



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**October 29, 2004**

**Ordinance 15051**

**Proposed No.** 2004-0122.3

**Sponsors** Constantine

1 AN ORDINANCE relating to critical areas; amending  
2 Ordinance 10870, Section 11, and K.C.C. 21A.02.010,  
3 Ordinance 10870, Section 19, and K.C.C. 21A.02.090,  
4 Ordinance 10870, Section 466, and K.C.C. 21A.24.190,  
5 Ordinance 10870, Section 54, as amended, and K.C.C.  
6 21A.06.070, Ordinance 10870, Section 70, and K.C.C.  
7 21A.06.122, Ordinance 11621, Section 20, and K.C.C.  
8 21A.06.182, Ordinance 10870, Section 79, and K.C.C.  
9 21A.06.195, Ordinance 10870, Section 80, as amended,  
10 and K.C.C. 21A.06.200, Ordinance 11481, Section 1, and  
11 K.C.C. 20.70.010, Ordinance 10870, Section 92, and  
12 K.C.C. 21A.06.260, Ordinance 10870, Section 96, and  
13 K.C.C. 21A.06.280, Ordinance 11621, Section 21, and  
14 K.C.C. 21A.06.392, Ordinance 10870, Section 120, and  
15 K.C.C. 21A.06.400, Ordinance 10870, Section 122, and  
16 K.C.C. 21A.06.410, Ordinance 10870, Section 123, and  
17 K.C.C. 21A.06.415, Ordinance 10870, Section 131, and

18 K.C.C. 21A.06.455, Ordinance 10870, Section 134, and  
19 K.C.C. 21A.06.470, Ordinance 10870, Section 135, as  
20 amended, and K.C.C. 21A.06.475, Ordinance 10870,  
21 Section 136, as amended, and K.C.C. 21A.06.480,  
22 Ordinance 10870, Section 137, as amended, and K.C.C.  
23 21A.06.485, Ordinance 10870, Section 138, as amended,  
24 and K.C.C. 21A.06.490, Ordinance 10870, Section 140,  
25 and K.C.C. 21A.06.500, Ordinance 10870, Section 141,  
26 and K.C.C. 21A.06.505, Ordinance 10870, Section 144,  
27 and K.C.C. 21A.06.520, Ordinance 10870, Section 149,  
28 and K.C.C. 21A.06.545, Ordinance 10870, Section 165,  
29 and K.C.C. 21A.06.625, Ordinance 10870, Section 176,  
30 and K.C.C. 21A.06.680, Ordinance 10870, Section 190,  
31 and K.C.C. 21A.06.750, Ordinance 11621, Section 26, and  
32 K.C.C. 21A.06.751, Ordinance 10870, Section 198, and  
33 K.C.C. 21A.06.790, Ordinance 11555, Section 2, as  
34 amended, and K.C.C. 21A.06.797, Ordinance 10870,  
35 Section 203, and K.C.C. 21A.06.815, Ordinance 10870,  
36 Section 205, and K.C.C. 21A.06.825, Ordinance 10870,  
37 Section 240, and K.C.C. 21A.06.1000, Ordinance 10870,  
38 Section 243, and K.C.C. 21A.06.1015, Ordinance 10870,  
39 Section 249, and K.C.C. 21A.06.1045, Ordinance 11555,  
40 Section 1, and K.C.C. 21A.06.1172, Ordinance 10870,

41 Section 286, and K.C.C. 21A.06.1230, Ordinance 10870,  
42 Section 288, and K.C.C. 21A.06.1240, Ordinance 10870,  
43 Section 293, and K.C.C. 21A.06.1265, Ordinance 10870,  
44 Section 294, and K.C.C. 21A.06.1270, Ordinance 10870,  
45 Section 310, and K.C.C. 21A.06.1350, Ordinance 10870,  
46 Section 314, and K.C.C. 21A.06.1370, Ordinance 10870,  
47 Section 318, and K.C.C. 21A.06.1390, Ordinance 10870,  
48 Section 319, as amended, and K.C.C. 21A.06.1395,  
49 Ordinance 10870, Section 320, and K.C.C. 21A.06.1400,  
50 Ordinance 10870, Section 323, as amended, and K.C.C.  
51 21A.06.1415, Ordinance 10870, Section 340, as amended,  
52 and K.C.C. 21A.12.030, Ordinance 10870, Section 342, as  
53 amended, and K.C.C. 21A.12.050, Ordinance 10870,  
54 Section 345, as amended, and K.C.C. 21A.12.080,  
55 Ordinance 10870, Section 364, as amended, and K.C.C.  
56 21A.14.040, Ordinance 10870, Section 378, as amended,  
57 and K.C.C. 21A.14.180, Ordinance 10870, Section 448, as  
58 amended, and K.C.C. 21A.24.010, Ordinance 10870,  
59 Section 449, and K.C.C. 21A.24.020, Ordinance 10870,  
60 Section 450, and K.C.C. 21A.24.030, Ordinance 10870,  
61 Section 451, and K.C.C. 21A.24.040, Ordinance 10870,  
62 Section 454, as amended, and K.C.C. 21A.24.070,  
63 Ordinance 10870, Section 456, and K.C.C. 21A.24.090,

64 Ordinance 10870, Section 457, as amended, and K.C.C.  
65 21A.24.100, Ordinance 10870, Section 458, and K.C.C.  
66 21A.24.110, Ordinance 10870, Section 460, and K.C.C.  
67 21A.24.130, Ordinance 10870, Section 463, and K.C.C.  
68 21A.24.160, Ordinance 10870, Section 464, as amended,  
69 and K.C.C. 21A.24.170, Ordinance 10870, Section 465, as  
70 amended, and K.C.C. 21A.24.180, Ordinance 10870,  
71 Section 467, and K.C.C. 21A.24.200, Ordinance 10870,  
72 Section 468, as amended, and K.C.C. 21A.24.210,  
73 Ordinance 10870, Section 469, and K.C.C. 21A.24.220,  
74 Ordinance 10870, Section 470, and K.C.C. 21A.24.230,  
75 Ordinance 10870, Section 471, as amended, and K.C.C.  
76 21A.24.240, Ordinance 10870, Section 472, and K.C.C.  
77 21A.24.250, Ordinance 10870, Section 473, and K.C.C.  
78 21A.24.260, Ordinance 10870, Section 474, and K.C.C.  
79 21A.24.270, Ordinance 11621, Section 75, and K.C.C.  
80 21A.24.275, Ordinance 10870, Section 475, as amended,  
81 and K.C.C. 21A.24.280, Ordinance 10870, Section 476, and  
82 K.C.C. 21A.24.290, Ordinance 10870, Section 477, and  
83 K.C.C. 21A.24.300, Ordinance 10870, Section 478, as  
84 amended, and K.C.C. 21A.24.310, Ordinance 11481,  
85 Sections 2, and K.C.C. 20.70.020, Ordinance 11481,  
86 Sections 3 and 5, and K.C.C. 20.70.030, Ordinance 11481,

87 Sections 2, and K.C.C. 20.70.060, Ordinance 10870, Section  
88 481, as amended, and K.C.C. 21A.24.340, Ordinance 11621,  
89 Section 72, as amended, and K.C.C. 21A.24.345, Ordinance  
90 10870, Section 485, and K.C.C. 21A.24.380, Ordinance  
91 11621, Section 52, as amended, and K.C.C. 21A.14.260,  
92 Ordinance 11621, Section 53, and K.C.C. 21A.14.270,  
93 Ordinance 10870, Section 486, and K.C.C. 21A.24.390,  
94 Ordinance 10870, Section 487, and K.C.C. 21A.24.400,  
95 Ordinance 10870, Section 488, and K.C.C. 21A.24.410,  
96 Ordinance 10870, Section 489, and K.C.C. 21A.24.420,  
97 Ordinance 14187, Section 1, and K.C.C. 21A.24.500,  
98 Ordinance 14187, Section 2, and K.C.C. 21A.24.510,  
99 Ordinance 10870, Section 515, and K.C.C. 21A.28.050,  
100 Ordinance 10870, Section 532, as amended, and K.C.C.  
101 21A.30.040, Ordinance 11168 Section 3, as amended, and  
102 K.C.C. 21A.30.045, Ordinance 10870, Section 534, as  
103 amended, and K.C.C. 21A.30.060, Ordinance 10870,  
104 Section 577, as amended, and K.C.C. 21A.38.040,  
105 Ordinance 10870, Section 611, and K.C.C. 21A.42.030,  
106 Ordinance 10870, Section 612, as amended, and K.C.C.  
107 21A.42.040, Ordinance 10870, Section 616, as amended,  
108 and K.C.C. 21A.42.080, Ordinance 10870, Section 618, as  
109 amended, and K.C.C. 21A.42.100, Ordinance 10870,

110 Section 624, as amended, and K.C.C. 21A.44.030 and  
111 Ordinance 10870, Section 630, and K.C.C. 21A.50.020,  
112 adding new sections to K.C.C. chapter 21A.06, adding new  
113 sections to K.C.C. chapter 21A.24, adding new sections to  
114 K.C.C. chapter 21A.50, recodifying 21A.24.190,  
115 20.70.010, 21A.06.1415, 20.70.020, 20.70.030, 20.70.040,  
116 20.70.060, 21A.14.260 and 21A.14.270 and repealing  
117 Ordinance 10870, Section 62, and K.C.C. 21A.06.110,  
118 Ordinance 10870, Section 150, and K.C.C. 21A.06.550,  
119 Ordinance 10870, Section 221, and K.C.C. 21A.06.905,  
120 Ordinance 10870, Section 235, and K.C.C. 21A.06.975,  
121 Ordinance 10870, Section 253, and K.C.C. 21A.06.1065,  
122 Ordinance 10870, Section 322, as amended, and K.C.C.  
123 21A.06.1410, Ordinance 10870, Section 452, as amended,  
124 and K.C.C. 21A.24.050, Ordinance 10870, Section 453, and  
125 K.C.C. 21A.24.060, Ordinance 11621, Section 70, as  
126 amended, and K.C.C. 21A.24.075, Ordinance 10870,  
127 Section 455, as amended, and K.C.C. 21A.24.080,  
128 Ordinance 10870, Section 459, and K.C.C. 21A.24.120,  
129 Ordinance 10870, Section 462, and K.C.C. 21A.24.150,  
130 Ordinance 11481, Section 6, and K.C.C. 20.70.050,  
131 Ordinance 11481, Section 8, and K.C.C. 20.70.200,  
132 Ordinance 10870, Section 479, and K.C.C. 21A.24.320,

133 Ordinance 10870, Section 480, as amended, and K.C.C.  
134 21A.24.330, Ordinance 10870, Section 482, and K.C.C.  
135 21A.24.350, Ordinance 10870, Section 483, as amended,  
136 and K.C.C. 21A.24.360, Ordinance 10870, Section 484, as  
137 amended, and K.C.C. 21A.24.370, Ordinance 10870,  
138 Section 609, and K.C.C. 21A.42.010, Ordinance 10870,  
139 Section 610, and K.C.C. 21A.42.020 and Ordinance 10870,  
140 Section 620, and K.C.C. 21A.42.120.

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143 STATEMENT OF FACTS:

144 1. Regarding Growth Management Act requirements:

145 a. The state Growth Management Act ("GMA") requires the adoption of  
146 development regulations that protect the functions and values of critical  
147 areas, including wetland, fish and wildlife habitat conservation areas,  
148 critical groundwater recharge areas, frequently flooded areas and  
149 geologically hazardous areas;

150 b. RCW 36.70A.172 requires local governments to include the best  
151 available science ("BAS") in developing policies and development  
152 regulations to protect the functions and values of critical areas, and to give  
153 special consideration to conservation or protection measures necessary to  
154 preserve or enhance anadromous fisheries;

155 c. The GMA requires all local government to designate and protect  
156 resource lands, including agricultural lands. The GMA requires local  
157 governments planning under GMA to accommodate future population  
158 growth as forecasted by the office of financial management and requires  
159 counties to include a rural element in their comprehensive plans. King  
160 County is required to plan under the GMA and has adopted a  
161 comprehensive plan that includes all of the required elements under GMA.

162 2. Regarding the King County Comprehensive Plan:

163 a. King County's efforts to accommodate growth and to protect critical  
164 areas, resource lands and rural lands are guided by Countywide Planning  
165 Policies and the King County Comprehensive Plan ("the Comprehensive  
166 Plan"). The council recently completed a four-year update of the  
167 Comprehensive Plan with the adoption of updated policies and  
168 implementing ordinances on September 27, 2004;

169 b. The Comprehensive Plan policies call for a mixture of regulations and  
170 incentives to be used to protect the natural environment and manage water  
171 resources;

172 c. The Comprehensive Plan policies direct that agriculture should be the  
173 principle use within the agricultural production districts. The  
174 Comprehensive Plan also encourages agriculture on prime farmlands  
175 located outside the agricultural production districts using tools such as  
176 permit exemptions for activities complying with best management  
177 practices; and

178 d. The Comprehensive Plan encourages farming and forestry throughout  
179 the rural area. The rural policies call for support of forestry through  
180 landowner incentive programs, technical assistance, permit assistance,  
181 regulatory actions and education. The rural policies encourage farming in  
182 the rural area through tax credits, expedited permit review and permit  
183 exceptions for activities complying with best management practices.

184 3. Regarding the relationship of this critical areas ordinance to other  
185 regulations, projects and programs:

186 a. King County uses a combination of regulatory and nonregulatory  
187 approaches to protect the functions and values of critical areas.

188 Regulatory approaches include low-density zoning in significantly  
189 environmentally constrained areas, limits on total impervious surface,  
190 stormwater controls and clearing and grading regulations.

191 b. Nonregulatory approaches to protecting critical areas include: current  
192 use taxation programs that encourage protection of long-term forest cover,  
193 open space and critical areas; habitat restoration projects; habitat  
194 acquisition projects; and public education on land and water stewardship  
195 topics;

196 c. The standards in this critical areas ordinance for protection of  
197 wetlands, aquatic areas and wildlife areas work in tandem with landscape-  
198 level standards for stormwater management, water quality and clearing  
199 and grading;

200 d. This critical areas ordinance includes provisions for site-specific  
201 application of wetland and stream buffers, best management practices and  
202 alterations conditions through rural stewardship plans and farm plans.  
203 Buffer modifications through rural stewardship plans are guided by the  
204 Basins and Shorelines Conditions map that is a substantive attachment to  
205 this critical areas ordinance. The Basin and Shorelines Conditions map is  
206 based on criteria that consider presence and habitat use by anadromous  
207 fish;

208 e. The stormwater ordinance (Ordinance 15052) being adopted in  
209 conjunction with this critical areas ordinance incorporates standards  
210 consistent with the Washington state Department of Ecology's Stormwater  
211 Management Manual for Western Washington and requires a wider range  
212 of development activities to undergo drainage review and to mitigate  
213 impacts of new development and redevelopment on surface water runoff.  
214 The stormwater ordinance places a strong emphasis on flow control best  
215 management practices that disperse and infiltrate runoff on-site. The  
216 stormwater ordinance also extends water quality standards to residential  
217 activities, including car washing and use of pesticides and herbicides; and

218 f. The clearing and grading ordinance (Ordinance 15053) being adopted  
219 in conjunction with this critical areas ordinance applies seasonal clearing  
220 limits throughout unincorporated King County to help prevent  
221 sedimentation of streams and other aquatic areas. The clearing and  
222 grading ordinance also applies clearing limits to rural zoned properties

223 ranging from thirty-five to fifty percent depending on lot size. Retention  
224 of forest cover helps to preserve the ability of soils and forest cover to  
225 capture and slowly release or infiltrate rainwater. Retention of forest  
226 cover augments the protection provided by buffers for wetlands, aquatic  
227 areas, and fish and wildlife conservation areas. The clearing limits are  
228 structured in a way that encourages forest cover to be retained in the  
229 vicinity of other critical areas, and to lay out subdivisions in a manner that  
230 minimizes fragmentation of wildlife habitat.

231 4. Regarding watershed approaches:

232 a. All parts of watershed need to play a role in protecting critical areas,  
233 whether urban or rural. King County's past investments in habitat  
234 protection and restoration on a watershed basis have been guided by  
235 detailed basin plans, the Waterways 2000 program and, more recently,  
236 water resource inventory area plans being prepared for the Green-  
237 Duwamish, Cedar-Lake Washington, Snohomish-Snoqualmie and  
238 Puyallup-White river basins. These cooperative planning processes are  
239 also used to allocate funding from the state Salmon Recovery Funding  
240 Board and King Conservation District; and

241 b. Water resources inventory area plans, expected to be completed in  
242 2005, will identify specific priorities for habitat investments, monitoring,  
243 and adaptive management needs at a watershed scale. These plans will  
244 help guide future habitat protection actions in both urban and rural King  
245 County, and are expected to enhance the county's ability to achieve no net

246 loss of wetlands at the basin scale and to meet GMA direction to give  
247 special consideration to conservation or protection measures necessary to  
248 preserve or enhance anadromous fisheries.

249 5. Regarding BAS review:

250 a. The BAS review and assessment carried out by King County for  
251 consideration of these ordinances is found in "BAS Volume I -- A Review  
252 of Science Literature" and "BAS Volume II -- Assessment of Proposed  
253 Ordinances" dated February 2004. The Growth Management and  
254 Unincorporated Areas Committee was also provided with an overview of  
255 the BAS review conducted by the Washington state Department of  
256 Ecology ("Ecology") in support of Ecology's revised wetland rating  
257 system and guidance for wetland buffers and mitigation ratios.

258 b. The approach for development of King County's Best Available  
259 Science Volumes I and II was developed based on guidance in WAC 365-  
260 195-900. Appendix C to BAS Volume I summarizes the qualifications of  
261 the authors of the report and lists the scientific experts that provided peer  
262 review of issue papers that served as the basis for BAS Volumes I and II;

263 c. Chapter 6 of BAS Volume II summarizes departures from BAS in the  
264 original executive proposal, and includes risk assessment summaries for  
265 aquatic areas, wildlife areas and wetlands. The summaries indicate that  
266 most of the proposed regulations fall within the range of BAS. The  
267 assessment also noted five departures from BAS, including wetland  
268 buffers in urban areas, treatment of aquatic and wetland buffers in

269 agricultural areas, and buffers for Type O streams. BAS Volume II  
270 provides a detailed discussion of these departures the associated risks to  
271 critical area functions and values in accordance with WAC 365-195-115;  
272 d. BAS Volume II noted that the executive-proposed buffer widths for  
273 wetlands in urban areas departed from BAS recommendations for  
274 protecting wetland functions and values;  
275 e. The council has amended the executive-proposed buffer widths for  
276 both urban and rural wetland buffers modeled on guidance from Ecology.  
277 The standard buffer widths for urban areas are based on consideration of  
278 wetland classification and wetland functions, and reflect the higher  
279 intensity and higher density land uses found in urban King County. The  
280 buffer widths for urban areas include provisions for increased buffer  
281 widths or protection of a vegetated corridor in cases where wetlands with  
282 moderate or high wildlife functions are located within three-hundred feet  
283 of a priority habitat. The standard buffer widths may be decreased by  
284 twenty-five feet in cases where additional steps are taken to mitigate  
285 development impacts. The standard buffer widths in rural areas are  
286 determined based on consideration of wetland classification, wildlife  
287 functions and surrounding land use intensity. The buffer widths for rural  
288 areas may be reduced when best management practices are applied  
289 through a rural stewardship plan or farm plan. A review of these wetland  
290 buffers relative to the findings of BAS Volumes I and II has concluded

291 that the buffer widths for both urban and rural areas fall within the range  
292 of BAS;

293 f. The council has amended the critical areas ordinance to require the use  
294 of Ecology's 2004 Wetland Rating System for Western Washington. The  
295 2004 Wetland Rating System uses an assessment of multiple wetland  
296 functions to determine wetland classification. This provides greater  
297 assurance that wetland functions and values will be protected through  
298 buffers and mitigation ratios based on these classifications;

299 g. The council has amended wetland mitigation ratios to be consistent  
300 with Department of Ecology guidance to improve regulatory consistency  
301 and to provide greater assurance of no net loss of wetland functions and  
302 values;

303 h. BAS Volume II noted a departure from BAS with respect to buffers  
304 for Type O streams, and protection of microclimate functions for Type N  
305 streams. Type O streams are expected to be limited in number, area and  
306 distribution, and have no fish present. Landscape-level protection for  
307 aquatic area functions and values is enhanced through the application of  
308 clearing limits and stricter stormwater standards; and

309 i. BAS Volume II noted a departure from BAS in treatment of buffers in  
310 agricultural areas. Land suitable for farming is an irreplaceable natural  
311 resource. Since 1959, almost sixty percent of the county's prime  
312 agricultural land has been lost to urban and suburban development. Of  
313 one hundred thousand acres available for farming forty years ago, only

314            forty-two thousand remain in agriculture. Since 1979, the county has  
315            protected more that twelve thousand eight hundred acres of farmland  
316            through purchase of development rights under the farmlands preservation  
317            program. In 1985, the county established agricultural production districts  
318            with large lot zoning and identified agriculture as the preferred use.  
319            Through purchase of development rights, designation of agricultural  
320            production districts, and adoption of comprehensive plan policies directing  
321            protection of agricultural lands, the amount of agricultural land has largely  
322            stabilized. Much of King County's prime agricultural land is found in  
323            floodplains and adjacent to rivers, streams and wetlands. Prohibitions on  
324            agricultural uses within aquatic and wetland buffers would take large areas  
325            of the agricultural production districts out of agricultural use, contrary to  
326            GMA mandates, Comprehensive Plan Policies and past public investments  
327            in purchase of development rights. The agricultural provisions in the  
328            critical areas ordinance were developed in close coordination with the  
329            King County agriculture commission and provide for continued  
330            agricultural uses within buffers and expansions of agricultural uses into  
331            previously cleared areas with a farm plan. Risk to aquatic area and  
332            wetland functions and values is reduced through site-specific best  
333            management practices, including vegetated filter strips, winter cover  
334            crops, livestock fencing and other best management practices  
335            recommended by the Natural Resources Conservation Service and the  
336            King Conservation District; and

337           j. The council has amended the rural clearing limits in the clearing and  
338           grading ordinance. In most parts of the rural area, clearing limits for rural  
339           residential zoned properties would be scaled to lot size and range from  
340           thirty-five to fifty percent. In basins where a detailed basin plan has  
341           identified the need for a higher regulatory clearing limit, the clearing limit  
342           remains at thirty-five percent. BAS Volume I Appendix B identifies a  
343           threshold of sixty-five percent forest cover at the basin scale in terms of  
344           observed degradation in stream conditions. A review of these  
345           amendments relative the findings of BAS Volumes I and II notes that the  
346           application a fifty percent clearing limit to smaller lots could increase risks  
347           to aquatic area functions and values. The council finds that the scaling of  
348           regulatory clearing limits between fifty and sixty-five percent will be  
349           adequate when carried in conjunction with continued protection of the  
350           forest production district, acquisition of forested lands, tax incentive  
351           programs to encourage protection and restoration of forest cover, transfer  
352           of development rights programs and forestry stewardship programs.  
353           Water resource inventory area plans will provide valuable information for  
354           targeting these nonregulatory tools to where they are most needed to meet  
355           the goal of sixty-five percent forest cover at the basin scale.

356           6. Regarding buildable lands analysis:

357           a. King County and the cities within King County developed and  
358           adopted Countywide Planning Policies, which included household and  
359           employment targets for each jurisdiction for the twenty-year period from

360 1992 through 2012. The combined household targets for all jurisdictions  
361 accommodate the entire forecasted growth increment for King County  
362 within the Urban Growth Area; no growth in rural areas was required for  
363 King County to accommodate the state forecast;

364 b. In 1997, the Washington state Legislature adopted the Buildable  
365 Lands amendment to the GMA (RCW 36.70A.215). The amendment  
366 requires six Washington counties and their cities to determine the amount  
367 of land suitable for urban development, and to evaluate its capacity for  
368 growth, based upon measurement of five years of actual development  
369 activity. The data gathering and analysis to prepare the buildable lands  
370 report was performed by all jurisdictions in King County, under the  
371 auspices of the Growth Management Planning Council ("GMPC"). The  
372 buildable lands analysis is required only for urban areas;

373 c. To address concerns about maintaining a balance between jobs and  
374 housing, and to reflect the way real estate markets work, the GMPC  
375 adopted a subregional approach to buildable lands analysis and reporting.  
376 Four broad subareas, each made up of several King County jurisdictions,  
377 were created for the purpose of analyzing buildable lands: Sea-Shore;  
378 East King County; South King County; and Rural Cities. Eighty six  
379 percent of the 1992-2012 growth target is within cities;

380 d. The methodology for the buildable lands analysis is based on the  
381 Washington state Department of Community, Trade, and Economic  
382 Development's Buildable Lands Program Guidelines, which provided for

383 the deduction of critical areas from the count of buildable lands. Within  
384 urban unincorporated King County, critical areas were discounted from  
385 the calculation of buildable land supply, even though the King County  
386 zoning code allows clustering, or credit, for the unbuildable portion of a  
387 parcel when calculating the allowable density of the buildable portion; and

388 e. The 2002 King County Buildable Lands Report affirmed that Urban-  
389 designated King County does contain sufficient land capacity to  
390 accommodate the population forecasted by the office of financial  
391 management, and that the densities being achieved are sufficient to  
392 accommodate the remaining household growth target in each of the four  
393 subareas. The report further demonstrated that King County is on track  
394 with regard to its job targets, and that overall residential urban densities  
395 exceed seven dwelling units per acre.

396 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

397 SECTION 1. Ordinance 10870, Section 11, and K.C.C. 21A.02.010 are each hereby  
398 amended to read as follows:

399 **Title.** This title shall be known as the King County Zoning Code(~~(, hereinafter~~  
400 ~~referred to as "this title")~~)).

401 SECTION 2. Ordinance 10870, Section 19, and K.C.C. 21A.02.090 are each  
402 hereby amended to read as follows:

403 **Administration and review authority.**

404 A. The hearing examiner (~~(shall have authority to)~~) in accordance with K.C.C.  
405 chapter 20.24 may hold public hearings and make decisions and recommendations on

406 reclassifications, subdivisions and other development proposals, and appeals(~~(, as set forth~~  
407 ~~in K.C.C. 20.42)~~).

408 B. The director (~~(shall have the authority to)~~) may grant, condition or deny  
409 applications for variances, ~~((and))~~ conditional use permits, ~~((and))~~ renewals of permits for  
410 mineral extraction and processing, alteration exceptions and other development proposals,  
411 unless an appeal is filed and a public hearing is required (~~(as set forth in)~~) under K.C.C.  
412 ~~((21A.42))~~ chapter 20.20, in which case this authority shall be exercised by the ~~((adjustor))~~  
413 hearing examiner.

414 C. The department shall have authority to grant, condition or deny commercial and  
415 residential building permits, grading and clearing permits, and temporary use permits in  
416 accordance with the procedures (~~(set forth)~~) in K.C.C. chapter 21A.42.

417 D. Except for other agencies with authority to implement specific provisions of this  
418 title, the department shall have the sole authority to issue official interpretations ~~((of))~~ and  
419 adopt public rules to implement this title, ~~((pursuant to))~~ in accordance with K.C.C. chapter  
420 2.98.

421 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.06  
422 a new section to read as follows:

423 **Agricultural drainage.** Agricultural drainage: any stream, ditch, tile system,  
424 pipe or culvert primarily used to drain fields for horticultural or livestock activities.

425 SECTION 4. K.C.C. 21A.24.190, as amended by this ordinance, is recodified as  
426 a new section in K.C.C. chapter 21A.06.

427 SECTION 5. Ordinance 10870, Section 466, and K.C.C. 21A.24.190 are each  
428 hereby amended to read as follows:

429           **Alteration.** Alteration: ~~((A))~~any human activity ~~((which))~~ that results or is likely  
430 to result in an impact upon the existing condition of a ~~((sensitive))~~ critical area ~~((is an~~  
431 ~~alteration which is subject to specific limitations as specified for each sensitive area))~~ or  
432 its buffer. "Alteration((s))" includes, but ~~((are))~~ is not limited to, grading, filling,  
433 dredging, ~~((draining,))~~ channelizing, applying herbicides or pesticides or any hazardous  
434 substance, discharging pollutants except stormwater, grazing domestic animals, paving,  
435 constructing, applying gravel, modifying topography for surface water management  
436 purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any  
437 other human activity ~~((which))~~ that results or is likely to result in an impact to ~~((existent))~~  
438 existing vegetation, hydrology, fish or wildlife or ~~((wildlife))~~ their habitats.  
439 "Alteration((s))" ~~((do))~~ does not include passive recreation such as walking, fishing or  
440 any other ~~((passive recreation or other))~~ similar activities.

441           SECTION 6. Ordinance 10870, Section 54, as amended, and K.C.C. 21A.06.070  
442 are each hereby amended to read as follows:

443           **Applicant.** Applicant: a property owner ~~((or))~~, a public agency or a public or  
444 private utility ~~((which))~~ that owns a right-of-way or other easement or has been  
445 adjudicated the right to such an easement ~~((pursuant to))~~ under RCW ~~((8.12.090))~~  
446 8.08.040, or any person or entity designated or named in writing by the property or  
447 easement owner to be the applicant, in an application for a development proposal, permit  
448 or approval.

449           NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06  
450 a new section to read as follows:

451           **Aquatic area.** Aquatic area: any nonwetland water feature including all  
452 shorelines of the state, rivers, streams, marine waters, inland bodies of open water  
453 including lakes and ponds, reservoirs and conveyance systems and impoundments of  
454 these features if any portion of the feature is formed from a stream or wetland and if any  
455 stream or wetland contributing flows is not created solely as a consequence of stormwater  
456 pond construction. "Aquatic area" does not include water features that are entirely  
457 artificially collected or conveyed storm or wastewater systems or entirely artificial  
458 channels, ponds, pools or other similar constructed water features.

459           NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06  
460 a new section to read as follows:

461           **Bank stabilization.** Bank stabilization: an action taken to minimize or avoid the  
462 erosion of materials from the banks of rivers and streams.

463           NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 21A.06  
464 a new section to read as follows:

465           **Basement.** Basement: for purposes of development proposals in a flood hazard  
466 area, any area of a building where the floor subgrade is below ground level on all sides.

467           NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter  
468 21A.06 a new section to read as follows:

469           **Best management practice.** Best management practice: a schedule of activities,  
470 prohibitions of practices, physical structures, maintenance procedures and other  
471 management practices undertaken to reduce pollution or to provide habitat protection or  
472 maintenance.

473            NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter  
474 21A.06 a new section to read as follows:

475            **Bioengineering.** Bioengineering: the use of vegetation and other natural  
476 materials such as soil, wood and rock to stabilize soil, typically against slides and stream  
477 flow erosion. When natural materials alone do not possess the needed strength to resist  
478 hydraulic and gravitational forces, "bioengineering" may consist of the use of natural  
479 materials integrated with human-made fabrics and connecting materials to create a  
480 complex matrix that joins with in-place native materials to provide erosion control.

481            SECTION 12. Ordinance 10870, Section 62, and K.C.C. 21A.06.110 are each  
482 hereby repealed.

483            NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter  
484 21A.06 a new section to read as follows:

485            **Bog.** Bog: a wetland that has no significant inflows or outflows and supports  
486 acidophilic mosses, particularly sphagnum.

487            SECTION 14. Ordinance 10870, Section 70, and K.C.C. 21A.06.122 are each  
488 hereby amended to read as follows:

489            **Buffer.** Buffer: a designated area contiguous to a steep slope or landslide hazard  
490 area intended to protect slope stability, attenuation of surface water flows and landslide  
491 hazards or a designated area contiguous to ~~((a stream))~~ and intended to protect and be an  
492 integral part of an aquatic area or wetland ~~((intended to protect the stream or wetland and~~  
493 ~~be an integral part of the stream or wetland ecosystem)).~~

494            NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter  
495 21A.06 a new section to read as follows:

496           **Channel.** Channel: a feature that contains and was formed by periodically or  
497 continuously flowing water confined by banks.

498           NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter  
499 21A.06 a new section to read as follows:

500           **Channel edge.** Channel edge: The outer edge of the water's bankfull width or,  
501 where applicable, the outer edge of the associated channel migration zone.

502           NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter  
503 21A.06 a new section to read as follows:

504           **Channel migration hazard area, moderate.** Channel migration hazard area,  
505 moderate: a portion of the channel migration zone, as shown on King County's Channel  
506 Migration Zone maps, that lies between the severe channel migration hazard area and the  
507 outer boundaries of the channel migration zone.

508           NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter  
509 21A.06 a new section to read as follows:

510           **Channel migration hazard area, severe.** Channel migration hazard area,  
511 severe: a portion of the channel migration zone, as shown on King County's Channel  
512 Migration Zone maps, that includes the present channel. The total width of the severe  
513 channel migration hazard area equals one hundred years times the average annual channel  
514 migration rate, plus the present channel width. The average annual channel migration  
515 rate as determined in the technical report, is the basis for each Channel Migration Zone  
516 map.

517           SECTION 19. Ordinance 11621, Section 20, and K.C.C. 21A.06.182 are each  
518 hereby amended to read as follows:

519            **Channel** (~~((relocation and stream meander areas))~~) **migration zone.** Channel  
520            (~~((relocation and stream meander area))~~) migration zone: those areas within the lateral  
521            extent of likely stream channel movement that are subject to risk due to stream bank  
522            destabilization, rapid stream incision, stream bank erosion((,)) and shifts in the location  
523            of stream channels, as shown on King County's Channel Migration Zone maps. "Channel  
524            migration zone" means the corridor that includes the present channel, the severe channel  
525            migration hazard area and the moderate channel migration hazard area. "Channel  
526            migration zone" does not include areas that lie behind an arterial road, a public road  
527            serving as a sole access route, a state or federal highway or a railroad. "Channel  
528            migration zone" may exclude areas that lie behind a lawfully established flood protection  
529            facility that is likely to be maintained by existing programs for public maintenance  
530            consistent with designation and classification criteria specified by public rule. When a  
531            natural geologic feature affects channel migration, the channel migration zone width will  
532            consider such natural constraints.

