposal application that includes shoreline stabilization as part of the development.

S-786 When shoreline stabilization is proposed, King County shall require a geotechnical report to address the need to prevent potential damage to a primary structure. The report shall estimate time frames and rates of erosion and the urgency associated with the specific situation. King County should not allow hard armoring solutions, unless a geotechnical report confirms that there is a significant possibility that the structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is immediate would foreclose the opportunity to use measures that avoid impacts on shoreline ecological processes and functions. If the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.

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

S-788 If structural shoreline stabilization measures are demonstrated to be necessary, King County shall:
1. Limit the size of stabilization measures to the minimum necessary;
2. Require the use of measures designed to assure no net loss of shoreline ecological processes and functions;
3. Require the use of soft approaches, unless they are demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
S-789 King County shall ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline, except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to shoreline ecological processes and functions. Where feasible, King County shall require ecological restoration and public access improvements to be incorporated into the project.

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

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

Erosion is the breakdown of soil, mud, rock, and other particles by the agents of wind, water, or ice or by living organisms. These materials are moved downward or down-slope in response to gravity. Upland conditions may contribute to this on-going natural physical process and may impact the ability of people to use the shoreline. Mass wasting is the geomorphic process by which soil, mud, rock, and other particles move downslope under the force of gravity. Types of mass wasting include creep, slides, flows, topples, and falls, each with its own characteristic features. Mass wasting may occur at a very slow rate, particularly in areas that are very dry or those areas that receive sufficient rainfall such that vegetation has stabilized the surface. It may also occur at very high speed, such as in rock slides or landslides, with disastrous consequences. The desire to protect shoreline development from these impacts leads to proposals for shoreline stabilization.

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

3. Piers and Docks

Piers and docks are some of the most commonly requested modifications to the shorelines. Because they extend over the water, piers and docks can have a significant impact on the shoreline ecological processes and functions. Careful consideration should be given to the construction of new piers and docks, and how they are constructed in order to minimize their impacts.
S-793 King County shall allow new piers and docks only for water-dependent uses or public access. If it is designed and intended as a facility for access to watercraft, a dock associated with a single-family residence is considered a water-dependent use. As an alternative to individual private moorage for residential development: mooring buoys are preferred over floats or docks and shared moorage facilities are preferred over single use moorage, where feasible or where water use conflicts exist or are predictable.

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

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

S-796 King County shall allow new pier or dock construction, excluding docks accessory to single-family residences, only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses.

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

S-798 King County shall require piers and docks, including those accessory to single-family residences, to be designed and constructed to avoid and then minimize and mitigate the impacts to shoreline ecological processes and functions. King County shall require piers and docks to be constructed of non-toxic materials. Where toxic materials, such as treated wood, are proposed, the proponent must show that no non-toxic alternative exists.
4. Fill

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

S-799

King County shall require fill to be located, designed, and constructed to protect shoreline ecological processes and functions and ecosystem-wide processes, including channel migration and side channels.

S-800

King County shall allow fill waterward of the ordinary high-water mark only when necessary to support:
1. Water-dependent use;
2. Public access;
3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;
4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;
5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or
6. Mitigation actions, environmental restoration, beach nourishment, enhancement projects; or
7. Flood risk reduction projects implemented consistent with the goals, policies and objectives of the King County Flood Hazard Management Plan where no reasonable alternative exists.

S-801

King County shall require a shoreline conditional use permit for fill waterward of the ordinary high-water mark for any use, except for projects for ecological restoration or for the maintenance, repair or replacement of flood protection facilities.
5. **Breakwaters, Jetties, Groins and Weirs**

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

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

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

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

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

6. **Beach and Dunes Management**

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

7. **Dredging and Dredge Material Disposal**

Dredging is the removal, displacement, or disposal of unconsolidated earth material such as sand, silt, gravel, or other submerged materials, from the bottom of water bodies, ditches, or natural wetlands. Long-term maintenance and support activities are also considered dredging. Dredging can cause significant ecological damage, which cannot always be avoided. Mitigation measures should be required to assure no net loss of shoreline ecological processes and functions.
King County has a channel monitoring program for King County rivers, which can be used to inform decisions on dredging activities. While only certain reaches of these rivers have been surveyed, King County recognizes the need to continue and enhance the channel monitoring program. In addition, King County should avoid development of shorelines that would require new or maintenance dredging.

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

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

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

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

S-810  King County shall require dredging to be conducted consistent with Policy RCM-3 of the 2006 King County Flood Hazard Management Plan.
8. Shoreline Habitat and Natural Systems Enhancement Projects

Shoreline habitat and natural systems enhancement projects should be supported and coordinated with other planning processes, such as salmon conservation plans and the 2006 King Count Flood Hazard Management Plan.

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

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

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

IX. Primary and Administrative Policies

A. Reservation of Right to Appeal Department of Ecology Decisions

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

1. Reservation of right to submit alternate proposal to Ecology

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

S-901 If the Department of Ecology recommends changes to any elements of the King County Shoreline Master Program, King County reserves the right to submit an alternate proposal to the Department for its review and approval.
2. Appeal of Ecology's decision to reject or modify King County Shoreline Master Program.

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

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

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

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

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

C. Treaty Rights Not Affected by Shoreline Master Program

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

S-904 Nothing in the King County Shoreline Master Program nor in any action taken under the Shoreline Master Program shall be construed to affect any treaty right to which the United States is a party.
D. Power to Abate Nuisance Retained by King County and the State Of Washington

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

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

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