533            SECTION 20. Ordinance 10870, Section 79, and K.C.C. 21A.06.195 are each  
534            hereby amended to read as follows:

535            **Clearing.** Clearing: (~~((the limbing, pruning, trimming, topping,))~~) cutting, killing,  
536            grubbing or ((removal of)) removing vegetation or other organic plant (~~((matter))~~) material  
537            by physical, mechanical, chemical or any other similar means. For the purpose of this  
538            definition of "clearing," "cutting" means the severing of the main trunk or stem of woody  
539            vegetation at any point.

540            SECTION 21. Ordinance 10870, Section 80, as amended, and K.C.C.  
541            21A.06.200 are each hereby amended to read as follows:

542           **Coal mine hazard area((s)).** Coal mine hazard area((s)): ~~((those))~~ an area((s in  
543           ~~King County))~~ underlain or directly affected by operative or abandoned subsurface coal  
544           mine workings. ~~((Based upon a coal mine hazard assessment report prepared pursuant to  
545           K.C.C. 21A.24.210, coal mine hazard areas are to be categorized as declassified,  
546           moderate, or severe:~~

547           A. ~~"Declassified" coal mine areas are those for which a risk of catastrophic  
548           collapse is not significant and which the hazard assessment report has determined require  
549           no special engineering or architectural recommendations to prevent significant risks of  
550           property damage. Declassified coal mine areas may typically include, but are not limited  
551           to, areas underlain or directly affected by coal mines at depths greater than three hundred  
552           feet as measured from the surface but may often include areas underlain or directly  
553           affected by coal mines at depths less than three hundred feet.~~

554           B. ~~"Moderate" coal mine hazard areas are those areas that pose significant risks  
555           of property damage which can be mitigated by special engineering or architectural  
556           recommendations. Moderate coal mine hazard areas may typically include, but are not be  
557           limited to, areas underlain or directly affected by abandoned coal mine workings from a  
558           depth of zero (i.e., the surface of the land) to three hundred feet or with overburden  
559           cover to seam thickness ratios of less than ten to one dependent on the inclination of the  
560           seam.~~

561           C. ~~"Severe" coal mine hazard areas are those areas that pose a significant risk of  
562           catastrophic ground surface collapse. Severe coal mine hazard areas may typically  
563           include, but are not be limited to, areas characterized by unmitigated openings such as  
564           entries, portals, adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled~~

565 ~~sink holes, and other areas of past or significant probability for catastrophic ground~~  
566 ~~surface collapse. Severe coal mine hazard areas typically include, but are not limited to,~~  
567 ~~overland surfaces underlain or directly affected by abandoned coal mine workings from a~~  
568 ~~depth of zero (i.e., surface of the land) to one hundred fifty feet.))~~

569         ~~SECTION 22.~~ K.C.C. 20.70.010, as amended by this ordinance, is recodified as a  
570 new section in K.C.C. chapter 21A.06.

571         ~~SECTION 23.~~ Ordinance 11481, Section 1, and K.C.C. 20.70.010 are each  
572 hereby amended to read as follows:

573         ~~((Definition.))~~ **Critical aquifer recharge area.** Critical aquifer recharge area(~~(s~~  
574 ~~means areas that have been identified as sole source aquifers,))~~: an area((s)) designated on  
575 the critical aquifer recharge area map adopted by K.C.C. 20.70.020 as recodified by this  
576 ordinance that ((have)) has a high susceptibility to ground water contamination((;)) or  
577 ~~((areas that have been))~~ an area of medium susceptibility to ground water contamination  
578 that is located within a sole source aquifer or within an area approved ((pursuant to WAC))  
579 in accordance with chapter 246-290 WAC as a wellhead protection area((s)) for a  
580 municipal or district drinking water system((s)), or an area over a sole source aquifer and  
581 located on an island surrounded by saltwater. ~~((Areas with high s))~~ Susceptibility to ground  
582 water contamination occurs where ((aquifers are used for drinking water and)) there is a  
583 combination of permeable soils, permeable subsurface geology((;)) and ground water close  
584 to the ground surface.

585         ~~NEW SECTION.~~ ~~SECTION 24.~~ There is hereby added to K.C.C. chapter  
586 21A.06 a new section to read as follows:

587           **Critical area.** Critical area: any area that is subject to natural hazards or a land  
588 feature that supports unique, fragile or valuable natural resources including fish, wildlife  
589 or other organisms or their habitats or such resources that carry, hold or purify water in  
590 their natural state. "Critical area" includes the following areas:

- 591           A. Aquatic areas;
- 592           B. Coal mine hazard areas;
- 593           C. Critical aquifer recharge area;
- 594           D. Erosion hazard areas;
- 595           E. Flood hazard areas;
- 596           F. Landslide hazard areas;
- 597           G. Seismic hazard areas;
- 598           H. Steep slope hazard areas;
- 599           I. Volcanic hazard areas;
- 600           J. Wetlands;
- 601           K. Wildlife habitat conservation areas; and
- 602           L. Wildlife habitat networks.

603           SECTION 25. Ordinance 10870, Section 92, and K.C.C. 21A.06.260 are each  
604 hereby amended to read as follows:

605           **Critical facility.** Critical facility: a facility necessary to protect the public health,  
606 safety and welfare (~~and which is~~) including, but not limited to, a facility defined under  
607 the occupancy categories of "essential facilities,"~~(7)~~ "hazardous facilities" and "special  
608 occupancy structures" in the structural forces chapter or succeeding chapter in the  
609 (~~Uniform Building Code~~) K.C.C. Title 16. Critical facilities also include nursing

610 ~~((homes))~~ and personal care facilities, schools, senior citizen assisted housing, public  
611 roadway bridges~~((;))~~ and sites ~~((for))~~ that produce, use or store hazardous substances  
612 ~~((storage or production))~~ or hazardous waste, not including the temporary storage of  
613 consumer products containing hazardous substances or hazardous waste intended for  
614 household use or for retail sale on the site.

615 SECTION 26. Ordinance 10870, Section 96, and K.C.C. 21A.06.280 are each  
616 hereby amended to read as follows:

617 **Department.** Department: the King County department of development and  
618 environmental services or its successor agency.

619 NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter  
620 21A.06 a new section to read as follows:

621 **Ditch.** Ditch: an artificial open channel used or constructed for the purpose of  
622 conveying water.

623 NEW SECTION. SECTION 28. There is hereby added to K.C.C. chapter  
624 21A.06 a new section to read as follows:

625 **Draft flood boundary work map.** Draft flood boundary work map: a floodplain  
626 map prepared by a mapping partner, reflecting the results of a flood study or other  
627 floodplain mapping analysis. The draft flood boundary work map depicts floodplain  
628 boundaries, regulatory floodway boundaries, base flood elevations and flood cross  
629 sections, and provides the basis for the presentation of this information on a preliminary  
630 flood insurance rate map or flood insurance rate map.

631 NEW SECTION. SECTION 29. There is hereby added to K.C.C. chapter  
632 21A.06 a new section to read as follows:

633           **Drainage basin.** Drainage basin: a drainage area that drains to the Cedar river,  
634 Green river, Snoqualmie river, Skykomish river, White river, Lake Washington or other  
635 drainage area that drains directly to Puget Sound.

636           NEW SECTION. SECTION 30. There is hereby added to K.C.C. chapter  
637 21A.06 a new section to read as follows:

638           **Drainage facility.** Drainage facility: a feature, constructed or engineered for the  
639 primary purpose of providing drainage, that collects, conveys, stores or treats surface  
640 water. A drainage facility may include, but is not limited to, a stream, pipeline, channel,  
641 ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment  
642 facility and erosion and sediment control facility.

643           NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter  
644 21A.06 a new section to read as follows:

645           **Drainage subbasin.** Drainage subbasin: a drainage area identified as a drainage  
646 subbasin in a county-approved basin plan or, if not identified, a drainage area that drains  
647 to a body of water that is named and mapped and contained within a drainage basin.

648           NEW SECTION. SECTION 32. There is hereby added to K.C.C.  
649 chapter 21A.06 a new section to read as follows:

650           **Drift cell.** Drift cell: an independent segment of shoreline along  
651 which littoral movements of sediments occur at noticeable rates depending on  
652 wave energy and currents. Each drift cell typically includes one or more  
653 sources of sediment, such as a feeder bluff or stream outlet that spills sediment  
654 onto a beach, a transport zone within which the sediment drifts along the shore

655 and an accretion area; an example of an accretion area is a sand spit where the  
656 drifted sediment material is deposited.

657 NEW SECTION. SECTION 33. There is hereby added to K.C.C.  
658 chapter 21A.06 a new section to read as follows:

659 **Ecosystem.** Ecosystem: the complex of a community of organisms and its  
660 environment functioning as an ecological unit.

661 SECTION 34. Ordinance 11621, Section 21, and K.C.C. 21A.06.392 are each  
662 hereby amended to read as follows:

663 **Emergency.** Emergency: an occurrence during which there is imminent danger  
664 to the public health, safety and welfare, or ~~((which))~~ that poses an imminent risk ~~((to))~~ of  
665 property~~((s))~~ damage or personal injury or death as a result of a natural or ~~((man))~~ human-  
666 made catastrophe, as ~~((so-declared))~~ determined by the director ~~((of DDES))~~.

667 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter  
668 21A.06 a new section to read as follows:

669 **Engineer, civil, geotechnical and structural.** Engineer, civil, geotechnical and  
670 structural:

671 A. Civil engineer: an engineer who is licensed as a professional engineer in the  
672 branch of civil engineering by the state of Washington;

673 B. Geotechnical engineer: an engineer who is licensed as a professional engineer  
674 by the state of Washington and who has at least four years of relevant professional  
675 employment; and

676 C. Structural engineer: an engineer who is licensed as a professional engineer in  
677 the branch of structural engineering by the state of Washington.

678            SECTION 36. Ordinance 10870, Section 120, and K.C.C. 21A.06.400 are each  
679 hereby amended to read as follows:

680            **Enhancement.** Enhancement: for the purposes of critical area regulation, an  
681 action ((which increases)) that improves the processes, structure and functions ((and  
682 values of a stream, wetland or other sensitive area or buffer)) of ecosystems and habitats  
683 associated with critical areas or their buffers.

684            SECTION 37. Ordinance 10870, Section 122, and K.C.C. 21A.06.410 are each  
685 hereby amended to read as follows:

686            **Erosion.** Erosion: the ~~((process by which soil particles are mobilized and~~  
687 ~~transported by natural agents such as wind, rainsplash, frost action or surface water~~  
688 ~~flow)) wearing away of the ground surface as the result of the movement of wind, water~~  
689 ~~or ice.~~

690            SECTION 38. Ordinance 10870, Section 123, and K.C.C. 21A.06.415 are each  
691 hereby amended to read as follows:

692            **Erosion hazard area((s)).** Erosion hazard area((s)): ~~((those))~~ an ~~area((s in King~~  
693 ~~County))~~ underlain by soils ~~((which are))~~ that is subject to severe erosion when disturbed.  
694 ~~((Such))~~ These soils include, but are not limited to, those classified as having a severe to  
695 very severe erosion hazard according to the ~~((USDA))~~ United States Department of  
696 Agriculture Soil Conservation Service, the 1990 Snoqualmie Pass Area Soil Survey, the  
697 1973 King County Soils Survey or any subsequent revisions or addition by or to these  
698 sources~~((These soils include, but are not limited to,))~~ such as any occurrence of River  
699 Wash ("Rh") or Coastal Beaches ("Cb") and any of the following when they occur on  
700 slopes ~~((15%))~~ inclined at fifteen percent or ~~((steeper))~~ more:

- 701 A. The Alderwood gravely sandy loam ("AgD");
- 702 B. The Alderwood and Kitsap soils ("AkF");
- 703 C. The Beausite gravely sandy loam ("BeD" and "BeF");
- 704 D. The Kitsap silt loam ("KpD");
- 705 E. The Ovall gravely loam ("OvD" and "OvF");
- 706 F. The Ragnar fine sandy loam ("RaD"); and
- 707 G. The Ragnar-Indianola Association ("RdE").

708 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter  
709 21A.06 a new section to read as follows:

710 **Expansion.** Expansion: the act or process of increasing the size, quantity or  
711 scope.

712 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter  
713 21A.06 a new section to read as follows:

714 **Feasible.** Feasible: capable of being done or accomplished.

715 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter  
716 21A.06 a new section to read as follows:

717 **Farm field access drive.** Farm field access drive: an impervious surface  
718 constructed to provide a fixed route for moving livestock, produce, equipment or supplies  
719 to and from farm fields and structures.

720 NEW SECTION. SECTION 42. There is hereby added to K.C.C. chapter  
721 21A.06 a new section to read as follows:

722           **Federal Emergency Management Agency.** Federal Emergency Management  
723 Agency: the independent federal agency that, among other responsibilities, oversees the  
724 administration of the National Flood Insurance Program.

725           NEW SECTION. SECTION 43. There is hereby added to K.C.C. chapter  
726 21A.06 a new section to read as follows:

727           **FEMA.** FEMA: the Federal Emergency Management Agency.

728           SECTION 44. Ordinance 10870, Section 131, and K.C.C. 21A.06.455 are each  
729 hereby amended to read as follows:

730           ~~((Federal Emergency Management Agency (")))~~**FEMA(("))** floodway.

731 ~~((Federal Emergency Management Agency (")))~~FEMA((")) floodway: the channel of the  
732 stream and that portion of the adjoining floodplain (~~(which))~~ that is necessary to contain  
733 and discharge the base flood flow without increasing the base flood elevation more than  
734 one foot.

735           NEW SECTION. SECTION 45. There is hereby added to K.C.C. chapter  
736 21A.06 a new section to read as follows:

737           **Fen.** Fen: a wetland that receives some drainage from surrounding mineral soil  
738 and includes peat formed mainly from Carex and marsh-like vegetation.

739           SECTION 46. Ordinance 10870, Section 134, and K.C.C. 21A.06.470 are each  
740 hereby amended to read as follows:

741           **Flood fringe, zero-rise.** Flood fringe, zero-rise: that portion of the floodplain  
742 outside of the zero-rise floodway (~~(which is covered by floodwaters during the base~~  
743 ~~flood,)).~~ The zero-rise flood fringe is generally associated with standing water rather than  
744 rapidly flowing water.

745            SECTION 47. Ordinance 10870, Section 135, as amended, and K.C.C.

746 21A.06.475 are each hereby amended to read as follows:

747            **Flood hazard area((s)).** Flood hazard area((s)): ~~((those))~~ any area~~((s in King~~  
748 ~~County))~~ subject to inundation by the base flood ~~((and those areas subject to))~~ or risk  
749 from channel ~~((relocation or stream meander))~~ migration including, but not limited to,  
750 ~~((streams, lakes))~~ an aquatic area, wetland~~((s and))~~ or closed depression~~((s)).~~

751            NEW SECTION. SECTION 48. There is hereby added to K.C.C. chapter  
752 21A.06 a new section to read as follows:

753            **Flood hazard boundary map.** Flood hazard boundary map: the initial insurance  
754 map issued by FEMA that identifies, based on approximate analyses, the areas of the one  
755 percent annual chance, one-hundred-year, flood hazard within a community.

756            NEW SECTION. SECTION 49. There is hereby added to K.C.C. chapter  
757 21A.06 a new section to read as follows:

758            **Flood hazard data.** Flood hazard data: data or any combination of data  
759 available from federal, state or other sources including, but not limited to, maps, critical  
760 area studies, reports, historical flood hazard information, channel migration zone maps or  
761 studies or other related engineering and technical data that identify floodplain boundaries,  
762 regulatory floodway boundaries, base flood elevations, or flood cross sections.

763            SECTION 50. Ordinance 10870, Section 136, as amended, and K.C.C.

764 21A.06.480 are each hereby amended to read as follows:

765            **Flood ~~((i))~~Insurance ~~((r))~~Rate ~~((m))~~Map.** Flood ~~((i))~~Insurance ~~((r))~~Rate  
766 ~~((m))~~Map: the ~~((official map on which the Federal Insurance Administration has~~  
767 ~~delineated some areas of flood hazard))~~ insurance and floodplain management map

768 produced by FEMA that identifies, based on detailed or approximate analysis, the areas  
769 subject to flooding during the base flood.

770 SECTION 51. Ordinance 10870, Section 137, as amended, and K.C.C.  
771 21A.06.485 are each hereby amended to read as follows:

772 **Flood ((i))Insurance ((s))Study for King County.** Flood ((i))Insurance ((s))Study  
773 for King County: the official report provided by ((the Federal Insurance Administration  
774 which)) FEMA that includes flood profiles and the Flood Insurance Rate Map.

775 SECTION 52. Ordinance 10870, Section 138, as amended, and K.C.C.  
776 21A.06.490 are each hereby amended to read as follows:

777 **Flood protection elevation.** Flood protection elevation: an elevation ((which))  
778 that is one foot above the base flood elevation.

779 NEW SECTION. SECTION 53. There is hereby added to K.C.C. chapter  
780 21A.06 a new section to read as follows:

781 **Flood protection facility.** Flood protection facility: a structure that provides  
782 protection from flood damage. Flood protection facility includes, but is not limited to,  
783 the following structures and supporting infrastructure:

784 A. Dams or water diversions, regardless of primary purpose, if the facility  
785 provides flood protection benefits;

786 B. Flood containment facilities such as levees, dikes, berms, walls and raised  
787 banks, including pump stations and other supporting structures; and

788 C. Bank stabilization structures, often called revetments.

789 SECTION 54. Ordinance 10870, Section 140, and K.C.C. 21A.06.500 are each  
790 hereby amended to read as follows:

791           **Floodproofing, dry.** Floodproofing, dry: adaptations ~~((which will))~~ that make a  
792 structure that is below the flood protection elevation watertight with walls substantially  
793 impermeable to the passage of water and ~~((resistant to))~~ with structural components capable  
794 of and with sufficient strength to resist hydrostatic and hydrodynamic loads including ~~((the~~  
795 ~~impacts of))~~ buoyancy.

796           SECTION 55. Ordinance 10870, Section 141, and K.C.C. 21A.06.505 are each  
797 hereby amended to read as follows:

798           **Floodway, zero-rise.** Floodway, zero-rise: the channel of a stream and that  
799 portion of the adjoining floodplain ~~((which))~~ that is necessary to contain and discharge  
800 the base flood flow without any measurable increase in ~~((flood height))~~ base flood  
801 elevation.

802           A. For the purpose of this definition, ((A)) "measurable increase in base flood  
803 ((height)) elevation" means a calculated upward rise in the base flood elevation, equal to  
804 or greater than 0.01 foot, resulting from a comparison of existing conditions and changed  
805 conditions directly attributable to ~~((development))~~ alterations of the topography or any  
806 other flow obstructions in the floodplain. ~~((This definition))~~ "Zero-rise floodway" is  
807 broader than that of the FEMA floodway~~((;))~~ but always includes the FEMA floodway.  
808 ~~((The boundaries of the 100-year floodplain, as shown on the Flood Insurance Study for~~  
809 ~~King County, are considered the boundaries of the zero-rise floodway unless otherwise~~  
810 ~~delineated by a sensitive area special study.))~~

811           B. "Zero-rise floodway" includes the entire floodplain unless a critical areas  
812 report demonstrates otherwise.

813            NEW SECTION. SECTION 56. There is hereby added to K.C.C. chapter  
814 21A.06 a new section to read as follows:

815            **Footprint.** Footprint: the area encompassed by the foundation of a structure  
816 including building overhangs if the overhangs do not extend more than eighteen inches  
817 beyond the foundation and excluding uncovered decks.

818            NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter  
819 21A.06 a new section to read as follows:

820            **Footprint, development.** Footprint, development: the area encompassed by the  
821 foundations of all structures including paved and impervious surfaces.

822            SECTION 58. Ordinance 10870, Section 144, and K.C.C. 21A.06.520 are each  
823 hereby amended to read as follows:

824            **Forest practice.** Forest practice: any ~~((activity regulated by the Washington~~  
825 ~~Department of Natural Resources in Washington Administrative Code ("WAC") 222-01-020 or))~~  
826 forest practice as defined in RCW 79.06.020 ~~((for which a forest practice permit is~~  
827 ~~required, together with:~~

- 828            ~~A. Fire prevention, detection and suppression; and~~  
829            ~~B. Slash burning or removal)).~~

830            NEW SECTION. SECTION 59. There is hereby added to K.C.C. chapter  
831 21A.06 a new section to read as follows:

832            **Forest practice, class IV-G nonconversion.** Forest practice, class IV-G  
833 nonconversion: a class IV general forest practice, as defined in WAC 222-16-050, on a  
834 parcel for which there is a county approved long term forest management plan.

835            SECTION 60. Ordinance 10870, Section 149, and K.C.C. 21A.06.545 are each  
836 hereby amended to read as follows:

837            **Geologist.** Geologist: a person who ~~((has earned at least a Bachelor of Science~~  
838 ~~degree in the geological sciences from an accredited college or university or who has~~  
839 ~~equivalent educational training and at least four years of professional experience))~~ holds a  
840 current license from the Washington state Geologist Licensing Board.

841            SECTION 61. Ordinance 10870, Section 150, and K.C.C. 21A.06.550 are each  
842 hereby repealed.

843            NEW SECTION. SECTION 62. There is hereby added to K.C.C. chapter  
844 21A.06 a new section to read as follows:

845            **Grade.** Grade: the elevation of the ground surface. "Existing grade," "finish  
846 grade" and "rough grade" are defined as follows:

847            A. "Existing grade" means the grade before grading;

848            B. "Finish grade" means the final grade of the site that conforms to the approved  
849 plan as required under K.C.C. 16.82.060; and

850            C. "Rough grade" means the grade that approximately conforms to the approved  
851 plan as required under K.C.C. 16.82.060.

852            NEW SECTION. SECTION 63. There is hereby added to K.C.C. chapter  
853 21A.06 a new section to read as follows:

854            **Habitat.** Habitat: the locality, site and particular type of environment occupied  
855 by an organism at any stage in its life cycle.

856            NEW SECTION. SECTION 64. There is hereby added to K.C.C. chapter  
857 21A.06 a new section to read as follows:

858           **Habitat, fish.** Habitat, fish: habitat that is used by fish at any life stage at any  
859 time of the year including potential habitat likely to be used by fish. "Fish habitat"  
860 includes habitat that is upstream of, or landward of, human-made barriers that could be  
861 accessible to, and could be used by, fish upon removal of the barriers. This includes off-  
862 channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.

863           NEW SECTION. SECTION 65. There is hereby added to K.C.C. chapter  
864 21A.06 a new section to read as follows:

865           **Historical flood hazard information.** Historical flood hazard information:  
866 information that identifies floodplain boundaries, regulatory floodway boundaries, base  
867 flood elevations, or flood cross sections including, but not limited to, photos, video  
868 recordings, high water marks, survey information or news agency reports.

869           SECTION 66. Ordinance 10870, Section 165, and K.C.C. 21A.06.625 are each  
870 hereby amended to read as follows:

871           **Impervious surface.** Impervious surface: ~~((For purposes of this title, impervious~~  
872 ~~surface shall mean any))~~ a nonvertical surface artificially covered or hardened so as to  
873 prevent or impede the percolation of water into the soil mantle at natural infiltration rates  
874 including, but not limited to, roofs, swimming pools((;)) and areas ~~((which))~~ that are  
875 paved, graveled or made of packed or oiled earthen materials such as roads, walkways or  
876 parking areas ~~((and excluding))~~. "Impervious surface" does not include landscaping((;))  
877 and surface water flow control and water quality treatment facilities~~((; access easements~~  
878 ~~servicing neighboring property and driveways to the extent that they extend beyond the~~  
879 ~~street setback due to location within an access panhandle or due to the application of~~

880 ~~King County Code requirements to site features over which the applicant has no~~  
881 ~~control~~)).

882 NEW SECTION. SECTION 67. There is hereby added to K.C.C. chapter  
883 21A.06 a new section to read as follows:

884 **Impoundment.** Impoundment: a body of water collected in a reservoir, pond or  
885 dam or collected as a consequence of natural disturbance events.

886 NEW SECTION. SECTION 68. There is hereby added to K.C.C. chapter  
887 21A.06 a new section to read as follows:

888 **Instream structure.** Instream structure: anything placed or constructed below  
889 the ordinary high water mark, including, but not limited to, weirs, culverts, fill and  
890 natural materials and excluding dikes, levees, revetments and other bank stabilization  
891 facilities.

892 NEW SECTION. SECTION 69. There is hereby added to K.C.C. chapter  
893 21A.06 a new section to read as follows:

894 **Invasive vegetation.** Invasive vegetation: a plant species listed as obnoxious  
895 weeds on the noxious weed list adopted King County department of natural resources and  
896 parks.

897 SECTION 70. Ordinance 10870, Section 176, and K.C.C. 21A.06.680 are each  
898 hereby amended to read as follows:

899 **Landslide hazard area((s)).** Landslide hazard area((s)): ((those)) an area((s ~~in~~  
900 ~~King County~~)) subject to severe risk((s)) of landslide((s)), ((including the following))  
901 such as:

902 A. ((~~Any~~)) An area with a combination of:

- 903           1. Slopes steeper than ~~((15%))~~ fifteen percent of inclination;
- 904           2. Impermeable soils, such as silt and clay, frequently interbedded with granular
- 905 soils, such as sand and gravel; and
- 906           3. ~~((s))~~Springs or ground water seepage;
- 907           B. ~~((Any))~~ An area ~~((which))~~ that has shown movement during the Holocene
- 908 epoch, which is from ~~((10,000))~~ ten thousand years ago to the present, or ~~((which))~~ that is
- 909 underlain by mass wastage debris from that epoch;
- 910           C. ~~((Any))~~ An area potentially unstable as a result of rapid stream incision,
- 911 stream bank erosion or undercutting by wave action;
- 912           D. ~~((Any))~~ An area ~~((which))~~ that shows evidence of or is at risk from snow
- 913 avalanches; or
- 914           E. ~~((Any))~~ An area located on an alluvial fan, presently ~~((subject to))~~ or
- 915 potentially subject to inundation by debris flows or deposition of stream-transported
- 916 sediments.

917           NEW SECTION. SECTION 71. There is hereby added to K.C.C. chapter

918 21A.06 a new section to read as follows:

919           **Letter of map amendment.** Letter of map amendment: an official determination

920 by FEMA that a property has been inadvertently included in an area subject to inundation

921 by the base flood as shown on a flood hazard boundary map or flood insurance rate map.

922           NEW SECTION. SECTION 72. There is hereby added to K.C.C. chapter

923 21A.06 a new section to read as follows:

924           **Letter of map revision.** Letter of map revision: a letter issued by FEMA to

925 revise the flood hazard boundary map or flood insurance rate map and flood insurance

926 study for a community to change base flood elevations, and floodplain and floodway  
927 boundary delineation.

928 NEW SECTION. SECTION 73. There is hereby added to K.C.C. chapter  
929 21A.06 a new section to read as follows:

930 **Maintenance.** Maintenance: the usual acts to prevent a decline, lapse or  
931 cessation from a lawfully established condition without any expansion of or significant  
932 change from that originally established condition. Activities within landscaped areas  
933 within areas subject to native vegetation retention requirements may be considered  
934 "maintenance" only if they maintain or enhance the canopy and understory cover.  
935 "Maintenance" includes repair work but does not include replacement work. When  
936 maintenance is conducted specifically in accordance with the Regional Road  
937 Maintenance Guidelines, the definition of "maintenance" in the glossary of those  
938 guidelines supersedes the definition of "maintenance" in this section.

939 NEW SECTION. SECTION 74. There is hereby added to K.C.C. chapter  
940 21A.06 a new section to read as follows:

941 **Manufactured home.** a structure, transportable in one or more sections, that in  
942 the traveling mode is eight body feet or more in width or thirty-two body feet or more in  
943 length; or when erected on site, is three-hundred square feet or more in area; which is  
944 built on a permanent chassis and is designated for use with or without a permanent  
945 foundation when attached to the required utilities; which contains plumbing, heating, air-  
946 conditioning and electrical systems; and shall include any structure that meets all the  
947 requirements of this section, or of chapter 296-150M WAC, except the size requirements  
948 for which the manufacturer voluntarily complies with the standards and files the

949 certification required by the federal Department of Housing and Urban Development.

950 The term "manufactured home" does not include a "recreational vehicle."

951 NEW SECTION. SECTION 75. There is hereby added to K.C.C. chapter

952 21A.06 a new section to read as follows:

953 **Mapping partner.** Mapping partner: any organization or individual that is  
954 involved in the development and maintenance of a draft flood boundary work map,  
955 preliminary flood insurance rate map or flood insurance rate map.

956 NEW SECTION. SECTION 76. There is hereby added to K.C.C. chapter

957 21A.06 a new section to read as follows:

958 **Maximum extent practical.** Maximum extent practical: the highest level of  
959 effectiveness that can be achieved through the use of best available science or  
960 technology. In determining what is the "maximum extent practical," the department shall  
961 consider, at a minimum, the effectiveness, engineering feasibility, commercial  
962 availability, safety and cost of the measures.

963 SECTION 77. Ordinance 10870, Section 190, and K.C.C. 21A.06.750 are each  
964 hereby amended to read as follows:

965 **Mitigation.** Mitigation: ~~((the use of any or all of the following))~~ an action~~((s~~  
966 ~~listed in descending order of preference:~~

967 ~~A. Avoiding the impact by not taking a certain action;~~

968 ~~B. Minimizing the impact by limiting the degree or magnitude of the action by~~  
969 ~~using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~

970 ~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected~~  
971 ~~sensitive area or buffer;~~

972 ~~D. Reducing or eliminating the impact over time by preservation or maintenance~~  
973 ~~operations during the life of the development proposal;~~

974 ~~E. Compensating for the impact by replacing, enhancing or providing substitute~~  
975 ~~sensitive areas and environments; and~~

976 ~~F. Monitoring the impact and taking appropriate corrective measures))~~ taken to  
977 compensate for adverse impacts to the environment resulting from a development activity  
978 or alteration.

979 SECTION 78. Ordinance 11621, Section 26, and K.C.C. 21A.06.751 are each  
980 hereby amended to read as follows:

981 **Mitigation bank.** Mitigation bank: a property that has been protected in  
982 perpetuity(~~(;)~~) and approved by appropriate county, state and federal agencies expressly  
983 for the purpose of providing compensatory mitigation in advance of authorized impacts  
984 through any combination of restoration, creation(~~(, and/)~~) or enhancement of wetlands(~~(;)~~)  
985 and, in exceptional circumstances, preservation of adjacent wetlands(~~(;)~~) and wetland  
986 buffers(~~(, and/)~~) or protection of other aquatic or wildlife resources.

987 SECTION 79. Ordinance 10870, Section 198, and K.C.C. 21A.06.790 are each  
988 hereby amended to read as follows:

989 **Native vegetation.** Native vegetation: (~~(vegetation comprised of)~~) plant  
990 species(~~(, other than noxious weeds, which are)~~) indigenous to the (~~(coastal region of the~~  
991 ~~Pacific Northwest and which)~~) Puget Sound region that reasonably could (~~(have been)~~) be  
992 expected to naturally occur on the site.

993 SECTION 80. Ordinance 11555, Section 2, as amended, and K.C.C. 21A.06.797  
994 are each hereby amended to read as follows:

995           **Net buildable area.** ~~((A-))~~ Net buildable area: ~~((shall be))~~ the "~~((S))~~site area"  
996 less the following areas:

997           ~~((1-))~~ A. Areas within a project site ~~((which))~~ that are required to be dedicated  
998 for public rights-of-way in excess of sixty feet ~~((60'))~~ in width;

999           ~~((2-))~~ B. ~~((Sensitive))~~ Critical areas and their buffers to the extent they are  
1000 required by ~~((King County))~~ K.C.C. chapter 21A.24 to remain undeveloped;

1001           ~~((3-))~~ C. Areas required for storm water control facilities other than facilities  
1002 ~~((which))~~ that are completely underground, including, but not limited to, retention~~((/))~~ or  
1003 detention ponds, biofiltration swales and setbacks from such ponds and swales;

1004           ~~((4-))~~ D. Areas required ~~((by King County))~~ to be dedicated or reserved as on-  
1005 site recreation areas~~((-))~~;

1006           ~~((5-))~~ E. Regional utility corridors; and

1007           ~~((6-))~~ F. Other areas, excluding setbacks, required ~~((by King County))~~ to remain  
1008 undeveloped.

1009           SECTION 81. Ordinance 10870, Section 203, and K.C.C. 21A.06.815 are each  
1010 hereby amended to read as follows:

1011           **Noxious weed.** Noxious weed: ~~((any))~~ a plant ~~((which))~~ species that is highly  
1012 destructive, competitive or difficult to control by cultural or chemical practices, limited to  
1013 ~~((those))~~ any plant~~((s))~~ species listed on the state noxious weed list ~~((contained))~~ in  
1014 ~~((WAC))~~ chapter 16-750 WAC, regardless of the list's regional designation or  
1015 classification of the species.

1016           SECTION 82. Ordinance 10870, Section 205, and K.C.C. 21A.06.825 are each  
1017 hereby amended to read as follows:

1018           **Ordinary high water mark.** Ordinary high water mark: the mark found by  
1019 examining the bed and banks of a stream, lake, pond or tidal water and ascertaining  
1020 where the presence and action of waters are so common and long maintained in ordinary  
1021 years as to mark upon the soil a vegetative character distinct from that of the abutting  
1022 upland. In ~~((any))~~ an area where the ordinary high water mark cannot be found, the line  
1023 of mean high water ~~((shall substitute))~~ in areas adjoining freshwater or mean higher high  
1024 tide in areas adjoining saltwater is the "ordinary high water mark." In ~~((any))~~ an area  
1025 where neither can be found, the top of the channel bank ~~((shall substitute))~~ is the  
1026 "ordinary high water mark." In braided channels and alluvial fans, the ordinary high  
1027 water mark or line of mean high water ~~((shall be measured so as to))~~ include the entire  
1028 water or stream feature.

1029           NEW SECTION. SECTION 83. There is hereby added to K.C.C. chapter  
1030 21A.06 a new section to read as follows:

1031           **Preliminary flood insurance rate map.** Preliminary Flood Insurance Rate Map:  
1032 the initial map issued by FEMA for public review and comment that delineates areas of  
1033 flood hazard.

1034           NEW SECTION. SECTION 84. There is hereby added to K.C.C. chapter  
1035 21A.06 a new section to read as follows:

1036           **Preliminary flood insurance study.** Preliminary flood insurance study: the  
1037 preliminary report provided by FEMA for public review and comment that includes flood  
1038 profiles, text, data tables and photographs.

1039           SECTION 85. Ordinance 10870, Section 221, and K.C.C. 21A.06.905 are each  
1040 hereby repealed.

1041            NEW SECTION. SECTION 86. There is hereby added to K.C.C. chapter  
1042 21A.06 a new section to read as follows:

1043            **Public road right-of-way structure.** Public road right-of-way structure: the  
1044 existing, maintained, improved road right-of-way or railroad prism and the roadway  
1045 drainage features including ditches and the associated surface water conveyance system,  
1046 flow control and water quality treatment facilities and other structures that are ancillary to  
1047 those facilities including catch-basins, access holes and culverts.

1048            NEW SECTION. SECTION 87. There is hereby added to K.C.C. chapter  
1049 21A.06 a new section to read as follows:

1050            **Reclamation.** Reclamation: the final grading and restoration of a site to  
1051 reestablish the vegetative cover, soil stability and surface water conditions to  
1052 accommodate and sustain all permitted uses of the site and to prevent and mitigate future  
1053 environmental degradation.

1054            NEW SECTION. SECTION 88. There is hereby added to K.C.C. chapter  
1055 21A.06 a new section to read as follows:

1056            **Regional road maintenance guidelines.** Regional road maintenance guidelines:  
1057 the National Marine Fisheries Service-published Regional Road Maintenance  
1058 Endangered Species Act Program Guidelines.

1059            SECTION 89. Ordinance 10870, Section 235, and K.C.C. 21A.06.975 are each  
1060 hereby repealed.

1061            NEW SECTION. SECTION 90. There is hereby added to K.C.C. chapter  
1062 21A.06 a new section to read as follows:

1063           **Repair.** Repair: to fix or restore to sound condition after damage. "Repair" does  
1064 not include replacement of structures or systems.

1065           NEW SECTION. SECTION 91. There is hereby added to K.C.C. chapter  
1066 21A.06 a new section to read as follows:

1067           **Replace.** Replace: to take or fill the place of a structure, fence, deck or paved  
1068 surface with an equivalent or substitute structure, fence, deck or paved surface that serves  
1069 the same purpose. "Replacement" may or may not involve an expansion.

1070           SECTION 92. Ordinance 10870, Section 240, and K.C.C. 21A.06.1000 are each  
1071 hereby amended to read as follows:

1072           **Restoration.** Restoration: ~~((returning a stream, wetland, other sensitive))~~ for  
1073 purposes of critical areas regulation, an action that reestablishes the structure and  
1074 functions of a critical area or any associated buffer ~~((to a state in which its stability and~~  
1075 ~~functions approach its unaltered state as closely as possible))~~ that has been altered.

1076           NEW SECTION. SECTION 93. There is hereby added to K.C.C. chapter  
1077 21A.06 a new section to read as follows:

1078           **Roadway.** Roadway: the maintained areas cleared and graded within a road  
1079 right-of-way or railroad prism. For a road right-of-way, "roadway" includes all  
1080 maintained and traveled areas, shoulders, pathways, sidewalks, ditches and cut and fill  
1081 slopes. For a railroad prism, "roadway" includes the maintained railbed, shoulders, and  
1082 cut and fill slopes. "Roadway" is equivalent to the "existing, maintained, improved road  
1083 right-of-way or railroad prism" as defined in the regional road maintenance guidelines.

1084           SECTION 94. Ordinance 10870, Section 243, and K.C.C. 21A.06.1015 are each  
1085 hereby amended to read as follows:

1086           **Salmonid.** Salmonid: a member of the fish family ((s))Salmonidae, including,  
1087 but not limited to:

1088           A. Chinook, coho, chum, sockeye and pink salmon;

1089           B. Rainbow, steelhead and cutthroat salmon, which are also known as trout;

1090           C. Brown trout;

1091           D. Brook, bull trout, which is also known as char, and ((d))Dolly ((v))Varden  
1092 char;

1093           E. Kokanee; and

1094           F. Pygmy ((W))whitefish.

1095           SECTION 95. Ordinance 10870, Section 249, and K.C.C. 21A.06.1045 are each  
1096 hereby amended to read as follows:

1097           **Seismic hazard area((s)).** Seismic hazard area((s)): ((those)) an area((s in King  
1098 County)) subject to severe risk of earthquake damage from seismically induced  
1099 settlement or lateral spreading as a result of soil liquefaction in an area((s)) underlain by  
1100 cohesionless soils of low density and usually in association with a shallow ground water  
1101 table ((or of other seismically induced settlement)).

1102           SECTION 96. Ordinance 10870, Section 253, and K.C.C. 21A.06.1065 are each  
1103 hereby repealed.

1104           NEW SECTION. SECTION 97. There is hereby added to K.C.C. chapter  
1105 21A.06 a new section to read as follows:

1106           **Shoreline.** Shoreline: those lands defined as shorelines of the state in the  
1107 Shorelines Management Act of 1971, chapter 90.58 RCW.

1108 NEW SECTION. SECTION 98. There is hereby added to K.C.C. chapter  
1109 21A.06 a new section to read as follows:

1110 **Side channel.** Side channel: a channel that is secondary to and carries water to  
1111 or from the main channel of a stream or the main body of a lake or estuary, including a  
1112 back-watered channel or area and oxbow channel that is still connected to a stream by  
1113 one or more aboveground channel connections or by inundation at the base flood.

1114 SECTION 99. Ordinance 11555, Section 1, and K.C.C. 21A.06.1172 are each  
1115 hereby amended to read as follows:

1116 **Site area.** ~~((A-))~~ Site area: ~~((shall be to))~~ the total horizontal area of a project  
1117 site~~((, less the following:~~

- 1118 1. ~~Areas below the ordinary high water mark;~~  
1119 2. ~~Areas which are required to be dedicated on the perimeter of a project site for~~  
1120 ~~public rights-of-way)).~~

1121 NEW SECTION. SECTION 100. There is hereby added to K.C.C. chapter  
1122 21A.06 a new section to read as follows:

1123 **Slope.** Slope: an inclined ground surface, the inclination of which is expressed as  
1124 a ratio of vertical distance to horizontal distance.

1125 SECTION 101. Ordinance 10870, Section 286, and K.C.C. 21A.06.1230 are each  
1126 hereby amended to read as follows:

1127 **Steep slope hazard area((s)).** Steep slope hazard area((s)): ~~((those))~~ an area((s  
1128 in King County)) on a slope((s 40%)) of forty percent inclination or ((steeper)) more  
1129 within a vertical elevation change of at least ten feet. For the purpose of this definition,  
1130 ~~((A))~~ a slope is delineated by establishing its toe and top and is measured by averaging

1131 the inclination over at least ten feet of vertical relief. ~~Also ((F))~~ for the purpose of this  
1132 definition:

1133 A. The "toe" of a slope ~~((is))~~ means a distinct topographic break in slope  
1134 ~~((which))~~ that separates slopes inclined at less than ~~((40%))~~ forty percent from slopes  
1135 ~~((40%))~~ inclined at forty percent or ~~((steeper))~~ more. Where no distinct break exists, the  
1136 "toe" of a ~~((steep))~~ slope is the lower most limit of the area where the ground surface  
1137 drops ten feet or more vertically within a horizontal distance of ~~((25))~~ twenty-five feet;  
1138 and

1139 B. The "top" of a slope is a distinct~~((s))~~ topographic break in slope ~~((which))~~ that  
1140 separates slopes inclined at less than ~~((40%))~~ forty percent from slopes ~~((40%))~~ inclined  
1141 at forty percent or ~~((steeper))~~ more. Where no distinct break exists, the "top" of a  
1142 ~~((steep))~~ slope is the upper~~((-))~~most limit of the area where the ground surface drops ten  
1143 feet or more vertically within a horizontal distance of ~~((25))~~ twenty-five feet.

1144 SECTION 102. Ordinance 10870, Section 288, and K.C.C. 21A.06.1240 are each  
1145 hereby amended to read as follows:

1146 **Stream((s)).** Stream((s)): ~~((those))~~ an aquatic area~~((s in King County))~~ where  
1147 surface water((s)) produces a ~~((defined))~~ channel ~~((or bed))~~, not including ~~((irrigation~~  
1148 ~~ditches, canals, storm or surface water run-off devices or other entirely))~~ a wholly  
1149 artificial ~~((watercourses, unless they are))~~ channel, unless it is:

1150 A. ~~((#))~~ Used by salmonids; or

1151 B. ~~((are u))~~ Used to convey a stream((s)) that occurred naturally ~~((occurring prior~~  
1152 ~~to))~~ before construction ~~((in such watercourses))~~ of the artificial channel. ~~((For the~~  
1153 ~~purpose of this definition, a defined channel or bed is an area which demonstrates clear~~

1154 ~~evidence of the passage of water and includes, but is not limited to, bedrock channels,~~  
1155 ~~gravel beds, sand and silt beds and defined channel swales. The channel or bed need not~~  
1156 ~~contain water year round. For the purpose of defining the following categories of~~  
1157 ~~streams, normal rainfall is rainfall that is at or near the mean of the accumulated annual~~  
1158 ~~rainfall record, based upon the water year for King County as recorded at the Seattle-~~  
1159 ~~Tacoma International Airport:~~

1160 ~~A. Class 1 streams, only including streams inventoried as "Shorelines of the~~  
1161 ~~State" under King County's Shoreline Master Program, K.C.C. Title 25, pursuant to RCW~~  
1162 ~~90.58;~~

1163 ~~B. Class 2 streams, only including streams smaller than class 1 streams which~~  
1164 ~~flow year round during years of normal rainfall or those which are used by salmonids;~~  
1165 ~~and~~

1166 ~~C. Class 3 streams, only including streams which are intermittent or ephemeral~~  
1167 ~~during years of normal rainfall and which are not used by salmonids.))~~

1168 SECTION 103. Ordinance 10870, Section 293, and K.C.C. 21A.06.1265 are each  
1169 hereby amended to read as follows:

1170 **Submerged land.** Submerged land: any land at or below the ordinary high water  
1171 mark of an aquatic area.

1172 SECTION 104. Ordinance 10870, Section 294, and K.C.C. 21A.06.1270 are each  
1173 hereby amended to read as follows:

1174 **Substantial improvement.** Substantial improvement:

1175            A.1. ((a))Any maintenance, repair, structural modification, addition or other  
1176 improvement of a structure, the cost of which equals or exceeds ~~((50))~~ fifty percent of the  
1177 market value of the structure either:

1178            a. before the ~~((maintenance,))~~ improvement or repair~~((, modification or~~  
1179 ~~addition))~~ is started; ~~((before the damage occurred,))~~

1180            b. if the structure has been damaged and is being restored, before the damage  
1181 occurred.

1182            2. For purposes of this definition, the cost of any improvement is considered to  
1183 begin when the first alteration of any wall, ceiling, floor or other structural part of the  
1184 building begins, whether or not that alteration affects the external dimensions of the  
1185 structure; and

1186            B. Does not include either:

1187            1. Any project for improvement of a structure to correct existing violations of  
1188 state or local health, sanitary or safety code specifications that have been identified by the  
1189 local code enforcement official and that are the minimum necessary to ensure safe living  
1190 conditions; or

1191            2. Any alteration of a structure listed on the national Register of Historic Places or  
1192 a state or local inventory of historic resources.

1193            NEW SECTION. SECTION 105. There is hereby added to K.C.C. chapter  
1194 21A.06 a new section to read as follows:

1195            **Surface water conveyance.** Surface water conveyance: a drainage facility  
1196 designed to collect, contain and provide for the flow of surface water from the highest  
1197 point on a development site to receiving water or another discharge point, connecting any

1198 required flow control and water quality treatment facilities along the way. "Surface water  
1199 conveyance" includes but is not limited to, gutters, ditches, pipes, biofiltration swales and  
1200 channels.

1201 NEW SECTION. SECTION 106. There is hereby added to K.C.C. chapter  
1202 21A.06 a new section to read as follows:

1203 **Surface water discharge.** Surface water discharge: the flow of surface water  
1204 into receiving water or another discharge point.

1205 NEW SECTION. SECTION 107. There is hereby added to K.C.C. 21A.06 a new  
1206 section to read as follows:

1207 **Tree, hazard.** Tree, hazard: any tree with a structural defect, combination of  
1208 defects or disease resulting in structural defect that, under the normal range of  
1209 environmental conditions at the site, will result in the loss of a major structural  
1210 component of that tree in a manner that will:

1211 A. Damage a residential structure or accessory structure, place of employment or  
1212 public assembly or approved parking for a residential structure or accessory structure or  
1213 place of employment or public assembly;

1214 B. Damage an approved road or utility facility; or

1215 C. Prevent emergency access in the case of medical hardship.

1216 NEW SECTION. SECTION 108. There is hereby added to K.C.C. chapter  
1217 21A.06 a new section to read as follows:

1218 **Utility corridor.** Utility corridor: a narrow strip of land containing underground  
1219 or above-ground utilities and the area necessary to maintain those utilities. A "utility

1220 corridor" is contained within and is a portion of any utility right-of-way or dedicated  
1221 easement.

1222 SECTION 109. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are each  
1223 hereby amended to read as follows:

1224 **Utility facility.** Utility facility: a facility for the distribution or transmission of  
1225 services (~~(to an area;)~~), including(~~(, but not limited to)~~):

1226 A. Telephone exchanges;

1227 B. Water pipelines, pumping or treatment stations;

1228 C. Electrical substations;

1229 D. Water storage reservoirs or tanks;

1230 E. Municipal groundwater well-fields;

1231 F. Regional (~~(stormwater management)~~) surface water flow control and water  
1232 quality facilities(~~(-)~~);

1233 G. Natural gas pipelines, gate stations and limiting stations;

1234 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving  
1235 multiple lots or uses from which fuel is distributed directly to individual users;

1236 I. (~~(Sewer)~~) Wastewater pipelines, lift stations, pump stations, regulator stations or  
1237 odor control facilities; and

1238 J. (~~(Pipes)~~) Communication cables, electrical wires and associated structural  
1239 supports.

1240 SECTION 110. Ordinance 10870, Section 314, and K.C.C. 21A.06.1370 are each  
1241 hereby amended to read as follows:

1242           **Volcanic hazard area((s)).** Volcanic hazard area((s)): ~~((those))~~ an area~~((s in~~  
1243 ~~King County))~~ subject to inundation by mudflows, lahars or related flooding resulting  
1244 from volcanic activity on Mount Rainier, delineated based on recurrence of an event  
1245 equal in magnitude to the prehistoric Electron ~~((M))~~mudflow.

1246           SECTION 111. Ordinance 10870, Section 318, and K.C.C. 21A.06.1390 are each  
1247 hereby amended to read as follows:

1248           **Wet meadow((s)), grazed or tilled.** Wet meadow((s)), grazed or tilled:  
1249 ~~((palustrine))~~ an emergent wetland~~((s typically having up to six inches of standing water~~  
1250 ~~during the wet season and dominated under normal conditions by meadow emergents~~  
1251 ~~such as reed canary))~~ that has grasses, ~~((spike rushes, bulrushes,))~~ sedges, ~~((and))~~ rushes  
1252 ~~((During the growing season, the soil is often saturated but not covered with water.~~  
1253 ~~These meadows have been frequently used for livestock activities))~~ or other herbaceous  
1254 vegetation as its predominant vegetation and has been previously converted to  
1255 agricultural activities.

1256           NEW SECTION. SECTION 112. There is hereby added to K.C.C. chapter  
1257 21A.06 a new section to read as follows:

1258           **Wetland complex.** Wetland complex: a grouping of two or more wetlands, not  
1259 including grazed wet meadows, that meet the following criteria:

1260           A. Each wetland included in the complex is within five hundred feet of the  
1261 delineated edge of at least one other wetland in the complex;

1262           B. The complex includes at least:

1263               1. one wetland classified category I or II;

1264               2. three wetlands classified category III; or

1265 3. four wetlands classified category IV;

1266 C. The area between each wetland and at least one other wetland in the complex  
1267 is predominately vegetated with shrubs and trees; and

1268 D. There are not any barriers to migration or dispersal of amphibian, reptile or  
1269 mammal species that are commonly recognized to exclusively or partially use wetlands  
1270 and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding.

1271 NEW SECTION. SECTION 113. There is hereby added to K.C.C. chapter  
1272 21A.06 a new section to read as follows:

1273 **Wetland creation.** Wetland creation: For purposes of wetland mitigation, the  
1274 manipulation of the physical, chemical, or biological characteristics present to develop a  
1275 wetland on an upland or deepwater site, where a wetland did not previously exist.

1276 Activities to create a wetland typically involve excavation of upland soils to elevations  
1277 that will produce a wetland hydroperiod, create hydric soils and support the growth of  
1278 hydrophytic plant species. Wetland creation results in a gain in wetland acres.

1279 SECTION 114. Ordinance 10870, Section 319, as amended, and K.C.C.  
1280 21A.06.1395 are each hereby amended to read as follows:

1281 **Wetland edge.** Wetland edge: the line delineating the outer edge of a wetland,  
1282 consistent with the ~~((1987 US Army Corps of Engineers Wetlands Delineation Manual in~~  
1283 ~~use on January 1, 1995 by the United States Army Corps of Engineers and the United~~  
1284 ~~States Environmental Protection Agency as implemented through, and consistent with the~~  
1285 ~~May 23, 1994 "Washington Regional Guidance on the 1987 Wetland Delineation~~  
1286 ~~Manual" document issued by the Corps of Engineers and the Environmental Protection~~  
1287 ~~Agency. When the State of Washington, Department of Ecology, adopts a manual as~~

1288 ~~required pursuant to a new section 11 of Engrossed Senate Bill 5776, wetlands regulated~~  
1289 ~~under development regulations shall be delineated pursuant to said manual)) wetland~~  
1290 ~~delineation manual required by RCW 36.70A.175.~~

1291 NEW SECTION. SECTION 115. There is hereby added to K.C.C. chapter  
1292 21A.06 a new section to read as follows:

1293 **Wetland enhancement.** Wetland enhancement: The manipulation of the  
1294 physical, chemical, or biological characteristics of a wetland site to heighten, intensify or  
1295 improve specific functions or to change the growth state or composition of the vegetation  
1296 present. Enhancement is undertaken for specified purposes such as water quality  
1297 improvement, flood water retention or wildlife habitat. Wetland enhancement activities  
1298 typically consist of planting vegetation, controlling nonnative or invasive species,  
1299 modifying site elevations or the proportion of open water to influence hydroperiods or  
1300 some combination of these. Wetland enhancement results in a change in some wetland  
1301 functions and can lead to a decline in other wetland functions, but does not result in a  
1302 gain in wetland acres.

1303 SECTION 116. Ordinance 10870, Section 320, and K.C.C. 21A.06.1400 are each  
1304 hereby amended to read as follows:

1305 **Wetland, forested.** Wetland, forested: a wetland ~~((which))~~ that is dominated by  
1306 mature woody vegetation or a wetland vegetation class that is characterized by woody  
1307 vegetation at least ~~((20))~~ twenty feet tall.

1308 SECTION 117. Ordinance 10870, Section 322, as amended, and K.C.C.  
1309 21A.06.1410 are each repealed.

1310            SECTION 118. K.C.C. 21A.06.1415, as amended by this ordinance, is hereby  
1311 recodified as a new section in K.C.C. chapter 21A.06.

1312            SECTION 119. Ordinance 10870, Section 323, as amended, and K.C.C.  
1313 21A.06.1415 are each hereby amended to read as follows:

1314            **Wetland((s)).** Wetland((s)): ~~((those))~~ an area((s in King County which are)) that  
1315 is not an aquatic area and that is inundated or saturated by ground or surface water at a  
1316 frequency and duration sufficient to support, and under normal circumstances ((~~do~~))  
1317 supports, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
1318 ~~((Wetlands generally include swamps, marshes, bogs and similar areas, or other artificial~~  
1319 ~~features intentionally created to mitigate conversions of wetlands pursuant to wetlands~~  
1320 ~~mitigation banking. Wetlands do not include artificial features created from non-wetland~~  
1321 ~~areas including, but not limited to irrigation and drainage ditches, grass-lined swales,~~  
1322 ~~canals, detention facilities, wastewater treatment facilities, farm ponds and landscape~~  
1323 ~~amenities, or those wetlands created after July 1, 1990, that were unintentionally created~~  
1324 ~~as a result of the construction of a road, street, or highway. Where the vegetation has~~  
1325 ~~been removed or substantially altered, a wetland shall be determined by the presence or~~  
1326 ~~evidence of hydric or organic soil, as well as by other documentation, such as aerial~~  
1327 ~~photographs, of the previous existence of wetland vegetation. When the areas of any~~  
1328 ~~wetlands are hydrologically connected to each other, they shall be added together to~~  
1329 ~~determine which of the following categories of wetlands apply:~~

1330            ~~A. Class 1 wetlands, only including wetlands assigned the Unique/Outstanding~~  
1331 ~~#1 rating in the 1983 King County Wetlands Inventory or which meet any of the~~  
1332 ~~following criteria:~~

- 1333           1. ~~are wetlands which have present species listed by the federal or state~~  
1334 ~~government as endangered or threatened or outstanding actual habitat for those species;~~
- 1335           2. ~~Are wetlands which have 40% to 60% permanent open water in dispersed~~  
1336 ~~patches with two or more classes of vegetation;~~
- 1337           3. ~~Are wetlands equal to or greater than ten acres in size and have three or more~~  
1338 ~~classes of vegetation, one of which is submerged vegetation in permanent open water; or~~
- 1339           4. ~~Are wetlands which have present plant associations of infrequent occurrence;~~
- 1340           B. ~~Class 2 wetlands, only including wetlands assigned the Significant #2 rating in~~  
1341 ~~the 1983 King County Wetlands Inventory or which meet any of the following criteria:~~
- 1342           1. ~~Are wetlands greater than one acre in size;~~
- 1343           2. ~~Are wetlands equal to or less than one acre in size and have three or more~~  
1344 ~~classes of vegetation;~~
- 1345           3. ~~Are wetlands which:~~
- 1346           a. ~~are located within an area designated "urban" in the King County~~  
1347 ~~Comprehensive Plan;~~
- 1348           b. ~~are equal to or less than one acre but larger than 2,500 square feet; and~~
- 1349           c. ~~have three or more classes of vegetation;~~
- 1350           4. ~~Are forested wetlands equal to or less than one acre but larger than 2500~~  
1351 ~~square feet; or~~
- 1352           5. ~~Are wetlands which have present heron rookeries or raptor nesting trees; and~~
- 1353           C. ~~Class 3 wetlands, only including wetlands assigned the Lesser Concern #3~~  
1354 ~~rating in the 1983 King County Wetlands Inventory or which meet any of the following~~  
1355 ~~criteria:~~

1356 ~~1. Are wetlands equal to or less than one acre in size and have two or fewer~~  
1357 ~~classes of vegetation; or~~

1358 ~~2. Are wetlands which:~~

1359 ~~a. are located within an area designated "urban" in the King County~~  
1360 ~~Comprehensive Plan;~~

1361 ~~b. are equal to or less than one acre but larger than 2,500 square feet; and~~

1362 ~~c. have two or fewer classes of vegetation.)~~) For purposes of this definition:

1363 A. Where the vegetation has been removed or substantially altered, "wetland" is  
1364 determined by the presence or evidence of hydric soil, by other documentation such as  
1365 aerial photographs of the previous existence of wetland vegetation or by any other  
1366 manner authorized in the wetland delineation manual required by RCW 36.70A.175; and

1367 B. Except for artificial features intentionally made for the purpose of mitigation,  
1368 "wetland" does not include an artificial feature made from a nonwetland area, which may  
1369 include, but is not limited to:

1370 1. A surface water conveyance for drainage or irrigation;

1371 2. A grass-lined swale;

1372 3. A canal;

1373 4. A flow control facility;

1374 5. A wastewater treatment facility;

1375 6. A farm pond;

1376 7. A wetpond;

1377 8. Landscape amenities; or

1378           9. A wetland created after July 1, 1990, that was unintentionally made as a  
1379 result of construction of a road, street or highway.

1380           NEW SECTION. SECTION 120. There is hereby added to K.C.C. chapter  
1381 21A.06 a new section to read as follows:

1382           **Wetland reestablishment:** Wetland reestablishment: For purposes of wetland  
1383 mitigation, the manipulation of the physical, chemical, or biological characteristics of a  
1384 site with the goal of returning natural or historic functions to a former wetland. Activities  
1385 to reestablish a wetland include removing fill material, plugging ditches, or breaking  
1386 drain tiles. Wetland reestablishment results in a gain in wetland acres.

1387           NEW SECTION. SECTION 121. There is hereby added to K.C.C. chapter  
1388 21A.06 a new section to read as follows:

1389           **Wetland rehabilitation:** Wetland rehabilitation: For purposes of wetland  
1390 mitigation, the manipulation of the physical, chemical, or biological characteristics of a  
1391 site with the goal of repairing natural or historic functions of a degraded wetland.  
1392 Activities to rehabilitate a wetland include breaching a dike to reconnect wetlands to a  
1393 floodplain or return tidal influence to a wetland. Wetland rehabilitation results in a gain  
1394 in wetland function but does not result in a gain in wetland acres.

1395           NEW SECTION. SECTION 122. There is hereby added to K.C.C. chapter  
1396 21A.06 a new section to read as follows:

1397           **Wetland vegetation class.** Wetland vegetation class: a wetland community  
1398 classified by its vegetation including aquatic bed, emergent, forested and shrub-scrub. To  
1399 constitute a separate wetland vegetation class, the vegetation must be at least partially

1400 rooted within the wetland and must occupy the uppermost stratum of a contiguous area or  
1401 comprise at least thirty percent areal coverage of the entire wetland.

1402 NEW SECTION. SECTION 123. There is hereby added to K.C.C. chapter  
1403 21A.06 a new section to read as follows:

1404 **Wildlife.** Wildlife: birds, fish and animals, that are not domesticated and are  
1405 considered to be wild.

1406 NEW SECTION. SECTION 124. There is hereby added to K.C.C. chapter  
1407 21A.06 a new section to read as follows:

1408 **Wildlife habitat conservation area.** Wildlife habitat conservation area: an area  
1409 for a species whose habitat the King County Comprehensive Plan requires the county to  
1410 protect that includes an active breeding site and the area surrounding the breeding site  
1411 that is necessary to protect breeding activity.

1412 NEW SECTION. SECTION 125. There is hereby added to K.C.C. chapter  
1413 21A.06 a new section to read as follows:

1414 **Wildlife habitat network.** Wildlife habitat network: the official wildlife habitat  
1415 network defined and mapped in the King County Comprehensive Plan that links wildlife  
1416 habitat with critical areas, critical area buffers, priority habitats, trails, parks, open space  
1417 and other areas to provide for wildlife movement and alleviate habitat fragmentation.

1418 SECTION 126. Ordinance 10870, Section 340, as amended, and K.C.C.  
1419 21A.12.030 are each hereby amended to read as follows:

1420 **Densities and dimensions - residential zones.**

1421

A. Densities and dimensions - residential zones.

<b>RESIDENTIAL</b>													
<b>ZONING</b>	<b>RURAL</b>				<b>URBAN</b>	<b>RESIDENTIAL</b>							
	<b>R</b>	<b>R</b>	<b>RA</b>	<b>RA</b>	<b>UR</b>	<b>R-1</b>	<b>R-4</b>	<b>R-</b>	<b>R-</b>	<b>R-</b>	<b>R-</b>	<b>R-</b>	<b>R-</b>
<b>STANDARDS</b>	<b>A-</b>	<b>A-</b>	<b>-10</b>	<b>-20</b>		<b>(17</b>		<b>6</b>	<b>8</b>	<b>12</b>	<b>18</b>	<b>24</b>	<b>48</b>
	<b>2.5</b>	<b>5</b>				<b>)</b>							
<b>Base Density: Dwelling Unit/Acre (15)</b>	<b>0.2 du/ac</b>	<b>0.2 du/ac</b>	<b>0.1 du/ac</b>	<b>0.0 5 du/ac</b>	<b>0.2 du/a c (21)</b>	<b>1 du/ac</b>	<b>4 du/ac</b>	<b>6 du/ac</b>	<b>8 du/ac</b>	<b>12 du/ac</b>	<b>18 du/ac</b>	<b>24 du/ac</b>	<b>48 du/ac</b>
<b>Maximum Density: Dwelling Unit/Acre (1)</b>	<b>0.4 du/ac</b>	<b>0.4 du/ac</b>					<b>6 du/ac</b>	<b>9 du/ac</b>	<b>12 du/ac</b>	<b>18 du/ac</b>	<b>27 du/ac</b>	<b>36 du/ac</b>	<b>72 du/ac</b>
<b>Minimum</b>							<b>85</b>	<b>85</b>	<b>85</b>	<b>80</b>	<b>75</b>	<b>70</b>	<b>65</b>

<b>Density:</b>  (2)							% (12 ) (18 ) (23 )	% (1 2) (1 8)	% (1 2) (1 8)	% (1 8) (1 8)	% (1 8) (1 8)	% (1 8) (1 8)	% (1 8) (1 8)
<b>Minimum Lot Area</b>  (13)	<b>1.8 75 ac</b>	<b>3.7 5 ac</b>	<b>7.5 ac</b>	<b>15 ac</b>									
<b>Minimum Lot Width</b>  (3)	<b>13 5 ft</b>	<b>13 5 ft</b>	<b>135 ft</b>	<b>135 ft</b>	<b>35 ft (7)</b>	<b>35 ft (7)</b>	<b>30 ft</b>	<b>30 ft</b>	<b>30 ft</b>	<b>30 ft</b>	<b>30 ft</b>	<b>30 ft</b>	<b>30 ft</b>
<b>Minimum Street Setback</b>  (3)	<b>30 ft (9)</b>	<b>30 ft (9)</b>	<b>30ft t (9)</b>	<b>30 ft (9)</b>	<b>30 ft (7)</b>	<b>20 ft (7)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>	<b>10 ft (8)</b>
<b>Minimum Interior Setback</b>  (3) (16)	<b>5 ft (9)</b>	<b>10 ft (9)</b>	<b>10 ft (9)</b>	<b>10 ft (9)</b>	<b>5 ft (7)</b>	<b>5 ft (7)</b>	<b>5 ft</b>	<b>5 ft</b>	<b>5 ft</b>	<b>5 ft</b>	<b>5 ft</b>	<b>5 ft</b>	<b>5 ft</b>

<b>Base Height</b> (4)	<b>40</b> ft	<b>40</b> ft	<b>40</b> ft	<b>40</b> ft	<b>35 ft</b>	<b>35</b> ft	<b>35</b> ft	<b>35</b> ft	<b>35</b> ft	<b>60</b> ft	<b>60</b> ft	<b>60</b> ft	<b>60</b> ft
								<b>45</b> ft	<b>45</b> ft		<b>80</b> ft	<b>80</b> ft	<b>80</b> ft
								(1 4)	(1 4)		(1 4)	(1 4)	(1 4)
<b>Maximum Impervious Surface:</b> Percentage (5)	<b>25</b> %	<b>20</b> %	<b>15</b> %	<b>12.</b> 5%	<b>30%</b> (11)	<b>30</b> %	<b>55</b> %	<b>70</b> %	<b>75</b> %	<b>85</b> %	<b>85</b> %	<b>85</b> %	<b>90</b> %
	(1 1)	(1 1)	(11 )	(11 )	<u>(25)</u>	(11 )	<u>(25)</u> )	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>
	(1 9)	(1 9)	(19 )	(19 )		<u>(25)</u> )							
	<u>(2</u> <u>5)</u>	<u>(2</u> <u>5)</u>	(24 )	<u>(25)</u> )									
			<u>(25)</u> )										

1422

B. Development conditions.

1423

1. This maximum density may be achieved only through the application of

1424

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

1425

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

1426

density incentive or density transfer. Maximum density may only be exceeded in

1427

accordance with K.C.C. 21A.34.040F.1.g.

1428

2. Also see K.C.C. 21A.12.060.

1429           3. These standards may be modified under the provisions for zero-lot-line and  
1430 townhouse developments.

1431           4. Height limits may be increased if portions of the structure that exceed the  
1432 base height limit provide one additional foot of street and interior setback for each foot  
1433 above the base height limit, but the maximum height may not exceed seventy-five feet.  
1434 Netting or fencing and support structures for the netting or fencing used to contain golf  
1435 balls in the operation of golf courses or golf driving ranges are exempt from the  
1436 additional interior setback requirements but the maximum height shall not exceed  
1437 seventy-five feet, except for large active recreation and multiuse parks, where the  
1438 maximum height shall not exceed one hundred ~~((and))~~ twenty-five feet, unless a golf ball  
1439 trajectory study requires a higher fence.

1440           5. Applies to each individual lot. Impervious surface area standards for:

1441           a. regional uses shall be established at the time of permit review;

1442           b. nonresidential uses in residential zones shall comply with K.C.C.

1443 21A.12.120 and 21A.12.220;

1444           c. individual lots in the R-4 through R-6 zones that are less than nine thousand  
1445 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
1446 comparable R-6 or R-8 zone; and

1447           d. a lot may be increased beyond the total amount permitted in this chapter  
1448 subject to approval of a conditional use permit.

1449           6. Mobile home parks shall be allowed a base density of six dwelling units per  
1450 acre.

1451           7. The standards of the R-4 zone (~~shall~~) apply if a lot is less than fifteen  
1452 thousand square feet in area.

1453           8. At least twenty linear feet of driveway shall be provided between any garage,  
1454 carport or other fenced parking area and the street property line. The linear distance shall  
1455 be measured along the center line of the driveway from the access point to such garage,  
1456 carport or fenced area to the street property line.

1457           9.a. Residences shall have a setback of at least one hundred feet from any  
1458 property line adjoining A, M or F zones or existing extractive operations. However,  
1459 residences on lots less than one hundred fifty feet in width adjoining A, M or F zone or  
1460 existing extractive operations shall have a setback from the rear property line equal to  
1461 fifty percent of the lot width and a setback from the side property equal to twenty-five  
1462 percent of the lot width.

1463           b. Except for residences along a property line adjoining A, M or F zones or  
1464 existing extractive operations, lots between one acre and two and one-half acres in size  
1465 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
1466 to the requirements of the R-4 zone.

1467           10.a. For developments consisting of three or more single-detached dwellings  
1468 located on a single parcel, the setback shall be ten feet along any property line abutting  
1469 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
1470 K.C.C. 21A.14.190, which shall have a setback of five feet.

1471           b. For townhouse and apartment development, the setback shall be twenty feet  
1472 along any property line abutting R-1 through R-8, RA and UR zones, except for  
1473 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback

1474 of five feet, unless the townhouse or apartment development is adjacent to property upon  
1475 which an existing townhouse or apartment development is located.

1476           11. Lots smaller than one-half acre in area shall comply with standards of the  
1477 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
1478 larger, the maximum impervious surface area allowed shall be at least ten thousand  
1479 square feet. On any lot over one acre in area, an additional five percent of the lot area  
1480 may be used for buildings related to agricultural or forestry practices. For lots smaller  
1481 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
1482 be used for structures that are determined to be medically necessary, if the applicant  
1483 submits with the permit application a notarized affidavit, conforming with K.C.C.  
1484 21A.32.170A.2.

1485           12. For purposes of calculating minimum density, the applicant may request that  
1486 the minimum density factor be modified based upon the weighted average slope of the  
1487 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1488           13. The minimum lot area does not apply to lot clustering proposals.

1489           14. The base height to be used only for projects as follows:

1490           a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
1491 fifteen percent finished grade; and

1492           b. in R-18, R-24 and R-48 zones using residential density incentives and  
1493 transfer of density credits in accordance with this title.

1494           15. Density applies only to dwelling units and not to sleeping units.

1495           16. Vehicle access points from garages, carports or fenced parking areas shall  
1496 be set back from the property line on which a joint use driveway is located to provide a

1497 straight line length of at least twenty-six feet as measured from the center line of the  
1498 garage, carport or fenced parking area, from the access point to the opposite side of the  
1499 joint use driveway.

1500 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
1501 be clustered if the property is located within or contains:

- 1502 (1) a floodplain,
- 1503 (2) a critical aquifer recharge area,
- 1504 (3) a Regionally or Locally Significant Resource Area,
- 1505 (4) existing or planned public parks or trails, or connections to such facilities,
- 1506 (5) a ~~((Class I or II stream))~~ type S or F aquatic area or category I or II  
1507 wetland,
- 1508 (6) a steep slope, or
- 1509 (7) an ~~(("greenbelt"))~~ urban separator~~(("))~~ or ~~(("))~~ wildlife ~~(("corridor" area))~~  
1510 habitat network designated by the Comprehensive Plan or a community plan.

1511 b. The development shall be clustered away from ~~((sensitive))~~ critical areas or  
1512 the axis of designated corridors such as urban separators or the wildlife habitat network to  
1513 the extent possible and the open space shall be placed in a separate tract that includes at  
1514 least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated  
1515 to a homeowner's association or other suitable organization, as determined by the  
1516 director, and meet the requirements in K.C.C. 21A.14.040. On-site ~~(( sensitive))~~ critical  
1517 area and buffers~~((, wildlife habitat networks, required habitat and buffers for protected~~  
1518 ~~species))~~ and designated urban separators shall be placed within the open space tract to  
1519 the extent possible. Passive recreation ~~((&))~~ with no development of recreational

1520 facilities((+)), and natural-surface pedestrian and equestrian trails are acceptable uses  
1521 within the open space tract.

1522 18. See K.C.C. 21A.12.085.

1523 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
1524 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
1525 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
1526 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
1527 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
1528 maximum impervious surface area of eight percent of the gross acreage of the plat.  
1529 Distribution of the allowable impervious area among the platted lots shall be recorded on  
1530 the face of the plat. Impervious surface of roads need not be counted towards the  
1531 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
1532 more restrictive shall be required.

1533 20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels  
1534 receiving density from rural forest focus areas through the transfer of density credit pilot  
1535 program outlined in K.C.C. chapter 21A.55.

1536 21. Base density may be exceeded, if the property is located in a designated  
1537 rural city urban growth area and each proposed lot contains an occupied legal residence  
1538 that predates 1959.

1539 22. The maximum density is four dwelling units per acre for properties zoned  
1540 R-4 when located in the Rural Town of Fall City.

1541 23. The minimum density requirement does not apply to properties located  
1542 within the Rural Town of Fall City.

1543           24. The impervious surface standards for the county fairground facility are  
1544 established in the King County Fairgrounds Site Development Plan, Attachment A to  
1545 Ordinance 14808, on file at the department of natural resources and parks and the  
1546 department of development and environmental services. Modifications to that standard  
1547 may be allowed provided the square footage does not exceed the approved impervious  
1548 surface square footage established in the King County Fairgrounds Site Development  
1549 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance  
1550 14808 by more than ten percent.

1551           25. Impervious surface does not include access easements serving neighboring  
1552 property and driveways to the extent that they extend beyond the street setback due to  
1553 location within an access panhandle or due to the application of King County Code  
1554 requirements to locate features over which the applicant does not have control.

1555           SECTION 127. Ordinance 10870, Section 342, as amended, and K.C.C.  
1556 21A.12.050 are each hereby amended to read as follows:

1557           **Measurement methods.** The following provisions shall be used to determine  
1558 compliance with this title:

1559           A. Street setbacks shall be measured from the existing edge of a street right-of-  
1560 way or temporary turnaround, except as provided by K.C.C. 21A.12.150;

1561           B. Lot widths shall be measured by scaling a circle of the applicable diameter  
1562 within the boundaries of the lot, provided that an access easement shall not be included  
1563 within the circle;

1564           C. Building height shall be measured from the average finished grade to the  
1565 highest point of the roof. The average finished grade shall be determined by first

1566 delineating the smallest square or rectangle which can enclose the building and then  
1567 averaging the elevations taken at the midpoint of each side of the square or rectangle,  
1568 provided that the measured elevations do not include berms;

1569 D. Lot area shall be the total horizontal land area contained within the boundaries  
1570 of a lot; and

1571 E. Impervious surface calculations shall not include areas of turf, landscaping,  
1572 natural vegetation((;)) or ((~~surface water~~)) flow control or water quality treatment  
1573 facilities.

1574 SECTION 128. Ordinance 10870, Section 345, as amended, and K.C.C.  
1575 21A.12.080 are each hereby amended to read as follows:

1576 **Calculations – site area used for base density and maximum density floor**  
1577 **area calculations.**

1578 A. All site areas may be used in the calculation of base and maximum allowed  
1579 residential density of project floor area ((~~except as outlined under the provisions of~~  
1580 ~~subsection B of this section~~)).

1581 B. ((~~Submerged lands shall not be credited toward base and maximum density or~~  
1582 ~~floor area calculations.~~

1583 €;)) For subdivisions and short subdivisions in the RA zone, if calculations of  
1584 site area for base density result in a fraction, the fraction shall be rounded to the nearest  
1585 whole number as follows:

- 1586 1. Fractions of 0.50 or above shall be rounded up; and  
1587 2. Fractions below 0.50 shall be rounded down.

1588            SECTION 129. Ordinance 10870, Section 364, as amended, and K.C.C.

1589            21A.14.040 are each hereby amended to read as follows:

1590            **Lot segregations - clustered development.** Residential lot clustering is allowed  
1591 in the R, UR and RA zones. If residential lot clustering is proposed, the following  
1592 ~~((provisions))~~ requirements shall be met:

1593            A. In the R zones, any designated open space tract resulting from lot clustering  
1594 shall not be altered or disturbed except as specified on recorded documents creating the  
1595 open space. Open spaces may be retained under ownership by the subdivider, conveyed  
1596 to residents of the development((;)) or conveyed to a third party. If access to the open  
1597 space is provided, the access shall be located in a separate tract;

1598            B. In the RA zone:

1599            1. No more than eight lots of less than two and one-half acres shall be allowed  
1600 in a cluster;

1601            2. No more than eight lots of less than two and one-half acres shall be served by  
1602 a single cul-de-sac street;

1603            3. Clusters containing two or more lots of less than two and one-half acres,  
1604 whether in the same or adjacent developments, shall be separated from similar clusters by  
1605 at least one hundred twenty feet;

1606            4. The overall amount, and the individual degree of clustering shall be limited to  
1607 a level that can be adequately served by rural facilities and services, including, but not  
1608 limited to, on-site sewage disposal systems and rural roadways;

1609            5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,  
1610 shall be provided along the frontage of all public roads. The planting materials shall

1611 consist of species that are native to the Puget Sound region. Preservation of existing  
1612 healthy vegetation is encouraged and may be used to augment new plantings to meet the  
1613 requirements of this section;

1614           6. Except as provided in subsection B.7.2 of this section, open space tracts  
1615 created by clustering in the RA zone shall be designated as permanent open space.  
1616 Acceptable uses within open space tracts are passive recreation, with no development of  
1617 active recreational facilities, natural-surface pedestrian and equestrian foot trails and  
1618 passive recreational facilities;

1619           7. In the RA zone a resource land tract may be created through a cluster  
1620 development in lieu of an open space tract. The resource land tract may be used as a  
1621 working forest or farm if the following provisions are met:

1622           a. Appropriateness of the tract for forestry or agriculture has been determined  
1623 by the ~~((King C))~~county~~((department of natural resources and parks))~~;

1624           b. The subdivider shall prepare a forest management plan, which must be  
1625 reviewed and approved by the King County department of natural resources and parks, or  
1626 a farm management ~~((conservation))~~ plan, if ~~((such))~~ a plan is required ~~((pursuant to))~~  
1627 under K.C.C. chapter 21A.30, which must be developed by the King Conservation  
1628 District. The criteria for management of a resource land tract established through a  
1629 cluster development in the RA zone shall be set forth in a public rule. The criteria must  
1630 assure that forestry or farming will remain as a sustainable use of the resource land tract  
1631 and that structures supportive of forestry and agriculture may be allowed in the resource  
1632 land tract. The criteria must also set impervious surface limitations and identify the type  
1633 of buildings or structures that will be allowed within the resource land tract;

1634 c. The recorded plat or short plat shall designate the resource land tract as a  
1635 working forest or farm;

1636 d. Resource land tracts that are conveyed to residents of the development shall  
1637 be retained in undivided interest by the residents of the subdivision or short subdivision;

1638 e. A homeowners association shall be established to assure implementation of  
1639 the forest management plan or farm management (~~conservation~~) plan if the resource  
1640 land tract is retained in undivided interest by the residents of the subdivision or short  
1641 subdivision;

1642 f. The subdivider shall file a notice with the King County department of  
1643 executive services, records, elections and licensing services division. The required  
1644 contents and form of the notice shall be set forth in a public rule. The notice shall inform  
1645 the property owner or owners that the resource land tract is designated as a working  
1646 forest or farm, which must be managed in accordance with the provisions established in  
1647 the approved forest management plan or farm management (~~conservation~~) plan;

1648 g. The subdivider shall provide to the department proof of the approval of the  
1649 forest management plan or farm management (~~conservation~~) plan and the filing of the  
1650 notice required in subsection B.7.f. of this section before recording of the final plat or  
1651 short plat;

1652 h. The notice shall run with the land; and

1653 i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and  
1654 passive recreational facilities, with no development of active recreational facilities, are  
1655 allowed uses in resource land tracts; (~~and~~)

1656 8. For purposes of this section, passive recreational facilities include trail access  
1657 points, small-scale parking areas and restroom facilities((-)); and

1658 9. The requirements of subsection B.1., 2. or 3. of this subsection may be  
1659 modified or waived by the director if the property is encumbered by critical areas  
1660 containing habitat for, or there is the presence of, species listed as threatened or  
1661 endangered under the Endangered Species Act when it is necessary to protect the habitat;  
1662 and

1663 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
1664 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
1665 required by the Comprehensive Plan, or subarea plans or open space functional plans, to  
1666 connect and increase protective buffers for ~~((environmentally sensitive areas as defined in~~  
1667 ~~K.C.C. 21A.06.1065))~~ critical areas, to connect and protect wildlife habitat corridors  
1668 designated by the Comprehensive Plan and to connect existing or planned public parks or  
1669 trails. ~~((King County))~~ The department may require open space tracts created under this  
1670 subsection to be dedicated to an appropriate managing public agency or qualifying  
1671 private entity such as a nature conservancy. In the absence of such a requirement, open  
1672 space tracts shall be retained in undivided interest by the residents of the subdivision or  
1673 short subdivision. A homeowners association shall be established for maintenance of the  
1674 open space tract.

1675 SECTION 130. Ordinance 10870, Section 378, as amended, and K.C.C.  
1676 21A.14.180 are each hereby amended to read as follows:

1677 **On-site recreation - space required.**

1678           A. Residential developments of more than four units in the UR and R-4 through  
1679 R-48 zones, stand-alone townhouse developments in the NB zone on property designated  
1680 commercial outside of center in the urban area of more than four units, and mixed-use  
1681 developments of more than four units, shall provide recreation space for leisure, play and  
1682 sport activities as follows:

1683           1. Residential subdivision, townhouses and apartments developed at a density of  
1684 eight units or less per acre ((-)); three hundred ninety square feet per unit;

1685           2. Mobile home park ((-)); two hundred sixty square feet per unit; and

1686           3. Apartment, townhouses developed at a density of greater than eight units per  
1687 acre, and mixed use:

1688           a. Studio and one bedroom ((-)); ninety square feet per unit;

1689           b. Two bedrooms - one hundred seventy square feet per unit; and

1690           c. Three or more bedrooms ((-)); one hundred seventy square feet per unit.

1691           B. Recreation space shall be placed in a designated recreation space tract if part  
1692 of a subdivision. The tract shall be dedicated to a homeowner's association or other  
1693 workable organization acceptable to the director, to provide continued maintenance of the  
1694 recreation space tract consistent with K.C.C. 21A.14.200.

1695           C. Any recreation space located outdoors that is not part of a storm water tract  
1696 developed in accordance with subsection F. of this section shall:

1697           1. Be of a grade and surface suitable for recreation improvements and have a  
1698 maximum grade of five percent;

1699           2. Be on the site of the proposed development;

1700           3. Be located in an area where the topography, soils, hydrology and other  
1701 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a  
1702 configuration which allows for passive and active recreation;

1703           4. Be centrally located with good visibility of the site from roads and sidewalks;

1704           5. Have no dimensions less than thirty feet, (())except trail segments();

1705           6. Be located in one designated area, unless the director determines that  
1706 residents of large subdivisions, townhouses and apartment developments would be better  
1707 served by multiple areas developed with recreation or play facilities;

1708           7. In single detached or townhouse subdivisions, if the required outdoor  
1709 recreation space exceeds five thousand square feet, have a street roadway or parking area  
1710 frontage along ten percent or more of the recreation space perimeter, except trail  
1711 segments, if the outdoor recreation space is located in a single detached or townhouse  
1712 subdivision;

1713           8. Be accessible and convenient to all residents within the development; and

1714           9. Be located adjacent to, and be accessible by, trail or walkway to any existing  
1715 or planned municipal, county or regional park, public open space or trail system, which  
1716 may be located on adjoining property.

1717           D. Indoor recreation areas may be credited towards the total recreation space  
1718 requirement, if the director determines that the areas are located, designed and improved  
1719 in a manner that provides recreational opportunities functionally equivalent to those  
1720 recreational opportunities available outdoors. For senior citizen assisted housing, indoor  
1721 recreation areas need not be functionally equivalent but may include social areas, game  
1722 and craft rooms, and other multi((-))purpose entertainment and education areas.

1723 E. Play equipment or age appropriate facilities shall be provided within dedicated  
1724 recreation space areas according to the following requirements:

1725 1. For developments of five dwelling units or more, a tot lot or children's play  
1726 area, which includes age appropriate play equipment and benches, shall be provided  
1727 consistent with K.C.C. 21A.14.190;

1728 2. For developments of five to twenty-five dwelling units, one of the following  
1729 recreation facilities shall be provided in addition to the tot lot or children's play area:

1730 a. playground equipment;

1731 b. sport court;

1732 c. sport field;

1733 d. tennis court; or

1734 e. any other recreation facility proposed by the applicant and approved by the  
1735 director((-));

1736 3. For developments of twenty-six to fifty dwelling units, at least two or more of  
1737 the recreation facilities listed in subsection E.2. of this section shall be provided in  
1738 addition to the tot lot or children's play area; and

1739 4. For developments of more than fifty dwelling units, one or more of the  
1740 recreation facilities listed in subsection E.2. of this section shall also be provided for  
1741 every twenty-five dwelling units in addition to the tot lot or children's play area. If  
1742 calculations result in a fraction, the fraction shall be rounded to the nearest whole number  
1743 as follows:

1744 a. Fractions of 0.50 or above shall be rounded up; and

1745 b. Fractions below 0.50 shall be rounded down.

1746 F. In subdivisions, recreation areas that are contained within the on-site  
1747 stormwater tracts, but are located outside of the one hundred year design water surface,  
1748 may be credited for up to fifty percent of the required square footage of the on-site  
1749 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1750 1. The stormwater tract and any on-site recreation tract shall be contiguously  
1751 located. At final plat recording, contiguous stormwater and recreation tracts shall be  
1752 recorded as one tract and dedicated to the homeowner's association or other organization  
1753 as approved by the director;

1754 2. The ~~((stormwater facilities))~~ drainage facility shall be constructed to meet the  
1755 following conditions:

1756 a. The side slope of the ~~((stormwater facilities))~~ drainage facility shall not  
1757 exceed thirty-three percent unless slopes are existing, natural and covered with  
1758 vegetation;

1759 b. A bypass system or an emergency overflow pathway shall be designed to  
1760 handle flow exceeding the facility design and located so that it does not pass through  
1761 active recreation areas or present a safety hazard;

1762 c. The ~~((stormwater facilities))~~ drainage facility shall be landscaped and  
1763 developed for passive recreation opportunities such as trails, picnic areas and aesthetic  
1764 viewing; and

1765 d. The ~~((stormwater facilities))~~ drainage facility shall be designed so they do  
1766 not require fencing ~~((pursuant to))~~ under the King County Surface Water Design Manual.

1767 G. ~~((For of joint use of))~~ When the tract is a joint use tract for ((stormwater  
1768 facilities)) a drainage facility and recreation space, King County is responsible for

1769 maintenance of the ((~~stormwater facilities~~)) drainage facility only and requires a drainage  
1770 easement for that purpose.

1771 H. A recreation space plan shall be submitted to the department and reviewed and  
1772 approved with engineering plans.

1773 1. The recreation space plans shall address all portions of the site that will be  
1774 used to meet recreation space requirements of this section, including ((~~stormwater~~  
1775 ~~facilities~~)) drainage facility. The plans shall show dimensions, finished grade,  
1776 equipment, landscaping and improvements, as required by the director, to demonstrate  
1777 that the requirements of the on-site recreation space in K.C.C. 21A.14.180 and play areas  
1778 in K.C.C. 21A.14.190 have been met.

1779 2. If engineering plans indicate that the on-site ((~~stormwater facilities~~)) drainage  
1780 facility or stormwater tract must be increased in size from that shown in preliminary  
1781 approvals, the recreation plans must show how the required minimum recreation space  
1782 under K.C.C. 21A.14.180<sub>2</sub>A will be met.

1783 SECTION 131. Ordinance 10870, Section 448, as amended, and K.C.C.  
1784 21A.24.010 are each hereby amended to read as follows:

1785 **Purpose.** The purpose of this chapter is to implement the goals and policies of  
1786 the Growth Management Act, chapter 36.70A RCW, Washington ((S))state  
1787 Environmental Policy Act, ((RCW)) chapter 43.21C RCW, and the King County  
1788 Comprehensive Plan, which call for protection of the natural environment and the public  
1789 health and safety by:

1790 A. Establishing development and alteration standards to protect ((~~defined~~  
1791 ~~sensitive~~)) functions and values of critical areas;

1792 B. Protecting members of the general public and public resources and facilities  
1793 from injury, loss of life, property damage or financial loss due to flooding, erosion,  
1794 avalanche, landslides, seismic and volcanic events, soil subsidence or steep slope failures;

1795 C. Protecting unique, fragile and valuable elements of the environment including,  
1796 but not limited to, fish and wildlife and ~~((its))~~ their habitats, and maintaining and promoting  
1797 countywide native biodiversity;

1798 D. Requiring mitigation of unavoidable impacts ~~((on environmentally sensitive~~  
1799 ~~areas))~~ to critical areas, by regulating alterations in or near ~~((sensitive))~~ critical areas;

1800 E. Preventing cumulative adverse environmental impacts on water availability,  
1801 water quality, ground water, wetlands and ~~((streams))~~ aquatic areas;

1802 F. Measuring the quantity and quality of wetland and ~~((stream))~~ aquatic area  
1803 resources and preventing overall net loss of wetland and ~~((stream))~~ aquatic area functions;

1804 G. Protecting the public trust as to navigable waters, ~~((and))~~ aquatic resources, and  
1805 fish and wildlife and their habitat;

1806 H. Meeting the requirements of the National Flood Insurance Program and  
1807 maintaining King County as an eligible community for federal flood insurance benefits;

1808 I. Alerting members of the public including, but not limited to, appraisers, owners,  
1809 potential buyers or lessees to the development limitations of ~~((sensitive))~~ critical areas; and

1810 J. Providing county officials with sufficient information to protect ~~((sensitive))~~  
1811 critical areas.

1812 SECTION 132. Ordinance 10870, Section 449, and K.C.C. 21A.24.020 are each  
1813 hereby amended to read as follows:

1814 **Applicability.**

1815 A. ~~((The provisions of t))~~This chapter ~~((shall apply))~~ applies to all land uses in  
1816 King County, and all persons within the county shall comply with ~~((the requirements of))~~  
1817 this chapter.

1818 B. King County shall not approve any permit or otherwise issue any authorization  
1819 to alter the condition of any land, water or vegetation or to construct or alter any structure  
1820 or improvement without first ~~((assuring))~~ ensuring compliance with ~~((the requirements of))~~  
1821 this chapter.

1822 C. Approval of a development proposal ~~((pursuant to the provisions of))~~ in  
1823 accordance with this chapter does not discharge the obligation of the applicant to comply  
1824 with ~~((the provisions of))~~ this chapter.

1825 D. When ~~((any provision of))~~ any other chapter of the King County Code conflicts  
1826 with this chapter or when the provisions of this chapter are in conflict, ~~((that))~~ the provision  
1827 ~~((which))~~ that provides more protection to environmentally ~~((sensitive))~~ critical areas  
1828 ~~((shall))~~ apply unless specifically provided otherwise in this chapter or unless ~~((such))~~ the  
1829 provision conflicts with federal or state laws or regulations.

1830 E. ~~((The provisions of t))~~This chapter ~~((shall apply))~~ applies to all forest practices  
1831 over which the county has jurisdiction ~~((pursuant to RCW))~~ under chapter 76.09 RCW and  
1832 ~~((WAC))~~ Title 222 WAC.

1833 SECTION 133. Ordinance 10870, Section 450, and K.C.C. 21A.24.030 are each  
1834 hereby amended to read as follows:

1835 **Appeals.** ~~((Any))~~ An applicant may appeal a decision to approve, condition or  
1836 deny a development proposal based on ~~((the requirements of))~~ K.C.C. chapter 21A.24

1837 ((may be appealed)) according to and as part of the appeal procedure for the permit or  
1838 approval involved as provided in K.C.C. 20.20.020.

1839 SECTION 134. Ordinance 10870, Section 451, and K.C.C. 21A.24.040 are each  
1840 hereby amended to read as follows:

1841 ((Sensitive)) **Critical areas rules**. Applicable departments within King County are  
1842 authorized to adopt, ((pursuant to)) in accordance with K.C.C. chapter 2.98, such  
1843 ((administrative)) public rules and regulations as are necessary and appropriate to  
1844 implement K.C.C. chapter 21A.24 and to prepare and require the use of such forms as are  
1845 necessary to its administration.

1846 SECTION 135. Ordinance 10870, Section 452, as amended, and K.C.C.  
1847 21A.24.050 are each hereby repealed.

1848 SECTION 136. Ordinance 10870, Section 453, and K.C.C. 21A.24.060 are each  
1849 hereby repealed:

1850 NEW SECTION. SECTION 137. There is hereby added to K.C.C. chapter  
1851 21A.24 a new section to read as follows:

1852 **Allowed alterations of critical areas.**

1853 A. Within the following seven critical areas and their buffers all alterations are  
1854 allowed if the alteration complies with the development standards, mitigation  
1855 requirements and other applicable requirements established in this chapter:

- 1856 1. Critical aquifer recharge area,
- 1857 2. Coal mine hazard area;
- 1858 3. Erosion hazard area;
- 1859 4. Flood hazard area except in the severe channel migration hazard area;

1860 5. Landslide hazard area under forty percent slope;

1861 6. Seismic hazard area; and

1862 7. Volcanic hazard areas.

1863 B. Within the following seven critical areas and their buffers, unless allowed as  
1864 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
1865 subsection C. of this section are allowed if the alteration complies with conditions in  
1866 subsection D. of this section and the development standards, mitigation requirements and  
1867 other applicable requirements established in this chapter:

1868 1. Severe channel migration hazard area;

1869 2. Landslide hazard area over forty percent slope;

1870 3. Steep slope hazard area;

1871 4. Wetland;

1872 5. Aquatic area;

1873 6. Wildlife habitat conservation area; and

1874 7. Wildlife habitat network.

1875 C. In the following table where an activity is included in more than one activity  
1876 category, the numbered conditions applicable to the most specific description of the  
1877 activity governs. Where more than one numbered condition appears for a listed activity,  
1878 each of the relevant conditions specified for that activity within the given critical area  
1879 applies. For alterations involving more than one critical area, compliance with the

1880 conditions applicable to each critical area is required.

<b>KEY</b>										
Letter "A" in a cell means alteration is allowed	L		S		W		A		W	
A number in a cell means the corresponding numbered condition in subsection D. applies	A	O	T	A	E	B	Q	B	C	I
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	N	V	E	N	T	U	U	U	H	L
	D	E	E	D	L	F	A	F	A	D
	S	R	P		A	F	T	F	N	L
	L			B	N	E	I	E	N	I
	I	40	S	U	D	R	C	R	E	F
		%								E
	D		L	F					L	E
	E	A	O	F	A		A	A		W
		N	P	E	N		R	N	M	A
	H	D	E	R	D		E	D	I	R
	A						A		G	E
	Z	B	H					S	R	A
	A	U	A				A	E	A	

	R D	F E R	Z A R D		N D	V E R E	T I O N	
<b>ACTIVITY</b>								
<b>Structures</b>								
Construction of new single detached dwelling unit				A 1	A 2			
Construction of nonresidential structure				A 3	A 3		A 3, 4	
Maintenance or repair of existing structure	A 5	A	A	A	A		A 4	
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 7, 8	A 6, 7, 8		A 4, 7	
Interior remodeling	A	A	A	A	A		A	
Construction of new dock or pier				A 9	A 9, 10, 11			
Maintenance, repair or replacement of dock or pier				A 12	A 10, 11		A 4	
<b>Grading</b>								
Grading			A 13		A 14		A 4, 14	
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 15		A 4, 15	
Maintenance of existing slope	A 16	A 13	A 17	A 17	A 16, 17		A 4	

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stabilization					
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety			A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	

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Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road or farm field access drive	A	A	A 17	A 17	A 17, 27
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A	A	A 31	A 31	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37

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Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 33	A 33	A 38	A 32, 39	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 39	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45

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Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation areas</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54

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facility					
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 58	A 58	A 53, 54, 58	53, 54, 58	A 4, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or gardening for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

1881 D. The following alteration conditions apply:

1882 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
 1883 limitations of subsection D.3. of this section.

- 1884                   2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
1885 created before the effective date of this section if:
- 1886                   a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
1887 seventy-five percent of the lake frontage, whichever constitutes the most developable  
1888 lake frontage, has existing density of four dwelling units per acre or more;
- 1889                   b. the development proposal, including mitigation required by this chapter, will  
1890 have the least adverse impact on the critical area;
- 1891                   c. existing native vegetation within the critical area buffer will remain  
1892 undisturbed except as necessary to accommodate the development proposal and required  
1893 building setbacks;
- 1894                   d. access is located to have the least adverse impact on the critical area and  
1895 critical area buffer;
- 1896                   e. the alteration is the minimum necessary to accommodate the development  
1897 proposal and in no case in excess of a development footprint of five thousand square feet;
- 1898                   f. the alteration does not exceed the residential development setbacks required  
1899 under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer  
1900 than:
- 1901                   (1) twenty-five feet of the ordinary high water mark of a lake shoreline  
1902 designated urban under K.C.C. chapter 25.16;
- 1903                   (2) fifty feet of the ordinary high water mark of a lake shoreline designated  
1904 rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or
- 1905                   (3) one hundred feet of the ordinary high water mark of a lake shoreline  
1906 designated natural under K.C.C. chapter 25.28; and

1907 g. to the maximum extent practical, alteration are mitigated on the  
1908 development proposal site by enhancing or restoring remaining critical area buffers.

1909 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
1910 buffers of wetlands or aquatic areas where:

1911 a. the site is predominantly used for the practice of agriculture;

1912 b. the structure is in compliance with an approved farm management plan in  
1913 accordance with section 138 of this ordinance;

1914 c. the structure is either:

1915 (1) on or adjacent to existing nonresidential impervious surface areas,  
1916 additional impervious surface area is not created waterward of any existing impervious  
1917 surface areas and the area was not used for crop production;

1918 (2) higher in elevation and no closer to the critical area than its existing  
1919 position; or

1920 (3) at a location away from existing impervious surface areas that is  
1921 determined to be the optimum site in the farm management plan;

1922 d. all best management practices associated with the structure specified in the  
1923 farm management plan are installed and maintained;

1924 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
1925 require the development of a farm management plan if required best management  
1926 practices are followed and the installation does not require clearing of critical areas or  
1927 their buffers; and

1928 f. in a severe channel migration hazard area portion of an aquatic buffer only  
1929 if:

- 1930 (1) there is no feasible alternative location on-site;
- 1931 (2) the structure is located where it is least subject to risk from channel
- 1932 migration;
- 1933 (3) the structure is not used to house animals or store hazardous substances;
- 1934 and
- 1935 (4) the total footprint of all accessory structures within the severe channel
- 1936 migration hazard area will not exceed the greater of one thousand square feet or two
- 1937 percent of the severe channel migration hazard area on the site.
- 1938 4. Allowed if no clearing, external construction or other disturbance in a wildlife
- 1939 habitat conservation area occurs during breeding seasons established under section 198 of
- 1940 this ordinance.
- 1941 5. Allowed for structures when:
- 1942 a. the landslide hazard poses little or no risk of injury;
- 1943 b. the risk of landsliding is low; and
- 1944 c. there is not an expansion of the structure.
- 1945 6. Within a severe channel migration hazard area allowed for:
- 1946 a. existing primary structures if:
- 1947 (1) there is not an increase of the footprint of any existing structure; and
- 1948 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 1949 and
- 1950 b. existing accessory structures if:
- 1951 (1) additions to the footprint will not make the total footprint of all existing
- 1952 structures more than one-thousand square feet; and

1953                   (2) there is not an expansion of the footprint towards any source of channel  
1954 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
1955 and has less impact on the critical area.

1956                   7. Allowed only in grazed wet meadows or the buffer or building setback  
1957 outside a severe channel migration hazard area if:

1958                   a. the expansion or replacement does not increase the footprint of a  
1959 nonresidential structure;

1960                   b.(1) for a dwelling unit, the expansion or replacement, including any  
1961 expansion of an accessory structure allowed under this subsection B.7.b., does not  
1962 increase the footprint of the dwelling unit and all other structures by more than one  
1963 thousand square feet;

1964                   (2) for a structure accessory to a dwelling unit, the expansion or replacement  
1965 is located on or adjacent to existing impervious surface areas and does not increase the  
1966 footprint of the accessory structure and the dwelling unit by more than one thousand  
1967 square feet; and

1968                   (3) the location of the expansion has the least adverse impact on the critical  
1969 area;

1970                   c. the structure was not established as the result of a variance, buffer averaging  
1971 or reasonable use exception; and

1972                   d. to the maximum extent practical, the expansion or replacement is not  
1973 located closer to the critical area or within the relic of a channel that can be connected to  
1974 an aquatic area.

- 1975                    8. Allowed upon another portion of an existing impervious surface outside a  
1976 severe channel migration hazard area if:
- 1977                    a. the structure is not located closer to the critical area; and  
1978                    b. the existing impervious surface within the critical area or buffer is not  
1979 expanded.
- 1980                    9. Limited to seasonal floating docks or piers in a category II, III or IV wetland or  
1981 its buffer or along a lake shoreline or its buffer where:
- 1982                    a. the existing and zoned density of all properties abutting the entire lake  
1983 shoreline averages three dwelling units per acre or more;
- 1984                    b. at least seventy-five percent of the lots abutting the shoreline or seventy-five  
1985 percent of the lake frontage, whichever constitutes the most lake frontage, has been  
1986 developed with dwelling units;
- 1987                    c. there is not any significant vegetation where the alteration is proposed and the  
1988 loss of vegetation was not the result of any violation of law;
- 1989                    d. the wetland or lake shoreline is not a salmonid spawning area; and  
1990                    e. hazardous substances or toxic materials are not used.
- 1991                    10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
1992 materials are not used.
- 1993                    11. Allowed on type S or F aquatic areas outside of the severe channel  
1994 migration hazard area if in compliance with K.C.C. Title 25.
- 1995                    12. When located on a lake, must be in compliance with K.C.C. Title 25.
- 1996                    13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
1997 grading activity.

1998                    14. The following are allowed in the severe channel migration hazard area if  
1999 conducted more than one-hundred and sixty-five feet from the ordinary high water mark  
2000 in the rural area and one-hundred and fifteen feet from the ordinary high water mark in  
2001 the urban area:

- 2002                    a. grading of up to fifty cubic yards on lot less than five acres; and
- 2003                    b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
2004 percent of the severe channel migration hazard area.

2005                    15. Only where erosion or landsliding threatens a structure, utility facility,  
2006 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
2007 practical, stabilization work does not disturb the slope and its vegetative cover and any  
2008 associated critical areas.

2009                    16. Allowed when performed by, at the direction of or authorized by a  
2010 government agency in accordance with regional road maintenance guidelines.

2011                    17. Allowed when not performed under the direction of a government agency  
2012 only if:

- 2013                    a. the maintenance does not involve the use of herbicides, hazardous  
2014 substances, sealants or other liquid oily substances in aquatic areas, wetlands or their  
2015 buffers; and

- 2016                    b. when maintenance or replacement of bridges or culverts involves water used  
2017 by salmonids:

- 2018                    (1) the work is in compliance with ditch standards in public rule; and

- 2019                    (2) the maintenance of culverts is limited to removal of sediment and debris  
2020 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or

2021 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
2022 excavation of a new sediment trap adjacent to the inlet.

2023 18. Allowed for the removal of hazard trees and vegetation as necessary for  
2024 surveying or testing purposes.

2025 19. The limited trimming and pruning of vegetation for the making and  
2026 maintenance of views if the soils are not disturbed and the activity will not adversely  
2027 affect the long term stability of the slope, erosion or water quality.

2028 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
2029 fruits, for restoration and enhancement projects is allowed.

2030 21. Cutting of firewood is subject to the following:

2031 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2032 b. within a wildlife network, cutting shall be in accordance with a management  
2033 plan approved under K.C.C. 21A.14.270, as recodified by this ordinance; and

2034 c. within a critical area buffer, cutting shall be for personal use and in  
2035 accordance with an approved forest management plan or rural stewardship plan.

2036 22. Allowed only in buffers if in accordance with best management practices  
2037 approved by the King County fire marshal.

2038 23. Allowed as follows:

2039 a. if conducted in accordance with an approved forest management plan, farm  
2040 management plan, or rural stewardship plan; or

2041 . b. without an approved forest management plan, farm management plan or  
2042 rural stewardship plan, only if:

2043 (1) removal is undertaken with hand labor, including hand-held mechanical  
2044 tools, unless the King County noxious weed control board otherwise prescribes the use of  
2045 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
2046 methods;

2047 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2048 (3) the cleared area is revegetated with native or noninvasive vegetation and  
2049 stabilized against erosion; and

2050 (4) herbicide use is in accordance with federal and state law;

2051 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2052 a. a forest management plan is approved for the site by the King County  
2053 department of natural resources and parks; and

2054 b. the property owner provides a notice of intent in accordance with RCW  
2055 76.09.060 that the site will not be converted to nonforestry uses within six years.

2056 25. Only if in compliance with published Washington state Department of Fish  
2057 and Wildlife and Washington state Department of Natural Resources Management  
2058 standards for the species. If there are no published Washington state standards, only if in  
2059 compliance with management standards determined by the county to be consistent with  
2060 best available science.

2061 26. Allowed only if:

2062 a. there is not another feasible location with less adverse impact on the critical  
2063 area and its buffer;

2064                    b. the corridor is not located over habitat used for salmonid rearing or  
2065 spawning or by a species listed as endangered or threatened by the state or federal  
2066 government unless the department determines that there is no other feasible crossing site.

2067                    c. the corridor width is minimized to the maximum extent practical;

2068                    d. the construction occurs during approved periods for instream work; and

2069                    e. the corridor will not change or diminish the overall aquatic area flow peaks,  
2070 duration or volume or the flood storage capacity.

2071                    27. To the maximum extent practical, during breeding season established under  
2072 section 198 of this ordinance, land clearing machinery such as bulldozers, graders or  
2073 other heavy equipment are not operated within a wildlife habitat conservation area.

2074                    28. Allowed only if:

2075                    a. an alternative access is not available;

2076                    b. impact to the critical area is minimized to the maximum extent practical  
2077 including the use of walls to limit the amount of cut and fill necessary;

2078                    c. the risk associated with landslide and erosion is minimized;

2079                    d. access is located where it is least subject to risk from channel migration; and

2080                    e. construction occurs during approved periods for instream work.

2081                    29. Only if in compliance with a farm management plan in accordance with  
2082 section 138 of this ordinance.

2083                    30. Allowed only if:

2084                    a. the replacement is made fish passable in accordance with the most recent  
2085 Washington state Department of Fish and Wildlife manuals or with the National Marine  
2086 and Fisheries Services guidelines for federally listed salmonid species; and

- 2087                    b. the site is restored with appropriate native vegetation.
- 2088                    31. Allowed if necessary to bring the bridge or culvert up to current standards
- 2089 and if:
- 2090                    a. there is not another feasible alternative available with less impact on the
- 2091 aquatic area and its buffer; and
- 2092                    b. to the maximum extent practical, the bridge or culvert is located to minimize
- 2093 impacts to the aquatic area and its buffer's.
- 2094                    32. Allowed in an existing roadway if conducted consistent with the regional
- 2095 road maintenance guidelines.
- 2096                    33. Allowed outside the roadway if:
- 2097                    a. the alterations will not subject the critical area to an increased risk of landslide
- 2098 or erosion;
- 2099                    b. vegetation removal is the minimum necessary to locate the utility or construct
- 2100 the corridor; and
- 2101                    c. significant risk of personal injury is eliminated or minimized in the landslide
- 2102 hazard area.
- 2103                    34. Limited to the pipelines, cables, wires and support structures of utility
- 2104 facilities within utility corridors if:
- 2105                    a. there is no alternative location with less adverse impact on the critical area and
- 2106 critical area buffer;
- 2107                    b. new utility corridors meet the all of the following to the maximum extent
- 2108 practical:

2109 (1) are not located over habitat used for salmonid rearing or spawning or by a  
2110 species listed as endangered or threatened by the state or federal government unless the  
2111 department determines that there is no other feasible crossing site;

2112 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2113 (3) paralleling the channel or following a down-valley route near the channel  
2114 is avoided;

2115 c. to the maximum extent practical utility corridors are located so that:

2116 (1) the width is the minimized;

2117 (2) the removal of trees greater than twelve inches diameter at breast height is  
2118 minimized;

2119 (3) an additional, contiguous and undisturbed critical area buffer, equal in area  
2120 to the disturbed critical area buffer area including any allowed maintenance roads, is  
2121 provided to protect the critical area;

2122 d. to the maximum extent practical, access for maintenance is at limited access  
2123 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
2124 maintenance road is necessary the following standards are met:

2125 (1) to the maximum extent practical the width of the maintenance road is  
2126 minimized and in no event greater than fifteen feet; and

2127 (2) the location of the maintenance road is contiguous to the utility corridor  
2128 on the side of the utility corridor farthest from the critical area;

2129 e. the utility corridor or facility will not adversely impact the overall critical area  
2130 hydrology or diminish flood storage capacity;

2131 f. the construction occurs during approved periods for instream work;

2132 g. the utility corridor serves multiple purposes and properties to the maximum  
2133 extent practical;

2134 h. bridges or other construction techniques that do not disturb the critical areas  
2135 are used to the maximum extent practical;

2136 i. bored, drilled or other trenchless crossing is laterally constructed at least four  
2137 feet below the maximum depth of scour for the base flood;

2138 j. bridge piers or abutments for bridge crossing are not placed within the  
2139 FEMA floodway or the ordinary high water mark;

2140 k. open trenching is only used during low flow periods or only within aquatic  
2141 areas when they are dry. The department may approve open trenching of type S or F  
2142 aquatic areas only if there is not a feasible alternative and equivalent or greater  
2143 environmental protection can be achieved; and

2144 l. minor communication facilities may collocate on existing utility facilities if:

2145 (1) no new transmission support structure is required; and

2146 (2) equipment cabinets are located on the transmission support structure.

2147 35. Allowed only for new utility facilities in existing utility corridors.

2148 36. Allowed for private individual utility service connections on site or to public  
2149 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or  
2150 fertilizers are applied.

2151 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
2152 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
2153 applied.

2154           38. Allowed if conveying the surface water into the wetland buffer and  
2155           discharging into the wetland buffer or at the wetland edge has less adverse impact upon  
2156           the wetland or wetland buffer than if the surface water were discharged at the buffer's  
2157           edge and allowed to naturally drain through the buffer.

2158           39. Allowed if constructed only with vegetation.

2159           40. Allowed for an open, vegetated stormwater management conveyance system  
2160           and outfall structure that simulates natural conditions if:

2161           a. fish habitat features necessary for feeding, cover and reproduction are  
2162           included when appropriate;

2163           b. vegetation is maintained and added adjacent to all open channels and ponds,  
2164           if necessary to prevent erosion, filter out sediments or shade the water; and

2165           c. bioengineering techniques are used to the maximum extent practical.

2166           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2167           a. necessary to avoid erosion of slopes; and

2168           b. bioengineering techniques are used to the maximum extent practical.

2169           42. Allowed in a severe channel migration hazard area portion of an aquatic  
2170           area buffer to prevent bank erosion only:

2171           a. if consistent with Washington state Integrated Stream Protection Guidelines  
2172           and if bioengineering techniques are used to the maximum extent practical, unless the  
2173           applicant demonstrates that other methods provide equivalent structural stabilization and  
2174           environmental function; and

2175           b. to prevent bank erosion for the protection of:

2176           (1) public roadways;

2177 (2) sole access routes in existence before February 16, 1995; or  
2178 (3) new primary dwelling units, accessory dwelling units or accessory living  
2179 quarters and residential accessory structures located outside the severe channel migration  
2180 hazard area if:

2181 (a) the site is adjacent to or abutted by properties on both sides containing  
2182 buildings or sole access routes protected by legal bank stabilization in existence before  
2183 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
2184 located no more than six hundred feet apart as measured parallel to the migrating  
2185 channel; and

2186 (b) the new primary dwelling units, accessory dwelling units, accessory  
2187 living quarters or residential accessory structures are located no closer to the aquatic area  
2188 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
2189 or residential accessory structures on abutting or adjacent properties.

2190 43. Applies to lawfully established existing structures if:

- 2191 a. maintained by a public agency;
- 2192 b. the height of the facility is not increased;
- 2193 c. the linear length of the affected edge of the facility is not increased;
- 2194 d. the footprint of the facility is not expanded waterward;
- 2195 e. consistent with King County's Guidelines for Bank Stabilization Projects  
2196 (King County Surface Water Management 1993) and bioengineering techniques are used  
2197 to the maximum extent practical; and

2198 f. the site is restored with appropriate native vegetation.

2199           44. Allowed in type N and O aquatic areas if done in least impacting way at  
2200 least impacting time of year, in conformance with applicable best management practices,  
2201 and all affected instream and buffer features are restored.

2202           45. Allowed in a type S or F water when such work is:  
2203           a. included as part of a project to evaluate, restore or improve habitat, and  
2204           b. sponsored or cosponsored by a public agency that has natural resource  
2205 management as a function or by a federally recognized tribe.

2206           46. Allowed as long as the trail is not constructed of impervious surfaces that will  
2207 contribute to surface water run-off, unless the construction is necessary for soil stabilization  
2208 or soil erosion prevention or unless the trail system is specifically designed and intended to  
2209 be accessible to handicapped persons.

2210           47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed as  
2211 far landward as feasible in the buffer if

2212           a. the trail surface is not made of impervious materials, except that public  
2213 multipurpose trails may be made of impervious materials if they meet all the requirements  
2214 in K.C.C. chapter 9.12; and

2215           b. to the maximum extent practical, buffers are expanded equal to the width of  
2216 the trail corridor including disturbed areas.

2217           48. Only if the maintenance:

2218           a. does not involve the use of herbicides or other hazardous substances except  
2219 for the removal of noxious weeds or invasive vegetation;

2220           b. when salmonids are present, the maintenance is in compliance with ditch  
2221 standards in public rule; and

2222 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
2223 culvert, engineered slope or other improved area being maintained.

2224 49. Limited to:

2225 a. projects sponsored or cosponsored by a public agency that has natural  
2226 resource management as a primary function or by a federally recognized tribe;

2227 b. restoration and enhancement plans prepared by a qualified biologist; or

2228 c. conducted in accordance with an approved forest management plan, farm  
2229 management plan or rural stewardship plan.

2230 50. Allowed in accordance with a scientific sampling permit issued by  
2231 Washington state Department of Fish and Wildlife or an incidental take permit issued  
2232 under Section 10 of the Endangered Species Act.

2233 51. Allowed for the limited clearing and grading needed to prepare critical area  
2234 reports.

2235 52. The following are allowed if associated spoils are contained:

2236 a. data collection and research if carried out to the maximum extent practical  
2237 by nonmechanical or hand-held equipment;

2238 b. survey monument placement;

2239 c. site exploration and gage installation if performed in accordance with state-  
2240 approved sampling protocols and accomplished to the maximum extent practical by  
2241 hand-held equipment and; or similar work associated with an incidental take permit  
2242 issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

2243 53. Limited to activities in continuous existence since the effective date of this  
2244 section with no expansion within the critical area or critical area buffer. "Continuous

2245 existence" includes cyclical operations and managed periods of soil restoration,  
2246 enhancement or other fallow states associated with these horticultural and agricultural  
2247 activities.

2248 54. Allowed for expansion of existing or new agricultural activities where:

2249 a. the site is predominantly involved in the practice of agriculture;

2250 b. there is no expansion into an area that:

2251 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
2252 practice permit; or

2253 (2) is more than ten thousand square feet with tree cover at a uniform density  
2254 more than ninety trees per acre and with the predominant mainstream diameter of the  
2255 trees at least four inches diameter at breast height, not including areas that are actively  
2256 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
2257 stock;

2258 c. the activities are in compliance with an approved farm management plan in  
2259 accordance with section 138 of this ordinance; and

2260 d. all best management practices associated with the activities specified in the  
2261 farm management plan are installed and maintained.

2262 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2263 a. the facilities are designed to the standards of an approved farm management  
2264 plan in accordance with section 138 of this ordinance or an approved livestock  
2265 management plan in accordance with K.C.C. chapter 21A.30;

2266 b. there is not a feasible alternative location available on the site; and

2267 c. the facilities are located close to the outside edge of the buffer to the  
2268 maximum extent practical.

2269 56. Allowed in a severe channel migration hazard area portion of an aquatic  
2270 area buffer if:

2271 a. the facilities are designed to the standards in an approved farm management  
2272 plan in accordance with section 138 of this ordinance;

2273 b. there is not a feasible alternative location available on the site; and

2274 c. the structure is located where it is least subject to risk from channel  
2275 migration.

2276 57. Allowed for new agricultural drainage in compliance with an approved farm  
2277 management plan in accordance with section 138 of this ordinance and all best  
2278 management practices associated with the activities specified in the farm management  
2279 plan are installed and maintained.

2280 58. If the agricultural drainage is used by salmonids, maintenance shall be in  
2281 compliance with an approved farm management plan in accordance with section 138 of  
2282 this ordinance.

2283 59. Allowed within existing landscaped areas or other previously disturbed  
2284 areas.

2285 NEW SECTION. SECTION 138. There is hereby added to K.C.C. chapter  
2286 21A.24 a new section to read as follows:

2287 **Agricultural activities development standards.**

2288 A. The alterations identified in section 137 of this ordinance for agricultural  
2289 activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife

2290 habitat conservation areas, when an agricultural activity is currently occurring on the site  
2291 and the alteration is in compliance with an approved farm management plan in accordance  
2292 with this section or, for livestock activities, a farm management plan in accordance with  
2293 K.C.C. chapter 21A.30.

2294 B. This section does not modify any requirement that the property owner obtain  
2295 permits for activities covered by the farm management plan.

2296 C. The department of natural resources and parks or its designee shall serve as the  
2297 single point of contact for King County in providing information on farm management  
2298 plans for purposes of this title. The department of natural resources and parks shall adopt a  
2299 public rule governing the development of farm management plans. The rule may provide  
2300 for different types of farms management plans related to different kinds of agricultural  
2301 activities, including, but not limited to the best management practices for dairy nutrient  
2302 management, livestock management, horticulture management, site development and  
2303 agricultural drainage.

2304 D. A property owner or applicant seeking to use the process to allow alterations  
2305 in critical area buffers shall develop a farm management plan based on the following  
2306 goals, which are listed in order of priority:

2307 1. To maintain the productive agricultural land base and economic viability of  
2308 agriculture on the site;

2309 2. To maintain, restore or enhance critical areas to the maximum extent practical  
2310 in accordance with the site specific goals of the landowner;

2311 3. To the maximum extent practical in accordance with the site specific goals of  
2312 the landowner, maintain and enhance natural hydrologic systems on the site;

2313           4. To use federal, state and local best management practices and best available  
2314 science for farm management to achieve the goals of the farm management plan; and

2315           5. To monitor the effectiveness of best management practices and implement  
2316 additional practices through adaptive management to achieve the goals of the farm  
2317 management plan.

2318           E. The property owner or applicant may develop the farm management plan as  
2319 part of a program offered or approved by King County. The plan shall include, but is not  
2320 limited to, the following elements:

2321           1. A site inventory identifying critical areas, structures, cleared and forested  
2322 areas, and other significant features on the site;

2323           2. Site-specific performance standards and best management practices to  
2324 maintain, restore or enhance critical areas and their buffers and maintain and enhance  
2325 native vegetation on the site including the best management practices for the installation  
2326 and maintenance of farm field access drives and agricultural drainages;

2327           3. A plan for future changes to any existing structures or for any changes to the  
2328 landscape that involve clearing or grading;

2329           4. A plan for implementation of performance standards and best management  
2330 practices;

2331           5. A plan for monitoring the effectiveness of measures taken to protect critical  
2332 areas and their buffers and to modify the farm management plan if adverse impacts occur;  
2333 and

2334           6. Documentation of compliance with flood compensatory storage and flood  
2335 conveyance in accordance with K.C.C. 21A.24.240.

2336 F. A farm management plan is not effective until approved by the county. Before  
2337 approval, the county may conduct a site inspection, which may be through a program  
2338 offered or approved by King County, to verify that the plan is reasonably likely to  
2339 accomplish the goals in subsection D. of this section.

2340 G. Once approved, activities carried out in compliance with the approved farm  
2341 management plan shall be deemed in compliance with this chapter. In the event of a  
2342 potential code enforcement action, the department of development and environmental  
2343 services shall first inform the department of natural resources and parks of the activity.  
2344 Prior to taking code enforcement action, the department of development and  
2345 environmental services shall consult with the department of natural resources and parks  
2346 and the King Conservation District to determine whether the activity is consistent with  
2347 the farm management plan.

2348 NEW SECTION. SECTION 139. There is hereby added to K.C.C. chapter  
2349 21A.24 a new section to read as follows:

2350 **Rural stewardship plans.**

2351 A. On a site zoned RA, the department may approve a modification of the  
2352 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation  
2353 areas and maximum clearing restrictions through a rural stewardship plan in accordance  
2354 with this section.

2355 B. The property owner or applicant shall develop the rural stewardship plan as  
2356 part of a rural stewardship program offered or approved by King County and has the  
2357 option of incorporating a county-approved farm management or a county-approved forest  
2358 stewardship plan.

2359 C. In its evaluation of any proposed modification, the department shall consider  
2360 the following factors:

2361 1. The existing condition of the drainage basin or marine shoreline as designated  
2362 on the Basin and Shoreline Conditions Map;

2363 2. The existing condition of wetland and aquatic area buffers;

2364 3. The existing condition of wetland functions based on the adopted Washington  
2365 State Wetland Rating System for Western Washington, Washington state department of  
2366 ecology publication number 04-06-025, published August 2004;

2367 4. The location of the site in the drainage basin; and

2368 5. The percentage of impervious surfaces and clearing on the site.

2369 D. A rural stewardship plan does not modify the requirement for permits for  
2370 activities covered by the rural stewardship plan.

2371 E. Modifications of critical area buffers shall be based on the following  
2372 prioritized goals:

2373 1. To avoid impacts to critical areas to the maximum extent practical;

2374 2. To avoid impacts to the higher quality wetland or aquatic area or the more  
2375 protected fish or wildlife species, if there is a potential to affect more than one category  
2376 of wetland or aquatic area or more than one species of native fish or wildlife;

2377 3. To maintain or enhance the natural hydrologic systems on the site to the  
2378 maximum extent practical;

2379 4. To maintain, restore or enhance native vegetation;

2380 5. To maintain, restore or enhance the function and value of critical areas or  
2381 critical area buffers located on the site;

2382           6. To minimize habitat fragmentation and enhance corridors between wetlands,  
2383 riparian corridors, wildlife habitat conservation areas and other priority habitats;

2384           7. To minimize the impacts of development over time by implementing best  
2385 management practices and meeting performance standards during the life of the  
2386 development; and

2387           8. To monitor the effectiveness of the stewardship practices and implement  
2388 additional practices through adaptive management to maintain, restore or enhance critical  
2389 area functions when necessary.

2390           F. A rural stewardship plan may include, but is not limited to, the following  
2391 elements:

2392           1. Critical areas designation under K.C.C. 21A.24.500;

2393           2. Identification of structures, cleared and forested areas and other significant  
2394 features on the site;

2395           3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

2396           4. Site-specific best management practices;

2397           5. Planned changes to any existing structures or for other changes to the site that  
2398 involve clearing or grading;

2399           6. A schedule for implementation of the elements of the rural stewardship plan;  
2400 and

2401           7. A plan for monitoring the effectiveness of measures approved under the rural  
2402 stewardship plan and to modify if adverse impacts occur.

2403           G. A rural stewardship plan may be developed as part of a program offered or  
2404 approved by King County and shall include a site inspection by the county to verify that

2405 the plan is reasonably likely to accomplish the goals in subsection E. of this section to  
2406 protect water quality, reduce flooding and erosion, maintain, restore or enhance the  
2407 function and value of critical areas and their buffers and maintain or enhance native  
2408 vegetation on the site of this section.

2409 H. A property owner who completes a rural stewardship plan that is approved by  
2410 the county may be eligible for tax benefits under the public benefit rating system in  
2411 accordance with K.C.C. 20.36.100.

2412 I. If a property owner withdraws from the rural stewardship plan, in addition to  
2413 any applicable penalties under the public benefit rating system, the following apply:

2414 1. Mitigation is required for any structures constructed in critical area buffers  
2415 under the rural stewardship plan; and

2416 2. The property owner shall apply for buffer averaging or an alteration  
2417 exception, as appropriate, to permit any structure or use that has been established under  
2418 the rural stewardship plan and that would not otherwise be permitted under this chapter.

2419 J. A rural stewardship plan is not effective until approved by the county. Before  
2420 approval, the county may conduct a site inspection, which may be through a program  
2421 offered or approved by King County, to verify that the plan is reasonably likely to  
2422 accomplish the goals in subsection E. of this section.

2423 K. Once approved, activities carried out in compliance with the approved rural  
2424 stewardship plan shall be deemed in compliance with this chapter. In the event of a  
2425 potential code enforcement action, the department of development and environmental  
2426 services shall first inform the department of natural resources and parks of the activity.  
2427 Prior to taking code enforcement action, the department of development and

2428 environmental services shall consult with the department of natural resources and parks  
2429 to determine whether the activity is consistent with the rural stewardship plan.

2430 NEW SECTION. SECTION 140. There is hereby added to K.C.C. chapter  
2431 21A.24 a new section to read as follows:

2432 **Public rules for rural stewardship and farm management plans.**

2433 A. The King County Council recognizes that rural stewardship plans and farm  
2434 management plans are key elements of this chapter that provide flexibility to rural area  
2435 residents to establish and maintain a rural lifestyle that includes activities such as  
2436 farming and forestry while maintaining and enhancing rural character and environmental  
2437 quality.

2438 B. The department of natural resources and parks and department of development  
2439 and environmental services shall adopt public rules to implement sections 138 and 139 of  
2440 this ordinance relating to rural stewardship plans and farm management plans, consistent  
2441 with the provisions of this section. The rules shall not compromise the King  
2442 Conservation District’s mandate or standards for farm management planning.

2443 C. County departments or approved agencies shall provide technical assistance and  
2444 resources to landowners to assist them in preparing the plans. The technical assistance  
2445 shall include, but is not limited to, web-based information, instructional manuals and  
2446 classroom workshops. When possible, the assistance shall be provided at little or no cost to  
2447 landowners. In addition, the department of natural resources and parks shall develop, in  
2448 consultation as necessary with the department of development and environmental  
2449 services and the King Conservation District, and make available to the public, model  
2450 farm management, forest management and rural stewardship plans illustrating examples

2451 of plan application content, drawings and site plans, to assist landowners in their  
2452 development of site-specific plans for their property.

2453 D. The department of natural resources and parks is the primary county agency  
2454 responsible for rural stewardship plans and farm management plans that are filed with the  
2455 county under this chapter. The department of natural resources and parks shall consult with  
2456 the department of development and environmental services in carrying out its  
2457 responsibilities under this chapter relating to rural stewardship plans and farm management  
2458 plans. The department of natural resources and parks, department of development and  
2459 environmental services and the King Conservation District may enter into agreements to  
2460 carry out the provisions of this chapter relating to rural stewardship plans and farm  
2461 management plans.

2462 E. Not later than March 1, 2005, the department of natural resources and parks  
2463 and department of development and environmental services shall prepare and submit to  
2464 the chair of the growth management and unincorporated areas committee, or its  
2465 successor, a report summarizing the public rules adopted to implement the provisions of  
2466 this chapter related to farm management plans and rural stewardship plans and how the  
2467 rules implement the requirements of this section.

2468 F. The department of natural resources and parks and department of development  
2469 and environmental services shall monitor and evaluate the effectiveness of rural  
2470 stewardship and farm management plans in meeting the goals and objectives of those  
2471 plans established in this chapter. Beginning March 31, 2006, the departments shall  
2472 present an annual report to the chair of the metropolitan King County council, providing

2473 an evaluation of the prior year's activity related to rural stewardship and farm  
2474 management plans.

2475 NEW SECTION. SECTION 141. There is hereby added to K.C.C. chapter 21A.24  
2476 a new section to read as follows:

2477 **Basin and Shoreline Conditions Map.**

2478 A. The Basin and Shoreline Conditions Map, included in Attachment A to this  
2479 ordinance, is the basis for determining standards or modifications of standards related to  
2480 aquatic areas, wetlands complexes and RA zone clearing limits.

2481 B. Basins and marine shorelines are rated as "high," "medium," or "low" using  
2482 the criteria listed in subsection C of this section and can be generally characterized as  
2483 follows:

2484 1. High condition ratings are generally reflective of areas with low development  
2485 intensity (e.g., substantial forest cover, relatively few roads crossing aquatic areas and  
2486 wetlands, low amounts of impervious surfaces, and low amounts armoring and structures  
2487 along shorelines) and a significant biological value (e.g., the presence or high use by  
2488 critical species or the presence of rare, endangered or highly sensitive habitats).

2489 2. Medium condition ratings are generally reflective of areas with either high or  
2490 moderate development intensity and moderate or low insignificant biological value.

2491 3. Low condition ratings are generally reflective of areas with high development  
2492 intensity (e.g., reduced forest cover, many roads crossing aquatic areas and wetlands,  
2493 significant amounts of impervious surfaces, and extensive amount of armoring and  
2494 structures along shorelines) and a low biological value (e.g., the little presence or low use  
2495 by critical species or little or no presence of rare, endangered or highly sensitive habitats).

- 2496 C. Ratings designated on the Basin and Shoreline Conditions Map shall be  
2497 determined in accordance with the following criteria:
- 2498 1. Basin conditions for riverine tributary systems are based on:
- 2499 a. presence and amount of use for spawning and rearing and habitat for  
2500 chinook salmon, bull trout, coho salmon, chum salmon and cutthroat trout;
- 2501 b. total impervious surface area;
- 2502 c. number of acres of mapped category I wetlands;
- 2503 d. number of road crossings of aquatic areas;
- 2504 e. surrounding land use intensity;
- 2505 f. amount of forest cover;
- 2506 g. presence of mapped wildlife habitat network; and
- 2507 h. presence of mapped priority species nests or breeding habitat.
- 2508 2. Conditions for marine shorelines are based on:
- 2509 a. presence and amount of forage fish, such as surf smelt and sand lance and the  
2510 extent of their spawning sites within the drift cell;
- 2511 b. length and percentage of cell without eelgrass, with patchy eelgrass and with  
2512 continuous eelgrass;
- 2513 c. the amount and type of forest cover;
- 2514 d. length and percentage of cell with low, moderate and high impervious  
2515 surface;
- 2516 e. presence and amount of large woody debris and drift logs;
- 2517 f. length and percentage of cell armored and unstable slope armored
- 2518 g. number of docks, piers, groins, jetties, breakwaters and boat ramps;

2519 h. number of marsh areas present and length and percentage of cell within  
2520 marsh habitat;

2521 i. length and percentage of cell within important bird area; and

2522 j. length and percentage of cell within marine reserve.

2523 SECTION 142. Ordinance 10870, Section 454, as amended, and K.C.C.

2524 21A.24.070 are each hereby amended to read as follows:

2525 **Alteration** ~~((E))~~**exception((s)).**

2526 A. ~~((If the application of this chapter would prohibit a development proposal by a~~  
2527 ~~public agency and utility, the agency or utility may apply for an exception pursuant to~~  
2528 ~~this subsection:~~

2529 1. ~~The public agency or utility shall apply to the department and shall make~~  
2530 ~~available to the department other related project documents such as permit applications to~~  
2531 ~~other agencies, special studies and SEPA documents.~~

2532 2. ~~The department shall review the application based on))~~ The director may  
2533 approve alterations to critical areas, critical area buffers and critical area setbacks not  
2534 otherwise allowed by this chapter as follows:

2535 1. For linear alterations, the director may approve alterations to critical areas,  
2536 critical area buffers and critical area setbacks only when all of the following criteria are  
2537 met:

2538 a. there is no ~~((other practical))~~ feasible alternative to the ~~((proposed))~~  
2539 development proposal with less adverse impact on the ~~((sensitive))~~ critical area; ~~((and))~~

2540 b. the proposal minimizes the adverse impact on ~~((sensitive))~~ critical areas((-

2541           3. ~~The department shall process exceptions, provide public notice, and provide~~  
2542 ~~opportunity for the public to request a public hearing, and provide an appeal process~~  
2543 ~~consistent with the provisions of K.C.C. 20.20.~~

2544           4. ~~This exception shall not allow the use of the following sensitive areas for~~  
2545 ~~regional stormwater management facilities except where there is a clear showing that the~~  
2546 ~~facility will protect public health and safety or repair damaged natural resources:~~

2547           a. ~~class 1 streams or buffers;~~

2548           b. ~~class 1 wetlands or buffers with plant associations of infrequent occurrence;~~

2549           or

2550           c. ~~class 1 or 2 wetlands or buffers which provide critical or outstanding habitat~~  
2551 ~~for herons, raptors or state or federal designated endangered or threatened species unless~~  
2552 ~~clearly demonstrated by the applicant that there will be no impact on such habitat)) to the~~  
2553 ~~maximum extent practical;~~

2554           c. the approval does not require the modification of a critical area development  
2555 standard established by this chapter;

2556           d. the development proposal does not pose an unreasonable threat to the public  
2557 health, safety or welfare on or aff the development proposal site and is consistent with the  
2558 general purposes of this chapter and the public interest;

2559           e. the linear alteration:

2560           (1) connects to or is an alteration to a public roadway, public trail, a utility  
2561 corridor or utility facility or other public infrastructure owned or operated by a public  
2562 utility; or

2563           (2) is required to overcome limitations due to gravity; and

2564           2. For nonlinear alterations the director may approve alterations to critical areas  
2565 except wetlands, unless otherwise allowed under subsection A.2.i. of this section, aquatic  
2566 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
2567 critical area setbacks, when all of the following criteria are met:

2568           a. there is no feasible alternative to the development proposal with less adverse  
2569 impact on the critical area;

2570           b. the alteration is the minimum necessary to accommodate the development  
2571 proposal;

2572           c. the approval does not require the modification of a critical area development  
2573 standard established by this chapter;

2574           d. the development proposal does not pose an unreasonable threat to the public  
2575 health, safety or welfare on or off the development proposal site and is consistent with the  
2576 general purposes of this chapter and the public interest;

2577           e. for dwelling units, no more than three thousand square feet or ten percent of  
2578 the site, whichever is greater, may be disturbed by structures or other land alteration  
2579 including grading, utility installations and landscaping but not including the area used for  
2580 an on-site sewage disposal system;

2581           f. to the maximum extent possible, access is located to have the least adverse  
2582 impact on the critical area and critical area buffer,

2583           g. the critical area is not used as a salmonid spawning area; and

2584           h. the director may approve an alteration in a category II, III and IV wetland  
2585 for development of a public school facility.

2586 B. ~~((H))~~ The director may approve alterations to critical areas, critical area  
2587 buffers and critical area setbacks if the application of this chapter would deny all  
2588 reasonable use of the property~~((;)).~~ ~~((t))~~ The applicant may apply for ~~((an))~~ a reasonable  
2589 use exception pursuant to this subsection~~((;~~  
2590 ~~1. The applicant may apply for a reasonable use exception))~~ without first having  
2591 applied for an ~~((variance))~~ alteration exception under this section if the requested  
2592 reasonable use exception includes relief from development standards for which an  
2593 ~~((variance))~~ alteration exception cannot be granted pursuant to the provisions of ~~((K.C.C.~~  
2594 ~~chapter 21A.44))~~ this section. ~~((The applicant shall apply to the department, and the~~  
2595 ~~department shall make a final decision based on))~~ The director shall determine that all of  
2596 the following criteria are met:  
2597 a. ~~((the application of this chapter would deny all reasonable use of the~~  
2598 ~~property;~~  
2599 ~~b.))~~ there is no other reasonable use with less adverse impact on the  
2600 ~~((sensitive))~~ critical area;  
2601 ~~((e.))~~ b. the ~~((proposed))~~ development proposal does not pose an unreasonable  
2602 threat to the public health, safety or welfare on or off the development proposal site and  
2603 is consistent with the general purposes of this chapter and the public interest; ~~((and))~~  
2604 ~~((f.))~~ c. any authorized alteration~~((s-permitted))~~ to the ~~((sensitive))~~ critical area  
2605 ~~((shall be))~~ or critical area buffer is the minimum necessary to allow for reasonable use of  
2606 the property~~((; and any authorized alteration of a sensitive area under this subsection shall~~  
2607 ~~be subject to conditions established by the department including, but not limited to,~~  
2608 ~~mitigation under an approved mitigation plan))~~ ; and

2609 d. for dwelling units, no more than three thousand square feet or ten percent of  
2610 the site, whichever is greater, may be disturbed by structures or other land alteration,  
2611 including grading, utility installations and landscaping but not including the area used for  
2612 an on-site sewage disposal system.

2613 C. For the purpose of this section, "linear" alteration means infrastructure that  
2614 supports development that is linear in nature and includes public and private roadways,  
2615 public trails, private driveways, railroads, utility corridors and utility facilities.

2616 D. Alteration exceptions approved under this section shall meet the mitigation  
2617 requirements of this chapter.

2618 E. An applicant for an alteration exception shall submit a critical area report, as  
2619 required by K.C.C. 21A.24.110.

2620 F. The hearing examiner shall provide to the clerk of the council a copy of the final  
2621 decision of an appeal of the department's decision under this section within thirty days after  
2622 the hearing examiner's decision. The clerk shall notify the council of the availability of the  
2623 decision.

2624 SECTION 143. Ordinance 11621, Section 70, as amended, and K.C.C.  
2625 21A.24.075 are each hereby repealed.

2626 SECTION 144. Ordinance 10870, Section 455, as amended, and K.C.C.  
2627 21A.24.080 are each hereby repealed.

2628 SECTION 145. Ordinance 10870, Section 456, and K.C.C. 21A.24.090 are each  
2629 hereby amended to read as follows:

2630 **Disclosure by applicant.**

2631 ~~((A. The applicant shall disclose to King County the presence of sensitive areas on~~  
2632 ~~the development proposal site and any mapped or identifiable sensitive areas within 100~~  
2633 ~~feet of the applicant's property.~~

2634 B.)) If ~~((the))~~ a development proposal site contains or is within a ~~((sensitive))~~  
2635 critical area, the applicant shall submit an affidavit that declares whether:

2636 A. ~~((t))~~The applicant has knowledge of any illegal alteration to any or all  
2637 ~~((sensitive))~~ critical areas on the development proposal site; and ~~((whether))~~

2638 B. ~~((t))~~The applicant previously has been found in violation of this chapter,  
2639 ~~((pursuant to))~~ in accordance with K.C.C. Title 23. If the applicant previously has been  
2640 found in violation, the applicant shall declare whether ~~((such))~~ the violation has been  
2641 corrected to the satisfaction of King County.

2642 SECTION 146. Ordinance 10870, Section 457, as amended, and K.C.C.  
2643 21A.24.100 are each hereby amended to read as follows:

2644 ~~((Sensitive))~~ **Critical area review.**

2645 A. ~~((Except as provided in subsection C of this section, King County))~~ Before  
2646 any clearing, grading or site preparation, the department shall perform a ~~((sensitive))~~  
2647 critical area review for any development proposal permit application or other request for  
2648 permission to ~~((proceed with an alteration on))~~ alter a site ~~((that includes a sensitive))~~ to  
2649 determine whether there is:

2650 1. A critical area ~~((or is within an identified sensitive area buffer or building~~  
2651 ~~setback area))~~ on the development proposal site;

2652 2. An active breeding site of a protected species on the development proposal site;  
2653 or

2654           3. A critical area or active breeding site of a protected species that has been  
2655 mapped, identified within three hundred feet of the applicant's property or that is visible  
2656 from the boundaries of the site.

2657           B. As part of the ~~((sensitive))~~ critical area review, ~~((King County))~~ the  
2658 department shall review the critical area reports and determine whether:

2659           1. ~~((Determine whether any sensitive area exists on the property and confirm its~~  
2660 ~~nature and type))~~ There has been an accurate identification of all critical areas;

2661           2. ~~((Determine whether a sensitive area special study is required))~~ An alteration  
2662 will occur to a critical area or a critical area buffer;

2663           3. ~~((Evaluate the sensitive area special study;~~

2664           4. ~~Determine whether t))~~The development proposal is consistent with this  
2665 chapter;

2666           ~~((5. Determine whether any proposed alteration to the sensitive area is~~  
2667 ~~necessary))~~ 4. The sequence in section 149 of this ordinance has been followed to avoid  
2668 impacts to critical areas and critical area buffers; and

2669           ~~((6. Determine if))~~ 5. Mitigation to compensate for adverse impacts to critical  
2670 areas is required and whether the mitigation and monitoring plans and bonding measures  
2671 proposed by the applicant are sufficient to protect the general public health, safety and  
2672 welfare, consistent with the goals, purposes, objectives and requirements of this chapter.

2673           C. If a development proposal does not involve any site disturbance, clearing, or  
2674 grading and only requires a permit or approval under K.C.C. chapter 16.04 or 17.04,  
2675 ~~((sensitive))~~ critical area review is not required, unless the development proposal is  
2676 located within a:

- 2677           1. Flood hazard area;
- 2678           2. Critical aquifer recharge area; or
- 2679           3. ~~((4))~~ Landslide hazard area, seismic hazard area, or coal mine hazard area and  
2680 the proposed development will cause additional loads on the foundation, such as by  
2681 expanding the habitable square footage of the structure or by adding or changing  
2682 structural features that change the load bearing characteristics of the structure.  
2683 ~~((Sensitive area review required under this subsection shall be limited to consideration of~~  
2684 ~~the development proposal and the hazard area in which it is located.))~~

2685           SECTION 147. Ordinance 10870, Section 458, and K.C.C. 21A.24.110 are each  
2686 hereby amended to read as follows:

2687           ~~((Sensitive))~~ **Critical area** ~~((special study))~~ **report requirement.**

2688           A. An applicant for a development proposal ~~((which includes a sensitive area or~~  
2689 ~~is within an identified sensitive area buffer))~~ that requires critical area review under  
2690 K.C.C. 21A.24.100 shall submit a ~~((sensitive))~~ critical area ~~((special study))~~ report at a  
2691 level determined by the department to adequately evaluate the proposal and all probable  
2692 impacts.

2693           B. ~~((King County may waive the requirement for a special study if the applicant~~  
2694 ~~shows, to King County's satisfaction, that:~~

- 2695           1. ~~There will be no alteration of the sensitive area or buffer;~~
- 2696           2. ~~The development proposal will not have an impact on the sensitive area in a~~  
2697 ~~manner contrary to the goals, purposes, objectives and requirements of this chapter; and~~
- 2698           3. ~~The minimum standards required by this chapter are met.~~

2699 ~~C. If necessary to insure compliance with this chapter, King County may require~~  
2700 ~~additional information from the applicant, separate from the special study.)~~ The  
2701 applicant may combine a critical area report with any studies required by other laws and  
2702 regulations.

2703 C. If the development proposal will affect only a part of the development  
2704 proposal site, the department may limit the scope of the required critical area report to  
2705 include only that part of the site that is affected by the development proposal.

2706 SECTION 148. Ordinance 10870, Section 459, and K.C.C. 21A.24.120 are each  
2707 hereby repealed.

2708 NEW SECTION. SECTION 149. There is hereby added to K.C.C. 21A.24 a new  
2709 section to read as follows:

2710 **Avoiding impacts to critical areas.**

2711 A. An applicant for a development proposal or alteration, shall apply the  
2712 following sequential measures, which appear in order of priority, to avoid impacts to  
2713 critical areas and critical area buffers:

- 2714 1. Avoiding the impact or hazard by not taking a certain action;
- 2715 2. Minimizing the impact or hazard by:
- 2716 a. limiting the degree or magnitude of the action with appropriate technology;
- 2717 or
- 2718 b. taking affirmative steps, such as project redesign, relocation or timing;
- 2719 3. Rectifying the impact to critical areas by repairing, rehabilitating or restoring
- 2720 the affected critical area or its buffer;

2721 4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard  
2722 area through engineered or other methods;

2723 5. Reducing or eliminating the impact or hazard over time by preservation or  
2724 maintenance operations during the life of the development proposal or alteration;

2725 6. Compensating for the adverse impact by enhancing critical areas and their  
2726 buffers or creating substitute critical areas and their buffers; and

2727 7. Monitoring the impact, hazard or success of required mitigation and taking  
2728 remedial action.

2729 B. The specific mitigation requirements of this chapter for each critical area or  
2730 requirements determined through the resource mitigation reserves program apply when  
2731 compensation for adverse impacts is required by the sequence in subsection A. of this  
2732 section.

2733 SECTION 150. Ordinance 10870, Section 460, and K.C.C. 21A.24.130 are each  
2734 hereby amended to read as follows:

2735 **Mitigation(~~(, maintenance,)~~ and monitoring (~~(and contingency)~~).**

2736 A. (~~(As determined by King County,)~~ If mitigation is required under this chapter  
2737 to compensate for adverse impacts, unless otherwise provided, an applicant shall:

2738 1. Mitigate adverse impacts to:

2739 a. critical areas and their buffers; and

2740 b. the development proposal as a result of the proposed alterations on or near  
2741 the critical areas; and

2742 2. Monitor the performance of any required mitigation.

2743 B. The department shall not approve a development proposal until mitigation  
2744 maintenance) and monitoring ((measures shall be)) plans are in place to ((protect  
2745 sensitive)) mitigate for alterations to critical areas and buffers ((from alterations occurring  
2746 on the development proposal site)).

2747 ((B. Where monitoring reveals a significant deviation from predicted impacts or a  
2748 failure of mitigation or maintenance measures, the applicant shall be responsible for  
2749 appropriate corrective action which, when approved, shall be subject to further  
2750 monitoring.))

2751 C. Whenever mitigation is required, an applicant shall submit a critical area  
2752 report that includes:

2753 1. An analysis of potential impacts;

2754 2. A mitigation plan that meets the specific mitigation requirements in this  
2755 chapter for each critical area impacted; and

2756 3. A monitoring plan that includes:

2757 a. a demonstration of compliance with this title;

2758 b. a contingency plan in the event of a failure of mitigation or of unforeseen  
2759 impacts if:

2760 (1) the department determines that failure of the mitigation would result in a  
2761 significant impact on the critical area or buffer; or

2762 (2) the mitigation involves the creation of a wetland; and

2763 c. a monitoring schedule that may extend throughout the impact of the activity  
2764 or, for hazard areas, for as long as the hazard exists.

2765 D. Mitigation shall not be implemented until after the department approves the  
2766 mitigation and monitoring plan. The applicant shall notify the department when  
2767 mitigation is installed and monitoring is commenced and shall provide King County with  
2768 reasonable access to the mitigation for the purpose of inspections during any monitoring  
2769 period.

2770 E. If monitoring reveals a significant deviation from predicted impact or a failure  
2771 of mitigation requirements, the applicant shall implement an approved contingency plan.  
2772 The contingency plan constitutes new mitigation and is subject to all mitigation including  
2773 a monitoring plan and financial guarantee requirements.

2774 NEW SECTION. SECTION 151. There is hereby added to K.C.C. chapter 21A.24  
2775 a new section to read as follows:

2776 **Off-site mitigation.**

2777 A. To the maximum extent practical, an applicant shall mitigate adverse impacts  
2778 to a wetland, aquatic area, wildlife habitat conservation area or wildlife habitat network  
2779 on or contiguous to the development site. The department may approve mitigation that is  
2780 off the development site if an applicant demonstrates that:

- 2781 1. It is not practical to mitigate on or contiguous to the development proposal site;  
2782 and
- 2783 2. The off-site mitigation will achieve equivalent or greater hydrological, water  
2784 quality and wetland or aquatic area habitat functions.

2785 B. When off-site mitigation is authorized, the department shall give priority to  
2786 locations within the same drainage subbasin as the development proposal site that meet the  
2787 following:

2788           1. Mitigation banking sites and resource mitigation reserves as authorized by this  
2789 chapter;

2790           2. Private mitigation sites that are established in compliance with the  
2791 requirements of this chapter and approved by the department; and

2792           3. Public mitigation sites that have been ranked in a process that has been  
2793 supported by ecological assessments, including wetland and aquatic areas established as  
2794 priorities for mitigation in King County basin plans or other watershed plans.

2795           C. The department may require documentation that the mitigation site has been  
2796 permanently preserved from future development or alteration that would be inconsistent  
2797 with the functions of the mitigation. The documentation may include, but is not limited to,  
2798 a conservation easement or other agreement between the applicant and owner of the  
2799 mitigation site. King County may enter into agreements or become a party to any easement  
2800 or other agreement necessary to ensure that the site continues to exist in its mitigated  
2801 condition.

2802           D. The department shall maintain a list of sites available for use for off-site  
2803 mitigation projects.

2804           E. The department may develop a program to allow the payment of a fee in lieu of  
2805 providing mitigation on a development site. The program should address:

2806           1. When the payment of a fee is allowed considering the availability of a site in  
2807 geographic proximity with comparable hydrologic and biological functions and potential  
2808 for future habitat fragmentation and degradation; and

2809           2. The use of the fees for mitigation on public or private sites that have been  
2810 ranked according to ecological criteria through one or more programs that have included a  
2811 public process.

2812           NEW SECTION. SECTION 152. There is hereby added to K.C.C. chapter 21A.24  
2813 a new section to read as follows:

2814           **Resource mitigation reserve.**

2815           The department may approve mitigation to compensate for the adverse impacts of  
2816 a development proposal to critical areas through the creation and approval of a resource  
2817 mitigation reserve. The use of a resource mitigation reserve to compensate for  
2818 unavoidable impacts to a critical area is not allowed in the agricultural production  
2819 districts if the purpose is to compensate for development outside of the agricultural  
2820 production districts.

2821           SECTION 153. Ordinance 10870, Section 462, and K.C.C. 21A.24.150 are each  
2822 hereby repealed.

2823           SECTION 154. Ordinance 10870, Section 463, and K.C.C. 21A.24.160 are each  
2824 hereby amended to read as follows:

2825           ~~((Sensitive))~~ **Critical area markers and signs.**

2826           A. Development proposals shall include ~~((P))~~ permanent survey stakes delineating  
2827 the boundary between adjoining property and ~~((sensitive))~~ critical area tracts ~~((shall be~~  
2828 ~~set))~~, using iron or concrete markers as established by current survey standards.

2829           B. The applicant shall identify the boundary between a ~~((sensitive))~~ critical area  
2830 tract and contiguous land ~~((shall be identified))~~ with permanent signs. The department may

2831 require signs and fences to delineate and protect critical areas and critical area buffers that  
2832 are not in critical area tracts.

2833 SECTION 155. Ordinance 10870, Section 464, as amended, and K.C.C.

2834 21A.24.170 are each hereby amended to read as follows:

2835 **Notice ~~((on title))~~ of critical areas.**

2836 A. Except as provided in subsection C<sub>2</sub> of this section, the owner of any property  
2837 containing ~~((sensitive))~~ critical areas or buffers on which a development proposal is  
2838 submitted or any property on which mitigation is established as a result of development  
2839 shall file a notice approved by King County with the records ~~((and))~~<sub>2</sub> elections and  
2840 licensing services division. ~~((The required contents and form of the notice shall be set forth~~  
2841 ~~in administrative rules.))~~ The notice shall inform the public of:

2842 1. ~~((€))~~The presence of ~~((sensitive))~~ critical areas or buffers or mitigation sites on  
2843 the property~~((, of))~~<sub>2</sub>;

2844 2. ~~((€))~~The application of this chapter to the property<sub>2</sub>; and ~~((that))~~

2845 3. The possible existence of limitations on actions in or affecting ~~((such~~  
2846 ~~sensitive))~~ the critical areas or buffers or the fact that mitigation sites may exist. ~~((The~~  
2847 ~~notice shall run with the land.))~~

2848 B. The applicant for a development proposal shall submit proof that the notice  
2849 required by this section has been filed for public record before King County ~~((shall))~~  
2850 approves any development proposal for the property or, in the case of subdivisions, short  
2851 subdivisions and binding site plans, at or before recording of the subdivision, short  
2852 subdivision or binding site plan.

2853 C. The notice required under subsection A<sub>2</sub> of this section is not required if:

2854 1. The property is a public right-of-way or the site of a permanent public facility;  
2855 or

2856 2. The development proposal does not require critical area review under K.C.C.  
2857 21A.24.100.C.

2858 SECTION 156. Ordinance 10870, Section 465, as amended, and K.C.C.  
2859 21A.24.180 are each hereby amended to read as follows:

2860 ~~((Sensitive))~~ **Critical area tracts and designations on site plans.**

2861 A. ~~((Sensitive))~~ The applicant shall use critical area tracts ~~((shall be used))~~ to  
2862 delineate and protect those ~~((sensitive))~~ critical areas and buffers listed below in  
2863 development proposals for subdivisions, short subdivisions or binding site plans and shall  
2864 ~~((be))~~ record~~((ed))~~ the tracts on all documents of title of record for all affected lots:

2865 1. All landslide hazard areas and buffers that are one acre or ~~((greater))~~ more in  
2866 size;

2867 2. All steep slope hazard areas and buffers that are one acre or ~~((greater))~~ more  
2868 in size;

2869 3. All wetlands and buffers; and

2870 4. All ~~((streams))~~ aquatic areas and buffers.

2871 B. Any required ~~((sensitive))~~ critical area tract shall be held in an undivided  
2872 interest by each owner of a building lot within the development with this ownership  
2873 interest passing with the ownership of the lot, or shall be held by an incorporated  
2874 homeowner's association or other legal entity ~~((which assures))~~ that ensures the  
2875 ownership, maintenance and protection of the tract.

2876 C. Site plans submitted as part of ~~((development proposals for))~~ building permits,  
2877 ~~((master plan developments and))~~ clearing and grading permits or other development  
2878 permits shall include and delineate:

2879 1. All flood hazard areas, ~~((if they have been mapped by FEMA or King County~~  
2880 ~~or if a special study is required))~~ as determined by King County in accordance with  
2881 K.C.C. 21A.24.230;

2882 2. Landslide, volcanic, coal mine and steep slope hazard areas;

2883 3. ~~((Streams))~~ Aquatic areas and wetlands;

2884 4. Wildlife habitat conservation areas and the wildlife habitat network;

2885 5. Buffers; and

2886 ~~((5.))~~ 6. Building setbacks required by K.C.C. 21A.24.200.

2887 D. If only a part of the development site has been mapped ~~((pursuant to K.C.C.~~  
2888 ~~21A.24.120C))~~, the part of the site that has not been mapped shall be clearly identified  
2889 and labeled on the site plans.

2890 SECTION 157. Ordinance 10870, Section 467, and K.C.C. 21A.24.200 are each  
2891 hereby amended to read as follows:

2892 **Building setbacks.** Unless otherwise provided, an applicant shall set buildings and  
2893 other structures ~~((shall be set))~~ back a distance of ~~((15))~~ fifteen feet from the edges of all  
2894 ~~((sensitive))~~ critical area buffers or from the edges of all ~~((sensitive))~~ critical areas, if no  
2895 buffers are required. The following ~~((may be))~~ are allowed in the building setback area:

2896 A. Landscaping;

2897 B. Uncovered decks;

2898 C. Building overhangs if ~~((such))~~ the overhangs do not extend more than ~~((18))~~  
2899 eighteen inches into the setback area; ~~((and))~~

2900 D. Impervious ground surfaces, such as driveways and patios, ~~((provided that~~  
2901 ~~such))~~ but the improvements ~~((may be subject))~~ are required to meet any special drainage  
2902 provisions specified in ~~((administrative))~~ public rules adopted for the various ~~((sensitive))~~  
2903 critical areas;

2904 E. Utility service connections as long as the excavation for installation avoids  
2905 impacts to the buffer; and

2906 F. Minor encroachments if adequate protection of the buffer will be maintained.

2907 NEW SECTION. SECTION 158. There is hereby added to K.C.C. chapter 21A.24  
2908 a new section to read as follows:

2909 **Coal mine hazard areas -- classifications.** Based upon a critical area report  
2910 containing a coal mine hazard assessment prepared in accordance with this chapter, the  
2911 department shall classify coal mine hazard areas as follows:

2912 A. Declassified coal mine areas are those areas where the risk of catastrophic  
2913 collapse is not significant and that the hazard assessment report has determined do not  
2914 require special engineering or architectural recommendations to prevent significant risks of  
2915 property damage. Declassified coal mine areas typically include, but are not limited to,  
2916 areas underlain or directly affected by coal mines at depths of more than three hundred feet  
2917 as measured from the surface;

2918 B. Moderate coal mine hazard areas are those areas that pose significant risks of  
2919 property damage that can be mitigated by implementing special engineering or architectural  
2920 recommendations. Moderate coal mine hazard areas typically include, but are not limited

2921 to, areas underlain or directly affected by abandoned coal mine workings from a depth of  
2922 zero, which is the surface of the land, to three hundred feet or with overburden-cover-to-  
2923 seam thickness ratios of less than ten to one depending on the inclination of the seam; and

2924 C. Severe coal mine hazard areas are those areas that pose a significant risk of  
2925 catastrophic ground surface collapse. Severe coal mine hazard areas typically include, but  
2926 are not limited to, areas characterized by unmitigated openings such as entries, portals,  
2927 adits, mine shafts, air shafts, timber shafts, sinkholes, improperly filled sinkholes and other  
2928 areas of past or significant probability for catastrophic ground surface collapse; or areas  
2929 characterized by , overland surfaces underlain or directly affected by abandoned coal mine  
2930 workings from a depth of zero, which is the surface of the land, to one hundred fifty feet.

2931 SECTION 159. Ordinance 10870, Section 468, as amended, and K.C.C.

2932 21A.24.210 are each hereby amended to read as follows:

2933 **Coal mine hazard areas((:)) ~~is~~ ((Ø))development standards and ((permitted))**  
2934 **alterations.**

2935 The following development standards apply to development proposals and  
2936 alterations on sites containing coal mine hazard areas:

2937 A. The applicant shall design ((A))alterations within coal mine hazard areas ~~((shall~~  
2938 ~~not be permitted without prior acceptance of a coal mine hazard assessment report and~~  
2939 ~~provided that:~~

2940 ~~1. Based upon recommendations contained within the report, a studied site shall~~  
2941 ~~be classified as one or a combination of the following:~~

2942 ~~a. declassified coal mine areas;~~

2943 ~~b. moderate coal mine hazard areas; or~~

2944 ~~c. severe coal mine hazard areas.~~

2945 ~~2. The coal mine hazard assessment report shall be prepared by a professional~~

2946 ~~engineer using methodology and assumptions consistent with standards or professional~~

2947 ~~engineering guidelines adopted by the department. The report may contain the following~~

2948 ~~as determined by the department to be necessary for the review of the proposed use:~~

2949 ~~a. a statement of the professional engineer's qualifications and licensing~~

2950 ~~information, together with a signature and stamped seal;~~

2951 ~~b. a list of references utilized in preparation of the report;~~

2952 ~~c. a description of the analytical tools and processes that have been used in the~~

2953 ~~report;~~

2954 ~~d. surface exploration data such as borings, drill holes, test pits, wells, geologic~~

2955 ~~reports, and other relevant reports or site investigations that may be useful in making~~

2956 ~~conclusions or recommendations about the site under investigation;~~

2957 ~~e. a description of historical data and information used in the evaluation, together~~

2958 ~~with sources. Such data and information shall include:~~

2959 ~~(1) topographic maps at a scale and contour interval of sufficient detail to~~

2960 ~~assess the site. The site boundaries and proposed site development shall be overlain with~~

2961 ~~the mine plan view map, as appropriate;~~

2962 ~~(2) copies of illustrative coal mine maps showing remnant mine conditions, if~~

2963 ~~available;~~

2964 ~~(3) aerial photography, as appropriate;~~

2965 ~~(4) geological data including geologic crosssections and other illustrative data~~

2966 ~~as appropriate; and~~

2967           ~~(5) available historic mine records indicating the dates of operation, the date of~~  
2968           ~~cessation of active mining, the number of years since abandonment, mining methods,~~  
2969           ~~shoring and timbering information, the strength of the overlying rock strata, the extracted~~  
2970           ~~seam thickness, the dip or inclination of the strata, workings and surface, the projected~~  
2971           ~~surface location of the seam outcrop or subcrop, the estimated depth of the seam outcrop or~~  
2972           ~~subcrop, if covered by glacial outwash, glacial till or other materials at depth, total coal~~  
2973           ~~tonnage produced, estimated coal mine by product material produced and the estimated~~  
2974           ~~extraction ratio.~~

2975           ~~f. a mine plan view map, reproduced at the same scale as the topographic map,~~  
2976           ~~showing the location of the mine, the extent of mining, the proposed site development, if~~  
2977           ~~applicable, and any remnant abandoned mine surface features. The following shall be~~  
2978           ~~included:~~

2979                     ~~(1) the layout of the underground mine;~~

2980                     ~~(2) the location of any mine entries, portals, adits, mine shafts, air shafts, timber~~  
2981           ~~shafts, and other significant mine features;~~

2982                     ~~(3) the location of any known sinkholes, significant surface depressions, trough~~  
2983           ~~subsidence features, coal mine spoil piles and other mine-related surface features;~~

2984                     ~~(4) the location of any prior site improvements that have been carried out to~~  
2985           ~~mitigate abandoned coal mine features; and~~

2986                     ~~(5) zones showing varying overburden cover to seam thickness ratios, when~~  
2987           ~~appropriate.~~

2988 ~~g. a statement as to the relative degree of accuracy and completeness of the maps~~  
2989 ~~and information reviewed, especially regarding historic mine map accuracy, and reasons~~  
2990 ~~why such sources are considered reliable for the purpose of the hazard assessment report;~~

2991 ~~h. a mitigation plan containing recommendations for mitigation, as appropriate,~~  
2992 ~~for the specific proposed alteration;~~

2993 ~~i. recommendations for additional study, reports, development standards or~~  
2994 ~~architectural recommendations for subsequent and more specific proposed alterations, as~~  
2995 ~~appropriate;~~

2996 ~~j. analysis and recommendations, if any, of the potential for future trough~~  
2997 ~~subsidence and special mitigation; and~~

2998 ~~k. a delineation of coal mine hazard areas for the site under investigation using a~~  
2999 ~~map identifying the specific category (i.e., severe, moderate, or declassified) of mine~~  
3000 ~~hazard area. For the purposes of obtaining accurate legal descriptions, the mine hazard~~  
3001 ~~areas shall be surveyed and the survey map shall be drawn at a scale of not less than~~  
3002 ~~1"=200'.~~

3003 ~~3. Giving great weight to the licensing requirements of professional engineers~~  
3004 ~~and standards of professional accountability and liability, the department shall review the~~  
3005 ~~coal mine hazard assessment report and within the time period specified in K.C.C.~~  
3006 ~~20.20.050 either accept the report, recommend revisions or additions to the report or~~  
3007 ~~return the report to the applicant as unaccepted and detail the specific deficiencies. In the~~  
3008 ~~event of a disagreement, the applicant may submit the report to a mutually agreed upon~~  
3009 ~~third party professional engineer who will conduct the review and issue a decision~~  
3010 ~~binding upon the department and applicant.~~

3011 4. ~~When a hazard assessment report has been accepted, the applicant shall record~~  
3012 ~~a notice on the title of the property as follows~~

3013 "NOTICE"

3014 ~~"This property is located in an area of historic coal mine activity. A coal mine~~  
3015 ~~hazard assessment report has been prepared to characterize the potential hazards contained~~  
3016 ~~on this property. The report is dated [insert date of the final report], was prepared by~~  
3017 ~~[insert name of professional engineer with license number] at the direction of [insert name~~  
3018 ~~of property owner], and reviewed by the King County department of development and~~  
3019 ~~environmental services [and, if necessary, include name of peer reviewing professional~~  
3020 ~~engineer with license number]. A review of the report is advised prior to undertaking~~  
3021 ~~unregulated or exempt land use activities and is required prior to undertaking regulated~~  
3022 ~~land use activities.")) to:~~

3023 1. Minimize the risk of structural damage in a moderate coal mine hazard area;  
3024 and

3025 2. Eliminate or minimize significant risk of personal injury in a severe coal mine  
3026 hazard area;

3027 B. ~~((Permitted alterations within a coal mine hazard area are allowed as follows,~~  
3028 ~~subject to other King County Code permit requirements:~~

3029 4.) Within declassified coal mine hazard areas all alterations are ~~((permitted))~~  
3030 allowed((-));

3031 ~~((2.))~~ C. Within moderate coal mine hazard areas and coal mine by-product  
3032 stockpiles, all alterations are ~~((permitted subject to a mitigation plan to minimize))~~ allowed  
3033 when the risk of structural damage ~~((using appropriate criteria to evaluate the proposed use.~~

3034 ~~If required or recommended by the hazard assessment report, the mitigation plan to address~~  
3035 ~~potential trough subsidence must be prepared by a professional engineer and may be~~  
3036 ~~included in the coal mine hazard assessment report or may be an additional study or report,~~  
3037 ~~as appropriate.)~~ is minimized; and

3038 ~~((3.))~~ D. Within severe coal mine hazard areas the following alterations are  
3039 ~~((permitted))~~ allowed:

3040 ~~((a.))~~ 1. ~~((a))~~ All grading, filling, stockpile removal, and reclamation activities  
3041 undertaken ~~((pursuant to))~~ in accordance with a coal mine hazard assessment report with  
3042 the intent of eliminating or mitigating threats to human health, public safety, environmental  
3043 restoration or protection of property~~((, provided that))~~ if:

3044 ~~((1))~~ a. signed and stamped plans have been prepared by a professional  
3045 engineer;

3046 ~~((2))~~ b. as built drawings are prepared following reclamation activities; and

3047 ~~((3))~~ c. the plans and as-built drawings ~~((shall be))~~ are submitted to the  
3048 department for inclusion with the coal mine hazard assessment report prepared for the  
3049 property~~((:))~~;

3050 ~~((b.))~~ 2. ~~((p))~~ Private road construction ~~((and maintenance activities, provided~~  
3051 ~~that mitigation to eliminate or minimize))~~ when significant risk of personal injury ~~((are~~  
3052 ~~incorporated into road construction or maintenance plans.))~~ is eliminated or minimized;

3053 ~~((e.))~~ 3. ~~((b))~~ Buildings with less than four-thousand square feet of floor area that  
3054 contain no living quarters and that are not used as places of employment or public  
3055 assembly~~((, provided that mitigation to eliminate or minimize))~~ when significant risk of

3056 personal injury ~~((are incorporated into site, building, and/or landscaping plans.))~~ is  
3057 eliminated or minimized; and

3058 ~~((d.))~~ 4. ~~((a))~~ Additional land use activities ~~((provided that they are))~~ if consistent  
3059 with recommendations contained within any mitigation plan required by ~~((the hazard~~  
3060 ~~assessment))~~ a critical area report.

3061 SECTION 160. Ordinance 10870, Section 469, and K.C.C. 21A.24.220 are each  
3062 hereby amended to read as follows:

3063 **Erosion hazard areas** ~~((:))~~ ~~((D))~~ development standards and ~~((permitted))~~  
3064 **alterations.**

3065 The following development standards apply to development proposals and  
3066 alterations on sites containing erosion hazard areas:

3067 A. Clearing ~~((on))~~ in an erosion hazard area is allowed only from April 1 to  
3068 ~~((September))~~ October 1, except that:

3069 1. Clearing of ~~((U))~~ up to ~~((15,000))~~ fifteen-thousand square feet within the  
3070 erosion hazard area may ~~((be cleared))~~ occur at any time on ~~((any))~~ a lot ~~((, subject to any~~  
3071 ~~other requirement for vegetation retention and subject to any clearing and grading permit~~  
3072 ~~required by K.C.C. 16.82; and))~~;

3073 2. ~~((Timber harvest may be))~~ Clearing of noxious weeds may occur at any time;  
3074 and

3075 3. Forest practices regulated by the department are allowed ~~((pursuant to an~~  
3076 ~~approved forest practice permit issued by the Washington Department of Natural~~  
3077 ~~Resources.))~~ at any time in accordance with a clearing and grading permit if the harvest is  
3078 in conformance with chapter 76.09 RCW and Title 222 WAC;

3079 B. ~~((All development proposals on sites containing erosion hazard areas shall~~  
3080 ~~include a temporary erosion control plan consistent with this section and other laws and~~  
3081 ~~regulations prior to receiving approval. Specific requirements for such plans shall be set~~  
3082 ~~forth in administrative rules.~~

3083 C.) All subdivisions, short subdivisions, ~~((or))~~ binding site plans or urban planned  
3084 developments on sites with erosion hazard areas shall ~~((comply with the following~~  
3085 ~~additional requirements:~~

3086 1. ~~Except as provided in this section,))~~ retain existing vegetation ~~((shall be~~  
3087 ~~retained on all lots))~~ in all erosion hazard areas until building permits are approved for  
3088 development on individual lots(~~;~~

3089 2. ~~If any vegetation on the lots is damaged or removed during construction of the~~  
3090 ~~subdivision infrastructure, the applicant shall be required to submit a restoration plan to~~  
3091 ~~King County for review and approval. Following approval, the applicant shall be required~~  
3092 ~~to implement the plan;~~

3093 3.) The department may approve ~~((C))~~ clearing of vegetation on lots ~~((may be~~  
3094 ~~allowed without a separate clearing and grading permit))~~ if ~~((King County determines~~  
3095 ~~that))~~:

3096 ~~((a. such))~~ 1. The clearing is a necessary part of a large scale grading plan; and

3097 ~~((b.))~~ 2. ~~((i))~~ It is not feasible to perform ~~((such))~~ the grading on an individual lot  
3098 basis; and

3099 c. ~~drainage from the graded area will meet water quality standards to be~~  
3100 ~~established by administrative rules.~~

3101 ~~D. Where King County))~~ C. If the department determines that erosion from a  
3102 development site poses a significant risk of damage to downstream ~~((receiving waters))~~  
3103 wetlands or aquatic areas, based either on the size of the project, the proximity to the  
3104 receiving water or the sensitivity of the receiving water, the applicant shall ~~((be required~~  
3105 ~~to))~~ provide regular monitoring of surface water discharge from the site. If the project  
3106 does not meet water quality standards established by law or ~~((administrative))~~ public  
3107 rules, the county may suspend further development work on the site until such standards  
3108 are met.

3109 ~~((E. The use of hazardous substances, pesticides and fertilizers in erosion hazard~~  
3110 ~~areas may be prohibited by King County.))~~

3111 SECTION 161. Ordinance 10870, Section 470, and K.C.C. 21A.24.230 are each  
3112 hereby amended to read as follows:

3113 **Flood hazard areas((:)) ~~is~~ ((€))components.**

3114 A. A flood hazard area consists of the following components:

- 3115 1. Floodplain;
- 3116 2. Zero-rise ~~((F))~~ flood fringe;
- 3117 3. Zero-rise floodway; ~~((and))~~
- 3118 4. ~~((Federal Emergency Management Agency ("))FEMA(("))~~ floodway; and
- 3119 5. Channel migration zones.

3120 B. ~~((King County))~~ The department shall ~~((determine the))~~ delineate a flood hazard  
3121 area after ~~((obtaining,))~~ reviewing ~~((and utilizing))~~ base flood elevations and ~~((available~~  
3122 ~~floodway))~~ flood hazard data for a flood having a one percent chance of being equaled or  
3123 exceeded in any given year, often referred to as the "~~((100))~~one-hundred-year flood." The

3124 department shall determine the base flood (~~(is determined)~~) for existing conditions(~~(;~~  
3125 ~~unless)~~). If a basin plan or hydrologic study including projected flows under future  
3126 developed conditions has been completed and (~~(adopted)~~) approved by King County, (~~(in~~  
3127 ~~which case)~~) the department shall use these future flow projections (~~(shall be used. In areas~~  
3128 ~~where the Flood Insurance Study for King County includes detailed base flood calculations,~~  
3129 ~~those calculations may be used until projections of future flows are completed and~~  
3130 ~~approved by King County)~~). Many flood hazard areas are mapped by FEMA in a  
3131 scientific and engineering report entitled "The Flood Insurance Study for King County and  
3132 Incorporated Areas." When there are multiple sources of flood hazard data for flood plain  
3133 boundaries, regulatory floodway boundaries, base flood elevations, or flood cross sections,  
3134 the department may determine which data most accurately classifies and delineates the  
3135 flood hazard area. The department may utilize the following sources of flood hazard data  
3136 for floodplain boundaries, regulatory floodway boundaries, base flood elevations or cross  
3137 sections when determining a flood hazard area:

- 3138 1. Flood insurance rate maps;
- 3139 2. Flood insurance studies;
- 3140 3. Preliminary flood insurance rate maps;
- 3141 4. Preliminary flood insurance studies;
- 3142 5. Draft flood boundary work maps and associated technical reports;
- 3143 6. Critical area reports prepared in accordance with FEMA standards contained in  
3144 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual  
3145 provisions for floodplain analysis;
- 3146 7. Letter of map amendments;

- 3147           8. Letter of map revisions;  
3148           9. Channel migration zone maps and studies;  
3149           10. Historical flood hazard information; and  
3150           11. Wind and wave data provided by the United States Army Corps of Engineers.

3151           C. A number of channel migration zones are mapped by the county for portions of  
3152 river systems. These channel migration zones and the criteria and process used to  
3153 designate and classify channel migration zones are specified by public rule adopted by the  
3154 department. An applicant for a development proposal may submit a critical area report to  
3155 the department to determine channel migration zone boundaries or classify channel  
3156 migration hazard areas on a specific property if there is an apparent discrepancy between  
3157 the site-specific conditions or data and the adopted channel migration zone maps.

3158           SECTION 162. Ordinance 10870, Section 471, as amended, and K.C.C.  
3159 21A.24.240 are each hereby amended to read as follows:

3160           **Zero-rise ((F))flood fringe((:)) -- ((D))development standards and**  
3161 **((permitted)) alterations.**

3162           The following development standards apply to ((D))development proposals and  
3163 alterations on sites within the zero-rise flood fringe ((area shall meet the following  
3164 requirements)):

3165           A. Development proposals and alterations shall not reduce the effective base flood  
3166 storage volume of the floodplain. A development proposal shall provide compensatory  
3167 storage if ((G))grading or other activity ((which would reduce the)) displaces any effective  
3168 flood storage volume ((shall be mitigated by creating)). ((e))Compensatory storage shall:

- 3169           1. Provide equivalent volume at equivalent elevations to that being displaced;

- 3170           2. Hydraulically connect to the source of flooding;
- 3171           3. Provide compensatory storage in the same construction season as when the  
3172 displacement of flood storage volume occurs and before the flood season begins on  
3173 September 30 for that year; and
- 3174           4. Occur on the site ((~~or~~)). The director may approve equivalent compensatory  
3175 storage off the site if legal arrangements, acceptable to the department, ((~~can be~~)) are made  
3176 to assure that the effective compensatory storage volume will be preserved over time((  
3177 ~~Grading for construction of livestock manure storage facilities to control non-point source~~  
3178 ~~water pollution designed to the standards of and approved by the King Conservation~~  
3179 ~~District is exempt from this compensatory storage requirement.))~~;
- 3180           B. ((~~All~~)) A structural engineer shall design and certify all elevated construction  
3181 ((~~shall be designed and certified by a professional structural engineer licensed by the State~~  
3182 ~~of Washington and shall be approved by King County prior to construction~~)) and submit  
3183 the design to the department;
- 3184           C. A civil engineer shall prepare a base flood depth and base flood velocity  
3185 analysis and submit the analysis to the department. Development proposals and  
3186 alterations are not allowed if the base flood depth exceeds three feet or the base flood  
3187 velocity exceeds three feet per second;
- 3188           D. Subdivisions, short subdivisions, urban planned developments and binding site  
3189 plans shall meet the following requirements:
- 3190           1. New building lots shall ((~~contain 5,000~~)) include five thousand square feet or  
3191 more of buildable land outside the zero-rise floodway((, and building setback areas shall be  
3192 shown on the face of the plat to restrict permanent structures to this buildable area));

3193 2. All utilities and facilities such as sewer, gas, electrical and water systems  
3194 ~~((shall be located and constructed))~~ are consistent with subsections ~~((D))~~E., ~~((E))~~F. and  
3195 ~~((H))~~I. of this section;

3196 3. A civil engineer shall prepare detailed base flood elevations in accordance  
3197 with FEMA guidelines for all new lots;

3198 4. A development proposal shall provide adequate drainage in accordance with  
3199 the King County Surface Water Design Manual to reduce exposure to flood damage; and

3200 5. The face of the recorded subdivision, short subdivision, urban planned  
3201 development or binding site plan shall include the following for all lots:

3202 a. building setback areas restricting structures to designated buildable areas;

3203 b. ~~((B))~~base flood data and sources and flood hazard notes ~~((shall be shown on~~  
3204 ~~the face of the recorded subdivision, short subdivision or binding site plan))~~ including, but  
3205 not limited to, ~~((the))~~ base flood elevations, required flood protection elevations, ~~((and))~~ the  
3206 boundaries of the floodplain and the zero-rise floodway, if determined, and channel  
3207 migration zone boundaries, if determined; and

3208 ~~((4-))~~ c. include ~~((F))~~ the following notice ~~((shall also be shown on the face of the~~  
3209 ~~recorded subdivision, short subdivision or binding site plan for all affected lots))~~:

3210 "NOTICE"

3211 "Lots and structures located within flood hazard areas may be inaccessible by  
3212 emergency vehicles during flood events. Residents and property owners should take  
3213 appropriate advance precautions.";

3214 ~~((D-))~~ E. New residential structures and substantial improvements of existing  
3215 residential structures shall meet the following ~~((requirements))~~ standards:

- 3216 1. Elevate ~~((F))~~ the lowest floor, including basement, ~~((shall be elevated))~~ to the  
3217 flood protection elevation;
- 3218 2. Do not fully enclose ~~((P))~~ portions of ~~((a))~~ the structure ~~((which))~~ that are below  
3219 the lowest floor area ~~((shall not be fully enclosed.))~~;
- 3220 3. Design and construct ~~((F))~~ the areas and rooms below the lowest floor ~~((shall~~  
3221 ~~be designed))~~ to automatically equalize hydrostatic and hydrodynamic flood forces on  
3222 exterior walls by allowing for the entry and exit of floodwaters ~~((Designs for satisfying~~  
3223 ~~this requirement shall meet or exceed the following requirements))~~ as follows:
- 3224 a. provide a minimum of two openings on each of two opposite side walls in  
3225 the direction of flow, with each of those walls having a total open area of not less than  
3226 one square inch for every square foot of enclosed area subject to flooding ~~((shall be~~  
3227 ~~provided))~~;
- 3228 b. design and construct the bottom of all openings ~~((shall be))~~ so they are no  
3229 higher than one foot above grade; and
- 3230 c. ~~((openings may be equipped with))~~ screens, louvers or other coverings or  
3231 devices are allowed over the opening if they ~~((permit))~~ allow the unrestricted entry and  
3232 exit of floodwaters;
- 3233 ~~((3.))~~ 4. Use ~~((M))~~ materials and methods ~~((which))~~ that are resistant to and  
3234 minimize flood damage ~~((shall be used))~~; and
- 3235 ~~((4.))~~ 5. Elevate above or dry-proof ~~((A))~~ all electrical, heating, ventilation,  
3236 plumbing, air conditioning equipment and other ~~((utility and service facilities shall be))~~  
3237 utilities that service the structure, such as duct-work, ~~((flood-proofed))~~ to ~~((or elevated~~  
3238 ~~above))~~ the flood protection elevation~~((:))~~;

3239           ~~((E.))~~ F. New nonresidential structures and substantial improvements of existing  
3240 nonresidential structures shall meet the following ~~((requirements))~~ standards:

3241           1. Elevate ~~((F))~~the ~~((elevation requirement for residential structures contained in~~  
3242 ~~subsection D.1 shall be met))~~ lowest floor to the flood protection elevation; or

3243           2. Dry flood-proof ~~((F))~~the structure ~~((shall be flood-proofed))~~ to the flood  
3244 protection elevation ~~((and shall))~~ to meet the following ~~((requirements))~~ standards:

3245           a. the applicant shall provide certification by a ~~((professional))~~ civil or structural  
3246 engineer ~~((licensed by the State of Washington))~~ that the dry flood-proofing methods are  
3247 adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces and  
3248 other factors associated with the base flood. After construction, the engineer shall certify  
3249 that the permitted work conforms ~~((with))~~ to the approved plans and specifications; and

3250           b. approved building permits for dry flood-proofed nonresidential structures  
3251 shall contain a statement notifying applicants that flood insurance premiums ~~((shall be))~~ are  
3252 based upon rates for structures ~~((which))~~ that are one foot below the ~~((flood-proofed level))~~  
3253 base flood elevation;

3254           3. Use ~~((M))~~materials and methods ~~((which))~~ that are resistant to and minimize  
3255 flood damage ~~((shall be used))~~;

3256           4. Design and construct the areas and rooms below the lowest floor to  
3257 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
3258 allowing for the entry and exit of floodwaters as follows:

3259           a. provide a minimum of two openings on each of two opposite side walls in the  
3260 direction of flow, with each of those walls having a total open area of not less than one  
3261 square inch for every square foot of enclosed area subject to flooding;

3262 b. design the bottom of all openings is no higher than one foot above grade; and

3263 c. screens, louvers or other coverings or devices are allowed if they do not

3264 restrict entry and exit of floodwaters; and

3265 5. Dry flood proof ~~((A))~~ all electrical, heating, ventilation, plumbing, air

3266 conditioning equipment and other utility and service facilities ~~((shall be flood-proofed))~~ to,

3267 or elevated above, the flood protection elevation ~~((=));~~

3268 ~~((F.))~~ G. Anchor ~~((A))~~ all new construction ~~((shall be))~~ and substantially improved

3269 structures ~~((anchored))~~ to prevent flotation, collapse or lateral movement of the structure.

3270 The department shall approve the method used to anchor the new construction;

3271 ~~((G.))~~ H. ((Mobile)) Newly sited manufactured homes and substantial

3272 improvements of existing ~~((mobile))~~ manufactured homes ~~((parks))~~ shall meet the

3273 following ~~((requirements))~~ standards:

3274 1. ~~((Mobile))~~ Manufactured homes shall meet all ~~((requirements))~~ the standards in

3275 this section ~~for ((flood hazard protection for)) residential structures~~ ~~((, shall be anchored))~~

3276 and the following standards:

3277 a. anchor all manufactured homes; and ~~((shall be installed))~~

3278 b. install manufactured homes using methods and practices ~~((which))~~ that

3279 minimize flood damage; and

3280 2. ~~((No permit or approval for the following shall be granted unless a))~~ All

3281 ~~((mobile))~~ manufactured homes within ~~((the))~~ a new mobile home park or expansion of an

3282 existing mobile home park must meet the requirements for flood hazard protection for

3283 residential structures ~~((=~~

3284 a. a new mobile home park;

3285            ~~b. an expansion of an existing mobile home park; or~~  
3286            ~~c. any repair or reconstruction of streets, utilities or pads in an existing mobile~~  
3287 ~~home park which equals or exceeds 50 percent of the value of such streets, utilities or~~  
3288 ~~pads.); and~~

3289            3. Only manufactured homes are allowed in a new or existing mobile home park  
3290 located in a flood hazard area;

3291            ~~((H))~~ I. Public and private ~~((U))~~ utilities shall meet the following ~~((requirements.))~~  
3292 standards:

3293            1. Dry flood-proof ~~((N))~~ new and replacement utilities including, but not limited  
3294 to, sewage treatment and storage facilities, ~~((shall be flood-proofed))~~ to<sub>2</sub> or elevate~~((d))~~  
3295 above<sub>2</sub> the flood protection elevation;

3296            2. Locate ~~((N))~~ new on-site sewage disposal systems ~~((shall be, to the extent~~  
3297 ~~possible, located))~~ outside the ~~((limits of the base flood elevation. The installation of new~~  
3298 ~~on-site sewage disposal systems))~~ floodplain. When there is insufficient soil or area  
3299 outside the floodplain, new on-site sewage disposal systems are allowed only in the zero-  
3300 rise flood fringe ~~((may be allowed if no feasible alternative site is available)).~~ Locate on-  
3301 site sewage disposal systems in the zero-rise flood fringe to avoid:

3302            a. impairment to the system during flooding; and

3303            b. contamination from the system during flooding;

3304            3. ~~((Sewage and agricultural waste storage facilities shall be flood-proofed to the~~  
3305 ~~flood protection elevation))~~ Design all new and replacement water supply systems to  
3306 minimize or eliminate infiltration of floodwaters into the system;

3307 4. Above-ground utility transmission lines, ~~((other than))~~ except for electric  
3308 transmission lines, ~~((shall))~~ are allowed only ~~((be allowed))~~ for the transport of non(  
3309 ))hazardous substances; and

3310 5. ~~((Buried))~~ Bury underground utility transmission lines transporting hazardous  
3311 substances ~~((shall be buried))~~ at a minimum depth of four feet below the maximum depth  
3312 of scour for the base flood, as predicted by a ~~((professional))~~ civil engineer ~~((licensed by~~  
3313 ~~the State of Washington))~~, and ~~((shall))~~ achieve sufficient negative buoyancy so that any  
3314 potential for flotation or upward migration is eliminated~~((:))~~;

3315 ~~((I.))~~ J. Critical facilities ~~((may be))~~ are only allowed within the zero-rise flood  
3316 fringe ~~((of the floodplain, but only))~~ when ~~((no))~~ a feasible alternative site is not available  
3317 and the following standards are met:~~((Critical facilities shall be evaluated through the~~  
3318 ~~conditional or special use permit process.))~~

3319 1. ~~((Critical facilities constructed within the flood fringe shall have))~~ Elevate the  
3320 lowest floor ~~((elevated))~~ to the five-hundred year floodplain elevation or three or more feet  
3321 above the base flood elevation~~((:))~~, whichever is higher;

3322 ~~((Flood proofing))~~ 2. Dry flood-proof and seal~~((ing measures shall be taken))~~  
3323 structures to ensure that hazardous substances ~~((will))~~ are not ~~((be))~~ displaced by or  
3324 released into floodwaters~~((:))~~; and

3325 3. Elevate ~~((A))~~ access routes ~~((elevated))~~ to or above the base flood elevation  
3326 ~~((shall be provided to all))~~ from the critical ~~((facilities from))~~ facility to the nearest  
3327 maintained public street or roadway~~((:))~~;

3328 ~~((J. Prior to approving any permit for alterations in the flood fringe, King County~~  
3329 ~~shall determine that all permits required by state or federal law have been obtained.))~~

3330 K. New construction or expansion of existing livestock flood sanctuaries is only  
3331 allowed as follows:

3332 1. A livestock flood sanctuary is only allowed if there is no other suitable  
3333 holding area on the site outside the floodplain to which the livestock have access;

3334 2. Construct the livestock flood sanctuary to the standards in an approved farm  
3335 management plan prepared in accordance with section 138 of this ordinance and K.C.C.  
3336 chapter 21A.30. The farm management plan shall demonstrate compliance with the  
3337 following:

3338 a. flood storage compensation consistent with subsection A. of this section;

3339 b. siting and sizing that do not increase base flood elevations consistent with  
3340 K.C.C. 21A.24.250.B. and 21A.24.260.D; and

3341 c. siting that is located in the area least subject to risk from floodwaters; and

3342 L. New construction or expansion of existing livestock manure storage facilities  
3343 is only allowed as follows:

3344 1. The livestock manure storage facility is only allowed if there is not a feasible  
3345 alternative area on the site outside the floodplain;

3346 2. Construct the livestock manure storage facility to the standards in an  
3347 approved farm management plan prepared in accordance with section 138 of this  
3348 ordinance and K.C.C. chapter 21A.30. The farm management plan shall demonstrate  
3349 compliance with the following:

3350 a. flood storage compensation consistent with subsection A. of this section;

3351 b. siting and sizing that do not increase base flood elevations consistent with  
3352 K.C.C. 21A.24.250.B. and 21A.24.260.D;

3353 c. dry flood-proofing to the flood protection elevation; and

3354 d. siting that is located in the area least subject to risk from floodwaters.

3355 SECTION 163. Ordinance 10870, Section 472, and K.C.C. 21A.24.250 are each  
3356 hereby amended to read as follows:

3357 **Zero-rise floodway~~(s)~~ ~~-- (D)~~ development standards and (permitted)**  
3358 **alterations.**

3359 The following development standards apply to development proposals and  
3360 alterations on sites within the zero-rise floodway:

3361 A. The ~~((requirements which))~~ development standards that apply to the zero-rise  
3362 flood fringe ((shall)) also apply to the zero-rise floodway. The more restrictive  
3363 ~~((requirements))~~ standards ((shall)) apply where there is a conflict~~((:))~~;

3364 B. A development proposal ~~((including, but not limited to, new or reconstructed~~  
3365 ~~structures))~~ shall not ~~((cause any))~~ increase ~~((in))~~ the base flood elevation ~~((unless the~~  
3366 ~~following requirements are met))~~ except as follows:

3367 1. ~~((Amendments))~~ Revisions to the Flood Insurance Rate Map are ~~((adopted))~~  
3368 approved by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base  
3369 flood elevation; and

3370 2. Appropriate legal documents are prepared and recorded in which all property  
3371 owners affected by the increased flood elevations consent to the impacts on their  
3372 property~~((-- These documents shall be filed with the title of record for the affected~~  
3373 ~~properties.))~~;

3374 C. If post and piling construction techniques are used, ~~((F))~~ the following are  
3375 presumed to produce no increase in the base flood elevation and ~~((shall not require))~~ a  
3376 ~~((special study))~~ critical areas report is not required to establish this fact:

3377 1. New residential structures outside the FEMA floodway on lots in existence  
3378 before November 27, 1990 ~~((which)), that~~ contain less than ~~((5,000))~~ five thousand square  
3379 feet of buildable land outside the zero-rise floodway ~~((and which have a))~~ if the total  
3380 building footprint of all existing and proposed structures on the lot ~~((of less than 2,000))~~  
3381 does not exceed two-thousand square feet;

3382 2. Substantial improvements of existing residential structures in the zero-rise  
3383 floodway, but outside the FEMA floodway, ~~((where))~~ if the footprint is not increased; or

3384 3. Substantial improvements of existing residential structures ~~((meeting))~~ that  
3385 meet the ~~((requirements))~~ standards for new residential structures in K.C.C.  
3386 21A.24.240.E~~((:))~~;

3387 D. When ~~((P))~~ post or piling construction techniques ~~((which permit water flow~~  
3388 ~~beneath a structure shall be used))~~ are not used, a critical areas report is required in  
3389 accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not increase the  
3390 base flood elevation;

3391 E. During the flood season from September 30 to May1 the following are not  
3392 allowed to be located in the zero-rise floodway:

3393 ~~((E-))~~ 1. All temporary ~~((structures))~~ seasonal shelters, such as tents and  
3394 recreational vehicles; and

3395 2. Staging or stockpiling of equipment, materials or substances that the director  
3396 determines may be hazardous to the public health, safety ~~((and))~~ or welfare ~~((,-except for~~

3397 ~~hazardous household substances or consumer products containing hazardous substances,~~  
3398 ~~shall be removed from the zero-rise floodway during the flood season from September 30~~  
3399 ~~to May 1.);~~

3400 F. New residential structures and substantial improvements to existing residential  
3401 structures or any structure accessory to a residential use shall meet the following  
3402 ~~((requirements))~~ standards:

3403 1. Locate ~~((F))~~the structures ~~((shall be))~~ outside the FEMA floodway; ~~((and))~~  
3404 2. Locate ~~((F))~~the structures ~~((shall be))~~ only on lots in existence before  
3405 November 27, 1990 ~~((which)), that~~ contain less than ~~((5000))~~ five thousand square feet of  
3406 buildable land outside the zero-rise floodway~~((:)); and~~

3407 3. To the maximum extent practical, locate the structures the farthest distance  
3408 from the channel, unless the applicant can demonstrate that an alternative location is less  
3409 subject to risk;

3410 G. Public and private ~~((U))~~utilities ~~((may be))~~ are only allowed ~~((within the zero-~~  
3411 ~~rise floodway))~~ if ~~((King County))~~;

3412 1. The department determines that ~~((no))~~ a feasible alternative site is not  
3413 available~~((, subject to the following requirements:))~~;

3414 ~~((1. Installation of new on-site sewage disposal systems shall be prohibited unless~~

3415 ~~a))~~ 2. A waiver is granted by the Seattle~~((/))-King County~~ department of public health for  
3416 new on-site sewage disposal facilities; ~~((and~~

3417 ~~2. Construction of sewage treatment facilities shall be prohibited))~~

3418 3. The utilities are dry flood-proofed to or elevated above the flood protection  
3419 elevation;

3420 4. Above-ground utility transmission lines, except for electrical transmission  
3421 lines, are only allowed for the transport of nonhazardous substances; and

3422 5. Underground utility transmission lines transporting hazardous substances are  
3423 buried at a minimum depth of four feet below the maximum dept of scour for the base  
3424 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any  
3425 potential for flotation or upward migration is eliminated;

3426 H. Critical facilities (~~shall~~), except for those listed in subsection I. of this section  
3427 are not ((be)) allowed within the zero-rise floodway ((except as provided in subsection J.));  
3428 and

3429 I. (~~Livestock manure storage facilities and associated non-point source water~~  
3430 ~~pollution facilities designed, constructed and maintained to the standards of and approved~~  
3431 ~~in a conservation plan by the King County Conservation District may be allowed if King~~  
3432 ~~County reviews and approves the location and design of the facilities.~~

3433 J.) Structures and installations (~~which~~) that are dependent upon the zero-rise  
3434 floodway ((may be located)) are allowed in the zero-rise floodway if the development  
3435 proposal is approved by all agencies with jurisdiction and meets the development standards  
3436 for the zero-rise floodway. ((Such)) These structures and installations may include, but are  
3437 not limited to:

3438 1. Dams or diversions for water supply, flood control, hydroelectric production,  
3439 irrigation or fisheries enhancement;

3440 2. Flood damage reduction facilities, such as levees, revetments and pumping  
3441 stations;

3442 3. Stream bank stabilization structures (~~(where no)~~) only if a feasible alternative  
3443 does not exist((s)) for protecting ((public or private property)) structures, public roadways,  
3444 flood protection facilities or sole access routes. Bank stabilization projects must meet the  
3445 standards of King County's Guidelines for Bank Stabilization Projects (King County  
3446 Surface Water Management 1993) and use bioengineering techniques to the maximum  
3447 extent practical. An applicant may use alternative methods to the guidelines if the  
3448 applicant demonstrates that the alternative methods provide equivalent or better structural  
3449 stabilization, ecological and hydrological functions and salmonid habitat;

3450 4. (~~(Storm)~~) Surface water conveyance facilities (~~((subject to the development~~  
3451 ~~standards for streams and wetlands and the Surface Water Design Manual))~~);

3452 5. Boat launches and related recreation structures;

3453 6. Bridge piers and abutments; and

3454 7. (~~((Other fisheries enhancement or stream))~~) Approved aquatic area or wetland  
3455 restoration projects including, but not limited to, fisheries enhancement projects.

3456 SECTION 164. Ordinance 10870, Section 473, and K.C.C. 21A.24.260 are each  
3457 hereby amended to read as follows:

3458 **FEMA floodway((:)) -- ((D))development standards and ((permitted))**

3459 **alterations.** The following development standards apply to development proposals and  
3460 alterations on sites within the FEMA floodway:

3461 A. The (~~((requirements which))~~) development standards that apply to the zero-rise  
3462 floodway (~~((shall))~~) also apply to the FEMA floodway. The more restrictive (~~((requirements~~  
3463 ~~shall))~~) standards apply where there is a conflict((-));

3464 B. A development proposal (~~(including, but not limited to, new or reconstructed~~  
3465 ~~structures~~)) shall not (~~(cause any)~~) increase (~~(in)~~) the base flood elevation. A civil engineer  
3466 shall certify, through hydrologic and hydraulic analyses performed in accordance with  
3467 standard engineering practice, that any proposed encroachment would not result in any  
3468 increase in flood levels during the occurrence of the base flood discharge;

3469 C. New residential or nonresidential structures are prohibited within the FEMA  
3470 floodway~~(-)~~;

3471 D. Livestock flood sanctuaries and manure storage facilities are prohibited in the  
3472 FEMA floodway;

3473 E. If the footprint of the existing residential structure is not increased,  
3474 ~~((S))~~substantial improvements of existing residential structures in the FEMA floodway,  
3475 meeting the requirements of WAC 173-158-070, as amended, are presumed to (~~(produce)~~)  
3476 not increase (~~(in)~~) the base flood elevation and (~~(shall)~~) do not require a (~~(special study)~~)  
3477 critical areas report to establish this fact~~(-)~~;

3478 F. Maintenance, repair, replacement or improvement of an existing residential  
3479 structure located within the agricultural production district on property that is zoned  
3480 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for  
3481 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following  
3482 requirements:

3483 1. The existing residential structure was legally established;

3484 2. The viability of the farm is dependent upon a residential structure within

3485 close proximity to other agricultural structures; and

3486           3. Replacing an existing residential structure within the FEMA floodway is only  
3487 allowed if:

3488           a. there is not sufficient buildable area on the site outside the FEMA floodway  
3489 for the replacement;

3490           b. the replacement residential structure is not located in an area that increases  
3491 the flood hazard in water depth, velocity or erosion;

3492           c. the building footprint of the existing residential structure is not increased;  
3493 and

3494           d. the existing structure, including the foundation, is completely removed within  
3495 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,  
3496 whichever occurs first, for the replacement structure;

3497           G. Maintenance, repair or replacement of a substantially damaged existing  
3498 residential structure, other than a residential structure located within the agricultural  
3499 production district on property that is zoned agricultural (A), is allowed in the FEMA  
3500 floodway if the structure meets the standards for existing residential structures and utilities  
3501 in K.C.C. 21A.24.240 and also meets the following requirements:

3502           1. The Washington state Department of Ecology has assessed the flood  
3503 characteristics of the site and determined:

3504           a. base flood depths will not exceed three feet;

3505           b. base flood velocities will not exceed three feet per second;

3506           c. there is no evidence of flood-related erosion, as determined by location of  
3507 the project site in relationship to mapped channel migration zones or, if the site is not  
3508 mapped, evidence of overflow channels and bank erosion; and

- 3509           d. a flood warning system or emergency plan is in operation;
- 3510           2. The Washington state Department of Ecology has prepared a report of  
3511 findings and recommendations to the department that determines the repair or  
3512 replacement will not result in an increased risk of harm to life based on the characteristics  
3513 of the site;
- 3514           3. The department has reviewed the Washington state Department of Ecology  
3515 report and concurs that the development proposal is consistent with the findings and  
3516 recommendations in the report;
- 3517           4. The development proposal is consistent with the findings and  
3518 recommendations of the Washington state Department of Ecology report;
- 3519           5. The existing residential structure was legally established;
- 3520           6. Replacing an existing residential structure within the FEMA floodway is only  
3521 allowed if:
- 3522           a. there is not sufficient buildable area on the site outside the FEMA floodway;  
3523           b. the replacement structure is a residential structure built as a substitute for a  
3524 previously existing residential structure of equivalent use and size; and
- 3525           c. the existing residential structure, including the foundation, is removed  
3526 within ninety days of receiving a certificate of occupancy, or temporary certificate of  
3527 occupancy, whichever occurs first, for the replacement structure; and
- 3528           H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is  
3529 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the  
3530 FEMA floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240  
3531 for residential structures or nonresidential structures, as appropriate.

3532            SECTION 165. Ordinance 10870, Section 474, and K.C.C. 21A.24.270 are each  
3533 hereby amended to read as follows:

3534            **Flood hazard areas~~((:))~~ = ~~((€))~~certification by engineer or surveyor.**

3535            A. For all new structures or substantial improvements in a flood hazard area, the  
3536 applicant shall provide ~~((certification))~~ a FEMA elevation certificate completed by a  
3537 ~~((professional))~~ civil engineer or land surveyor licensed by the ~~((S))~~state of Washington  
3538 ~~((ef))~~ documenting:

- 3539                    1. The actual as-built elevation of the lowest floor, including basement; and  
3540                    2. The actual as-built elevation to which the structure is dry flood-proofed, if  
3541 applicable.

3542            B. The applicant shall submit a FEMA elevation certificate before the issuance of a  
3543 certificate of occupancy or temporary certificate of occupancy, whichever occurs first. For  
3544 unoccupied structures, the applicant shall submit the FEMA elevation certificate before the  
3545 issuance of the final letter of completion or temporary letter of completion, whichever  
3546 occurs first.

3547            C. The engineer or land surveyor shall indicate if the structure has a basement.

3548            ~~((C. King County))~~ D. The department shall maintain the certifications required by  
3549 this section for public inspection and for certification under the National Flood Insurance  
3550 Program.

3551            SECTION 166. Ordinance 11621, Section 75, and K.C.C. 21A.24.275 are each  
3552 hereby amended to read as follows:

3553            **Channel ~~((relocation and stream meander areas))~~ migration zones –**  
3554 **development standards and alterations.** ~~((No structure shall be allowed which would~~

3555 ~~be at risk due to channel relocation or stream meander until the promulgation of a public~~  
3556 ~~rule.))~~ The following development standards apply to development proposal and  
3557 alterations on sites within channel migration zones that have been mapped and adopted  
3558 by public rule:

3559 A. The development standards that apply to the aquatic area buffers in section 195  
3560 of this ordinance also apply to the severe channel migration zone and the portion of the  
3561 moderate channel migration zone that is within the aquatic area buffer. The more-  
3562 restrictive standards apply where there is a conflict;

3563 B. Only the alterations identified in section 137 of this ordinance are allowed  
3564 within a severe channel migration hazard area;

3565 C. The following standards apply to development proposals and alterations within  
3566 the moderate channel migration hazard area:

3567 1. Maintenance, repair or expansion of any use or structure is allowed if the  
3568 existing structure's footprint is not expanded towards any source of channel migration  
3569 hazard, unless the applicant can demonstrate that the location is the least subject to risk;

3570 2. New primary dwelling units, accessory dwelling units or accessory living  
3571 quarters, and required infrastructure, are allowed if:

3572 a. the structure is located on a separate lot in existence on or before February  
3573 16, 1995;

3574 b. a feasible alternative location outside of the channel migration hazard area is  
3575 not available on-site; and

3576 c. to the maximum extent practical, the structure and supporting infrastructure  
3577 is located the farthest distance from any source of channel migration hazard, unless the  
3578 applicant can demonstrate that an alternative location is:

3579 (1) the least subject to risk; or

3580 (2) within the outer third of the moderate channel migration hazard area as  
3581 measured perpendicular to the channel;

3582 3. New accessory structures are allowed if:

3583 a. a feasible alternative location is not available on-site; and

3584 b. to the maximum extent practical, the structure is located the farthest distance  
3585 from the migrating channel;

3586 4. The subdivision of property is allowed within the portion of a moderate  
3587 channel migration hazard area located outside an aquatic area buffer if:

3588 a. All lots contain five-thousand square feet or more of buildable land outside  
3589 of the moderate channel migration hazard area;

3590 b. Access to all lots does not cross the moderate channel migration hazard  
3591 area; and

3592 c. All infrastructure is located outside the moderate channel migration hazard  
3593 area except that an on-site septic system is allowed in the moderate channel migration  
3594 hazard area if:

3595 (1) a feasible alternative location is not available on-site; and

3596 (2) to the maximum extent practical, the septic system is located the farthest  
3597 distance from the migrating channel.

3598            SECTION 167. Ordinance 10870, Section 475, as amended, and K.C.C.

3599            21A.24.280 are each hereby amended to read as follows:

3600            **Landslide hazard areas~~((:))~~ ~~-- ((D))~~development standards and ((permitted))**  
3601            **alterations.**

3602            ~~((A))~~ The following development standards apply to development proposals and  
3603            alterations on ((a)) sites containing ((a)) landslide hazard areas ~~((shall meet the following~~  
3604            requirements)):

3605            A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3606            alterations identified in section 137 of this ordinance are allowed within a landslide hazard  
3607            area with a slope of forty percent or greater;

3608            B. A ~~((minimum))~~ buffer ~~((of 50 feet shall be established))~~ is required from all  
3609            edges of the landslide hazard area. ~~((The buffer shall be extended as required to mitigate a~~  
3610            ~~steep slope or erosion hazard or as otherwise necessary to protect the public health, safety~~  
3611            ~~and welfare. For landslide hazard areas that are also steep slopes over 200 feet in height,~~  
3612            ~~the building setback shall be 50 feet from the buffer. The building setback may be reduced~~  
3613            ~~to a minimum of 15 feet from the buffer if, based on a special study, King County~~  
3614            ~~determines that the reduction will adequately protect the proposed development and the~~  
3615            ~~sensitive area. For single family residential building permits only, King County may waive~~  
3616            ~~the special study requirement and authorize building setback reductions, pursuant to K.C.C.~~  
3617            ~~21A.24.075 or if King County determines that the reduction will adequately protect the~~  
3618            ~~proposed development and the sensitive area.))~~ To eliminate or minimize the risk of  
3619            property damage or injury resulting from landslides caused in whole or part by the  
3620            development, the department shall determine the size of the buffer based upon a critical

3621 area report prepared by a geotechnical engineer or geologist. If a critical area report is not  
3622 submitted to the department, the minimum buffer is fifty feet. If the landslide hazard area  
3623 has a vertical rise of more than two-hundred feet, the department may increase the  
3624 minimum building setback in K. C. C. 21A.24.200 to one-hundred feet;

3625 ~~((B.))~~ C. Unless otherwise provided ((herein)) in section 137 of this ordinance or as  
3626 a necessary part of an ((approved)) allowed alteration, removal of any vegetation from a  
3627 landslide hazard area or buffer ((shall be)) is prohibited((, except for limited removal of  
3628 vegetation necessary for surveying purposes and for the removal of hazard trees determined  
3629 to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice  
3630 to King County shall be provided prior to any vegetation removal permitted by this  
3631 subsection));

3632 ~~((C. Vegetation on slopes within a landslide hazard area or buffer which has been~~  
3633 ~~damaged by human activity or infested by noxious weeds may be replaced with~~  
3634 ~~vegetation native to King County pursuant to an enhancement plan approved by King~~  
3635 ~~County. The use of hazardous substances, pesticides and fertilizers in landslide hazard~~  
3636 ~~areas and their buffers may be prohibited by King County; and)) D. All alterations shall  
3637 minimize disturbance to the landslide hazard area , slope and vegetation unless necessary  
3638 for slope stabilization; and~~

3639 ~~((D. Alterations to landslide hazard areas and buffers may be allowed only as~~  
3640 ~~follows:~~

3641 ~~1. A landslide hazard area located on a slope 40% or steeper may be altered only~~  
3642 ~~if the alteration meets the standards and limitations set forth for steep slope hazard areas in~~  
3643 ~~K.C.C. 21A.24.310;~~

3644 ~~2. A))~~ E. Alterations in a landslide hazard area located on a slope less than ((40%  
3645 may be altered only)) forty percent are allowed if ((the alteration meets the following  
3646 requirements))):

3647 ~~((a.))~~ 1. ((t))The ~~((development proposal))~~ proposed alteration will not decrease  
3648 slope stability on contiguous properties; and

3649 ~~((b. mitigation based on the best available engineering and geological practices~~  
3650 ~~is implemented which either eliminates or minimizes))~~ 2. ((t))The risk of property  
3651 damage((, death)) or injury resulting from ((landslides; and

3652 3. Neither buffers nor a sensitive area tract shall be required if the alteration meets  
3653 the standards of subsection D.2)) landsliding is eliminated or minimized.

3654 SECTION 168. Ordinance 10870, Section 476, and K.C.C. 21A.24.290 are each  
3655 hereby amended to read as follows:

3656 **Seismic hazard areas((:)) ~~== ((D))~~ development standards and ((permitted))**  
3657 **alterations.**

3658 ~~((A))~~ The following development standards apply to development proposals and  
3659 alterations on ((a)) sites containing ((a)) seismic hazard areas ((shall meet the following  
3660 requirements))):

3661 A. ~~((Unless exempt, development proposals shall be subject to review standards~~  
3662 ~~based on two occupancy types: critical facilities and other structures. The review~~  
3663 ~~standards for critical facilities shall be based on larger earthquake reoccurrence intervals.~~  
3664 ~~The review standards for both occupancy types shall be set forth in administrative rules;~~

3665 B-)) The department may approve ((A))alterations to seismic hazard areas ((may  
3666 be allowed)) only ((as follows)) if:

3667 1. The evaluation of site-specific subsurface conditions shows that the proposed  
3668 development site is not located in a seismic hazard area; or

3669 2. ~~((Mitigation))~~ The applicant implements appropriate engineering design based  
3670 on the best available engineering and geological practices ~~((is implemented which))~~ that  
3671 either eliminates or minimizes the risk of structural damage~~((, death))~~ or injury resulting  
3672 from seismically induced settlement or soil liquefaction~~((; and~~

3673 ~~3. Mobile homes may be placed in seismic hazard areas without performing~~  
3674 ~~special studies to address the seismic hazard. Such mobile homes may be subject to special~~  
3675 ~~support and tie down requirements. These requirements shall be set forth in administrative~~  
3676 ~~rules.)); and~~

3677 ~~((C.))~~ B. The department may waive or reduce engineering study and design  
3678 requirements for alterations in seismic hazard areas for:

3679 1. Mobile homes;

3680 2. Additions or alterations that do not increase occupancy or significantly affect  
3681 the risk of structural damage or injury; and

3682 3. Buildings with less than ~~((2500))~~ two-thousand-five hundred square feet of  
3683 floor area or roof area, ~~((f))~~ whichever is greater ~~((that contain no living quarters and that))~~,  
3684 and that are not dwelling units or used as places of employment or public assembly  
3685 ~~((exempt from the provisions of this section)).~~

3686 SECTION 169. Ordinance 10870, Section 477, and K.C.C. 21A.24.300 are each  
3687 hereby amended to read as follows:

3688 **Volcanic hazard areas~~((;))~~ ~~== ((D))~~ development standards and ~~((permitted))~~**  
3689 **alterations.**



3713 ~~((These structures shall be designed))~~ The applicant shall design critical facilities to  
3714 withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric  
3715 Electron ~~((M))~~mudflow; and

3716 C. This section ~~((shall))~~ does not ~~((become effective))~~ apply until King County has  
3717 completed the required modeling and mapping of volcanic hazard areas.

3718 SECTION 170. Ordinance 10870, Section 478, as amended, and K.C.C.  
3719 21A.24.310 are each hereby amended to read as follows:

3720 **Steep slope hazard areas**~~((:))~~ ~~**==**~~ ~~**((D))**~~**development standards and** ~~**((permitted))**~~  
3721 **alterations.**

3722 ~~((A))~~ The following development standards apply to development proposals and  
3723 alterations on ~~((a))~~ sites containing ~~((a))~~ steep slope hazard areas ~~((shall meet the following~~  
3724 requirements)):

3725 A. Except as provided in subsection D. of this section, unless allowed as an  
3726 alteration exception under K.C.C. 21A.24.070, only the alterations identified in section 137  
3727 of this ordinance are allowed within a steep slope hazard area;

3728 B. A ~~((minimum))~~ buffer ~~((of fifty feet shall be established))~~ is required from ~~((the~~  
3729 top, toe and along all sides of any slope forty percent or steeper. The buffer shall be  
3730 extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to  
3731 protect the public health, safety and welfare. The buffer may be reduced to a minimum of  
3732 ten feet if, based on a special study, King County determines that the reduction will  
3733 adequately protect the proposed development and the sensitive area. The buffer may only  
3734 be reduced to twenty-five feet in the case of erosion hazard areas.)) all edges of the steep  
3735 slope hazard area. To eliminate or minimize the risk of property damage or injury resulting

3736 from slope instability, landsliding or erosion caused in whole or part by the development,  
3737 the department shall determine the size of the buffer based upon a critical area report  
3738 prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to  
3739 the department, the minimum buffer is fifty feet. For ((single family residential)) building  
3740 permits for single detached dwelling units only, ((King County)) the department may waive  
3741 the special study requirement and authorize buffer reductions((, pursuant to K.C.C.  
3742 21A.24.075 or if King County)) if the department determines that the reduction will  
3743 adequately protect the proposed development and the ((sensitive)) critical area; and

3744 ((B-)) C. Unless otherwise provided ((herein)) in section 137 of this ordinance or as  
3745 a necessary part of an ((approved)) allowed alteration, removal of any vegetation from a  
3746 steep slope hazard area or buffer ((shall be)) is prohibited((, except for limited removal of  
3747 vegetation necessary for surveying purposes and for the removal of hazard trees determined  
3748 to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice  
3749 to King County shall be provided prior to any vegetation removal permitted by this  
3750 subsection;

3751 C. Vegetation on steep slopes within steep slope hazard areas or their buffers  
3752 which has been damaged by human activity or infested by noxious weeds may be replaced  
3753 with vegetation native to King County pursuant to a vegetation management plan approved  
3754 by King County. The use of hazardous substances, pesticides and fertilizers in steep slope  
3755 hazard areas and their buffers may be prohibited by King County;))

3756 D. Alterations to steep slope hazard areas and buffers may be allowed only as  
3757 follows:

3758 ~~1. Approved surface water conveyances, as specified in the Surface Water Design~~  
3759 ~~Manual, may be allowed on steep slopes if they are installed in a manner to minimize~~  
3760 ~~disturbance to the slope and vegetation;~~

3761 ~~2. Public and private trails may be allowed on steep slopes as approved by the~~  
3762 ~~county. Under no circumstances shall trails be constructed of concrete, asphalt or other~~  
3763 ~~impervious surfaces which will contribute to surface water run off, unless such~~  
3764 ~~construction is necessary for soil stabilization or soil erosion prevention or unless the trail~~  
3765 ~~system is specifically designed and intended to be accessible to handicapped persons.~~  
3766 ~~Additional requirements for trail construction may be set forth in administrative rules;~~

3767 ~~3. Utility corridors may be allowed on steep slopes if a special study shows that;~~  
3768 ~~such alteration will not subject the area to the risk of landslide or erosion;~~

3769 ~~4. Limited trimming and pruning of vegetation may be allowed on steep slopes~~  
3770 ~~pursuant to an approved vegetation management plan for the creation and maintenance of~~  
3771 ~~views if the soils are not disturbed and the activity is subject to administrative rules;~~

3772 ~~5. Approved mining and quarrying activities may be allowed; and;~~

3773 ~~6. Stabilization of sites where erosion or landsliding threaten public or private~~  
3774 ~~structures, utilities, roads, driveways or trails, or where erosion and landsliding threatens~~  
3775 ~~any lake, stream, wetland or shoreline. Stabilization work shall be performed in a manner~~  
3776 ~~which causes the least possible disturbance to the slope and its vegetative cover; and~~

3777 ~~7 Reconstruction, remodeling or replacement of existing structures.~~

3778 ~~Reconstruction, remodeling, or replacement of an existing structure upon another~~  
3779 ~~portion of an existing impervious surface which was established pursuant to King County~~  
3780 ~~laws and regulations—allowed provided:~~

3781 a. ~~if within the buffer, the structure is located no closer to the steep slope than~~  
3782 ~~the existing structure,~~

3783 b. ~~the existing impervious surface within the buffer or steep slope is not~~  
3784 ~~expanded as a result of the reconstruction or replacement.~~

3785 E. ~~Point discharges from surface water facilities onto or upstream from steep slope~~  
3786 ~~hazard areas that are also erosion hazard areas shall be prohibited except as follows:~~

3787 1. ~~Conveyed via continuous storm pipe downslope to a point where there are no~~  
3788 ~~erosion hazard areas downstream from the discharge;~~

3789 2. ~~Discharged at flow durations matching predeveloped conditions, with adequate~~  
3790 ~~energy dissipation, into existing channels that previously conveyed stormwater runoff in~~  
3791 ~~the predevelopment state; or~~

3792 3. ~~Dispersed discharge upslope of the steep slope onto a low gradient undisturbed~~  
3793 ~~buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.~~

3794 F. ~~The following are exempt from the provisions of this section))~~ D. All alterations  
3795 are allowed in the following circumstance:

3796 1. Slopes which are forty percent or steeper with a vertical elevation change of up  
3797 to twenty feet if no adverse impact will result from the exemption based on King County's  
3798 review of and concurrence with a soils report prepared by a geologist or geotechnical  
3799 engineer; and

3800 2. The approved regrading of any slope which was created through previous legal  
3801 grading activities. Any slope which remains forty percent or steeper following site  
3802 development shall be subject to all requirements for steep slopes.

3803            SECTION 171. K.C.C. 20.70.020, as amended by this ordinance, is hereby  
3804 recodified as a new section in K.C.C. chapter 21A.24.

3805            SECTION 172. Ordinance 11481, Sections 2, and K.C.C. 20.70.020 are each  
3806 hereby amended to read as follows:

3807            **Critical aquifer recharge areas – ((M))map((s)) adopted.** The map entitled  
3808 ~~((Areas Highly Susceptible to Ground Water Contamination, attached to Ordinance~~  
3809 ~~11481 as Exhibit A, and the map entitled Sole Source Aquifers, attached to Ordinance~~  
3810 ~~11481 as Exhibit B, are)) King County Critical Aquifer Recharge Areas, included in  
3811 Attachment B to this ordinance, is hereby adopted as the designation of critical aquifer  
3812 recharge areas in King County ((pursuant to)) in accordance with RCW 36.70A.170. The  
3813 council may adopt by ordinance revisions to add or remove critical aquifer recharge areas  
3814 based on additional information about areas with susceptibility to ground water  
3815 contamination or on changes to sole source aquifers or wellhead protection areas as  
3816 identified in wellhead protection programs.~~

3817            NEW SECTION. SECTION 173. There is hereby added to chapter 21A.24 a  
3818 new section to read as follows:

3819            **Critical aquifer recharge areas – reclassification or declassification.** Upon  
3820 application supported by a critical areas report that includes a hydrogeologic site  
3821 evaluation, the department, in consultation with the department of natural resources and  
3822 parks, may determine that an area that is classified as a critical aquifer recharge area on  
3823 the map adopted and amended by public rule under K.C.C. 20.70.020, as recodified by  
3824 this ordinance:

3825           A. Does not meet the criteria for a critical aquifer recharge area and declassify  
3826 that area; or

3827           B. Has the wrong critical aquifer recharge area classification and determine the  
3828 correct classification.

3829           NEW SECTION. SECTION 174. There is hereby added to chapter 21A.24 a  
3830 new section to read as follows:

3831           **Critical aquifer recharge areas – categories.** Critical aquifer recharge areas are  
3832 categorized as follows:

3833           A. Category I critical aquifer recharge areas include those mapped areas that  
3834 King County has determined are highly susceptible to groundwater contamination and  
3835 that are located within a sole source aquifer or a wellhead protection area;

3836           B. Category II critical aquifer recharge areas include those mapped areas that  
3837 King County has determined:

3838           1. Have a medium susceptibility to ground water contamination and are located  
3839 in a sole source aquifer or a wellhead protection area; or

3840           2. Are highly susceptible to groundwater contamination and are not located in a  
3841 sole source aquifer or wellhead protection area; and

3842           C. Category III critical aquifer recharge areas include those mapped areas that  
3843 King County has determined have low susceptibility to groundwater contamination and  
3844 are located over an aquifer underlying an island that is surrounded by saltwater.

3845           SECTION 175. K.C.C. 20.70.030, as amended by this ordinance, is hereby  
3846 recodified as a new section in K.C.C. chapter 21A.24.

3847            SECTION 176. Ordinance 11481, Sections 3 and 5, and K.C.C. 20.70.030 are  
3848 each hereby amended to read as follows:

3849            **Critical aquifer recharge areas – King County Code provisions adopted –**  
3850 **Washington state underground tank provisions implemented.**

3851            ~~((In order to))~~To protect critical aquifer recharge areas, in accordance with chapter  
3852 36.70A RCW, the following provisions of the King County Code are determined to protect  
3853 critical aquifer recharge areas: K.C.C. ~~((C))~~chapters 8.12, 9.04, ~~((is hereby adopted in~~  
3854 ~~accordance with RCW 36.70A.060.~~

3855            ~~The following elements of the King County Code are hereby adopted in accordance~~  
3856 ~~with RCW 36.70A.060 to protect critical aquifer recharge areas: K.C.C. 8.12, K.C.C.)~~  
3857 ~~16.82, 21A.06, 21A.16, 21A.22 and 21A.24 and K.C.C. ~~((17.04.01, K.C.C. 21.42, K.C.C.~~~~  
3858 ~~21.51, K.C.C. 21A.16, and K.C.C. 21A.22))~~ 17.04.010. For the purposes of RCW  
3859 90.76.040, King County declares critical aquifer recharge areas to be environmentally  
3860 sensitive areas.

3861            SECTION 177. K.C.C. 20.70.040 is hereby recodified as a new section in K.C.C.  
3862 chapter 21A.24.

3863            SECTION 178. Ordinance 11481, Section 6, and K.C.C. 20.70.050 are each  
3864 hereby repealed.

3865            NEW SECTION. SECTION 179. There is hereby added to chapter 21A.24 a  
3866 new section to read as follows:

3867            **Critical aquifer recharge areas – development standards.** The following  
3868 development standards apply to development proposals and alterations on sites  
3869 containing critical aquifer recharge areas:

3870           A. Except as otherwise provided in subsection H. of this section, the following  
3871 new development proposals and alterations are not allowed on a site located in a category  
3872 I critical aquifer recharge area:

- 3873           1. Transmission pipelines carrying petroleum or petroleum products;
- 3874           2. Sand and gravel, and hard rock mining unless:
  - 3875           a. the site has mineral zoning as of the effective date of this section; or
  - 3876           b. mining is a permitted use on the site and the critical aquifer recharge area  
3877 was mapped after the date a complete application for mineral extraction on the site was  
3878 filed with the department;
- 3879           3. Mining of any type below the upper surface of the saturated ground water that  
3880 could be used for potable water supply;
- 3881           4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3882           5. Hydrocarbon extraction;
- 3883           6. Commercial wood treatment facilities on permeable surfaces;
- 3884           7. Underground storage tanks, including tanks that are exempt from the  
3885 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter  
3886 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.  
3887 Title 17;
- 3888           8. Above-ground storage tanks for hazardous substances, as defined in chapter  
3889 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3890 protection plan;
- 3891           9. Golf courses;
- 3892           10. Cemeteries;

- 3893           11. Wrecking yards;
- 3894           12. Landfills for hazardous waste, municipal solid waste or special waste, as
- 3895 defined in K.C.C. chapter 10.04; and
- 3896           13. On lots smaller than one acre, an on-site septic system, unless:
- 3897           a. the system is approved by the Washington state Department of Health and
- 3898 the system either uses an up flow media filter system or a proprietary packed-bed filter
- 3899 system or is designed to achieve approximately eighty percent total nitrogen removal for
- 3900 typical domestic wastewater; or
- 3901           b. the Seattle-King County department of public health determines that the
- 3902 systems required under subsection A.13.a. of this section will not function on the site.
- 3903           B. Except as otherwise provided in subsection H. of this section, the following
- 3904 new development proposals and alterations are not allowed on a site located in a category
- 3905 II critical aquifer recharge area:
- 3906           1. Mining of any type below the upper surface of the saturated ground water that
- 3907 could be used for potable water supply;
- 3908           2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3909           3. Hydrocarbon extraction;
- 3910           4. Commercial wood treatment facilities located on permeable surfaces;
- 3911           5.a. Except for a category II critical aquifer recharge area located over an
- 3912 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
- 3913 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
- 3914 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

3915           b. For a category II critical aquifer recharge area located over an aquifer  
3916 underlying an island that is surrounded by saltwater, underground storage tanks,  
3917 including underground storage tanks exempt from the requirements of chapter 173-360  
3918 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply  
3919 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

3920           6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3921 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3922 protection plan;

3923           7. Wrecking yards;

3924           8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3925 defined in K.C.C. chapter 10.04; and

3926           9. On lots smaller than one acre, an on-site septic systems, unless:

3927           a. the system is approved by the Washington state Department of Health and  
3928 the system either uses an up flow media filter system or a proprietary packed-bed filter  
3929 system or is designed to achieve approximately eighty percent total nitrogen removal for  
3930 typical domestic wastewater; or

3931           b. the Seattle-King County department of public health determines that the  
3932 systems required under subsection B.9.a. of this section will not function on the site.

3933           C. Except as otherwise provided in subsection H. of this section, the following  
3934 new development proposals and alterations are not allowed on a site located in a category  
3935 III critical aquifer recharge area:

3936           1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3937           2. Hydrocarbon extraction;

- 3938           3. Commercial wood treatment facilities located on permeable surfaces;
- 3939           4. Underground storage tanks, including tanks exempt from the requirements of
- 3940 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,
- 3941 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 3942           5. Above ground storage tanks for hazardous substances, as defined in chapter
- 3943 70.105 RCW, unless protected with primary and secondary containment areas and a spill
- 3944 protection plan;
- 3945           6. Wrecking yards; and
- 3946           7. Landfills for hazardous waste, municipal solid waste, or special waste, as
- 3947 defined in K.C.C. chapter 10.04.
- 3948           D. The following standards apply to development proposals and alterations that
- 3949 are substantial improvements on a site located in a critical aquifer recharge area:
- 3950           1. The owner of an underground storage tank, including a tank that is exempt
- 3951 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
- 3952 area or a category II critical aquifer recharge area located over an aquifer underlying an
- 3953 island that is surrounded by saltwater shall either bring the tank into compliance with the
- 3954 standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove
- 3955 the tank; and
- 3956           2. The owner of an underground storage tank in a category II critical aquifer
- 3957 recharge area not located on located over an aquifer underlying an island that is
- 3958 surrounded by saltwater shall bring the tank into compliance with the standards of
- 3959 chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the
- 3960 tank.

3961 E. In any critical aquifer recharge area, the property owner shall properly  
3962 decommission an abandoned well.

3963 F. On a site located in a critical aquifer recharge area within the urban growth  
3964 area, a development proposal for new residential development, including, but not limited  
3965 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
3966 practices included in the King County Surface Water Design Manual into the site design  
3967 in order to infiltrate stormwater runoff to the maximum extent practical.

3968 G. On an island surround by saltwater, the owner of a new well located within  
3969 two hundred feet of the ordinary high water mark of the marine shoreline and within a  
3970 critical aquifer recharge area shall test the well for chloride levels using testing protocols  
3971 approved by the Washington state Department of Health. The owner shall report the  
3972 results of the test to Seattle-King County department of public health and to the  
3973 department of natural resources and parks. If the test results indicate saltwater intrusion  
3974 is likely to occur, the department of natural resources and parks, in consultation with  
3975 Seattle-King County department of public health, shall recommend appropriate measures  
3976 to prevent saltwater intrusion.

3977 H. On a site greater than twenty acres, the department may approve a  
3978 development proposal otherwise prohibited by subsections A., B. and C. of this section if  
3979 the applicant demonstrates through a critical areas report that the development proposal is  
3980 located outside the critical aquifer recharge area and that the development proposal will  
3981 not cause a significant adverse environmental impact to the critical aquifer recharge area.

3982 I. The provisions relating to underground storage tanks in subsections A. through  
3983 D. of this section apply only when the proposed regulation of underground storage tanks

3984 has been submitted to and approved by the Washington state department of ecology, in  
3985 accordance with 90.76.040 RCW and WAC 173-360-530.

3986 SECTION 180. K.C.C. 20.70.060, as amended by this ordinance, is hereby  
3987 recodified as a new section in K.C.C. chapter 13.24.

3988 SECTION 181. Ordinance 11481, Sections 2, and K.C.C. 20.70.060 are each  
3989 hereby amended to read as follows:

3990 **Critical aquifer recharge areas – ((E))evaluation and implementation.**

3991 ((King County will)) The department of natural resources and parks may evaluate  
3992 and implement, as appropriate, ground water management plans and wellhead protection  
3993 programs to further protect ground water resources. ((King County will also revise, as  
3994 appropriate, the map of critical aquifer areas, adopted in Section 20.70.020, to include  
3995 areas of high recharge to ground water as identified in ground water management plans  
3996 and wellhead protection programs.))

3997 SECTION 182. Ordinance 11481, Section 8, and K.C.C. 20.70.200 are each  
3998 hereby repealed.

3999 NEW SECTION. SECTION 183. There is added to K.C.C. chapter 21A.24 a  
4000 new section to read as follows:

4001 **Wetlands: categories.**

4002 A. Wetlands are classified into category I, category II, category III and category  
4003 IV based on the adopted Washington State Wetland Rating System for Western  
4004 Washington, Washington state department of ecology publication number 04-06-025,  
4005 published August 2004.

4006 B. Wetland rating categories shall not recognize illegal modifications.

4007            SECTION 184. Ordinance 10870, Section 479, and K.C.C. 21A.24.320 are each  
4008 hereby repealed.

4009            NEW SECTION. SECTION 185. There is hereby added to K.C.C. chapter  
4010 21A.24 a new section to read as follows:

4011            **Wetland – buffers.** Except as otherwise provided in this section, buffers shall be  
4012 provided from the wetland edge as follows:

4013            A. In the Urban Growth Area, buffers for wetlands shall be established in  
4014 accordance with the following standards:

4015            1. The standard buffer widths of the following table shall apply unless modified  
4016 in accordance with subsection A.2, A.3, C. or D. of this section:

<b>WETLAND CATEGORY AND CHARACTERISTICS</b>	<b>BUFFER</b>
<b>Category I</b>	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 29 to 36 points	225 feet
Habitat score from 20 to 28 points	150 feet
Category I wetlands not meeting any of the criteria below	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from 29 to 36 points	200 feet

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Habitat score from 20 to 28 points	125 feet
Category II wetlands not meeting any of the criteria below	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria below	75 feet
<b>Category IV</b>	50 feet

4017           2. If a Category I or II wetland with habitat score greater than twenty points is  
4018 located within three hundred feet of a priority habitat area as defined by the Washington  
4019 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this  
4020 section shall be increased by fifty feet unless:

4021           a. the applicant provides relatively undisturbed vegetated corridor at least one  
4022 hundred feet wide between the wetland and all priority habitat areas located within three  
4023 hundred feet of the wetland. The corridor shall be protected for the entire distance  
4024 between the wetland and the priority habitat through a conservation easement, native  
4025 growth protection easement or the equivalent; and

4026           b. the applicable mitigation measures in subsection A.3.b. of this section are  
4027 provided; and

4028           3. Buffers calculated in accordance with subsection A.1. and A.2. of this section  
4029 shall be reduced as follows:

4030           a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if  
4031 the applicant implements all applicable mitigation measures identified in subsection  
4032 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the

4033 impacts of the development and the department determines the alternative provides  
 4034 equivalent mitigation.

4035           b. The following mitigation measures may be used by an applicant to obtain a  
 4036 reduced buffer width under subsection A.1. of this section:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>	<b>Activities that may cause the disturbance</b>
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or  Covenants limiting use of pesticides within 150 ft of wetland, or  Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

4037 B. For a wetland located outside the Urban Growth Area:

4038 1. The buffers shown on the following table apply unless modified in  
 4039 accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet

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Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from 29 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category II</b>			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from 29 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category III</b>			
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category IV</b>			
	50 feet	40 feet	25 feet

4040 2. For purposes of this subsection B., unless the director determines a lesser

4041 level of impact is appropriate based on information provided by the applicant, the

4042 intensity of impact of the adjacent land use is determined as follows:

4043 a. high impact includes:

4044 (1) sites zoned commercial or industrial;

- 4045                   (2) commercial or industrial use on a site regardless of the zoning  
4046 designation;
- 4047                   (3) nonresidential use on a site zoned for residential use;  
4048                   (4) active recreation use on a site regardless of zoning;
- 4049                   b. moderate impact includes:
- 4050                   (1) residential uses on sites zoned rural residential without an approved rural  
4051 stewardship plan;
- 4052                   (2) residential use on a site zoned agriculture or forestry; or  
4053                   (3) agricultural uses without an approved farm management plan; and
- 4054                   c. low impact includes:
- 4055                   (1) forestry use on a site regardless of zoning designation;  
4056                   (2) residential uses on sites zoned rural residential with an approved rural  
4057 stewardship plan;
- 4058                   (3) passive recreation uses, such as trails, nature viewing areas, fishing and  
4059 camping areas, and other similar uses that do not require permanent structures, on a site  
4060 regardless of zoning; or
- 4061                   (4) agricultural uses carried out in accordance with an approved farm  
4062 management plan.
- 4063                   C. The department may approve a modification of the minimum buffer width  
4064 required by this section by averaging the buffer width if:
- 4065                   1. The department determines that:
- 4066                   a. the ecological structure and function of the buffer after averaging is  
4067 equivalent to or greater than the structure and function before averaging; or

- 4068           b. averaging includes the corridors of a wetland complex; and
- 4069           2. The resulting buffer meets the following standards:
- 4070           a. the total area of the buffer after averaging is equivalent to or greater than the
- 4071 area of the buffer before averaging;
- 4072           b. the additional buffer is contiguous with the standard buffer; and
- 4073           c. if the buffer width averaging allows a structure or landscaped area to intrude
- 4074 into the area that was buffer area before averaging, the resulting landscaped area shall
- 4075 extend no more than fifteen feet from the edge of the structure's footprint toward the
- 4076 reduced buffer.
- 4077           D. Wetland buffer widths shall also be subject to modifications under the
- 4078 following special circumstances:
- 4079           1. For wetlands containing documented habitat for endangered, threatened or
- 4080 species of local importance, the following shall apply:
- 4081           a. the department shall establish the appropriate buffer, based on a habitat
- 4082 assessment, to ensure that the buffer provides adequate protection for the sensitive
- 4083 species; and
- 4084           b. the department may apply the buffer increase rules in subsection A.2. of this
- 4085 section, the buffer reduction rules in subsection A.3. of this section, and the buffer
- 4086 averaging rules in subsection C. of this section;
- 4087           2. For a wetland buffer that includes a steep slope hazard area or landslide
- 4088 hazard area, the buffer width is the greater of either the buffer width required by the
- 4089 wetland's category in this section or twenty-five feet beyond the top of the hazard area;
- 4090 and

4091           3. For a wetland complex located outside the Urban Growth Area established by  
4092 the King County Comprehensive Plan or located within the Urban Growth Area in a  
4093 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included  
4094 as Attachment A to this ordinance, the buffer width is determined as follows:

4095           a. the buffer width for each individual wetland in the complex is the same  
4096 width as the buffer width required for the category of wetland;

4097           b. if the buffer of a wetland within the complex does not touch or overlap with  
4098 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
4099 that wetland to one other wetland buffer in the complex considering the following  
4100 factors:

4101           (1) the corridor is designed to support maintaining viable wildlife species that  
4102 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
4103 during a critical life cycle stage, such as breeding, rearing, or feeding;

4104           (2) the corridor minimizes fragmentation of the wetlands;

4105           (3) higher category wetlands are connected through corridors before lower  
4106 category wetlands; and

4107           (4) the corridor width is a least twenty-five percent of the length of the  
4108 corridor, but no less than twenty-five feet in width; and

4109           (5) shorter corridors are preferred over longer corridors;

4110           c. wetlands in a complex that are connected by an aquatic area that flows  
4111 between the wetlands are not required to be connected through a corridor;

4112           d. the department may exclude a wetland from the wetland complex if the  
4113 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

4114 that are commonly recognized to exclusively or partially use wetlands and wetland  
4115 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and  
4116 e. the alterations allowed in a wetland buffer in section 137 of this ordinance  
4117 are allowed in corridors subject to the same conditions and requirements as wetland  
4118 buffers as long as the alteration is designed so as not to disrupt wildlife movement  
4119 through the corridor; and

4120 4. Where a legally established roadway transects a wetland buffer, the  
4121 department may approve a modification of the minimum required buffer width to the edge  
4122 of the roadway if the part of the buffer on the other side of the roadway sought to be  
4123 reduced:

4124 a. does not provide additional protection of the proposed development or the  
4125 wetland; and

4126 b. provides insignificant biological, geological or hydrological buffer functions  
4127 relating to the other portion of the buffer adjacent to the wetland."

4128 E. Wetlands created through voluntary enhancement or restoration projects are not  
4129 subject to the buffers established in subsections A. and B. of this section.

4130 SECTION 186. Ordinance 10870, Section 480, as amended, and K.C.C.

4131 21A.24.330 are each hereby repealed.

4132 NEW SECTION. SECTION 187. There is hereby added to K.C.C. chapter 21A.24  
4133 a new section to read as follows:

4134 **Wetlands--development standards and alterations.** The following  
4135 development standards apply to development proposals and alterations on sites  
4136 containing wetlands or their buffers:

4137 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4138 alterations identified in section 137 of this ordinance are allowed in wetlands and wetland  
4139 buffers;

4140 B. The applicant shall not introduce any plant or wildlife that is not indigenous to  
4141 the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or  
4142 federal permit or approval;

4143 C. A category IV wetland less than two-thousand-five-hundred square feet that is  
4144 not part of a wetland complex may be altered by relocating its functions into a new wetland  
4145 on the site in accordance with an approved mitigation plan; and

4146 D. Alterations to category I wetlands containing bogs or fens are limited to  
4147 section 137 D.20. and D.52. of this ordinance.

4148 SECTION 188. Ordinance 10870, Section 481, as amended, and K.C.C.  
4149 21A.24.340 are each hereby amended to read as follows:

4150 **Wetlands ((:)) -- specific mitigation requirements. In addition to the  
4151 requirements in section 149 of this ordinance and K.C.C. 21A.24.130, the following  
4152 applies to mitigation to compensate for the adverse impacts associated with an alteration  
4153 to a wetland or wetland buffer:**

4154 ~~((A. Restoration shall be required if a wetland or its buffer is altered in violation of~~  
4155 ~~law or without any specific permission or approval by King County. The following~~  
4156 ~~minimum requirements shall be met for the restoration of a wetland:~~

4157 1. ~~The original wetland configuration shall be replicated including its depth,~~  
4158 ~~width, length and gradient at the original location;~~

4159 2. ~~The original soil type and configuration shall be replicated;~~

4160           3. ~~The wetland edge and buffer configuration shall be restored to its original~~  
4161 ~~condition;~~

4162           4. ~~the wetland, edge and buffer shall be replanted with vegetation native to King~~  
4163 ~~County that replicates the original vegetation in species, sizes and densities; and~~

4164           5. ~~the original wetland functions shall be restored including, but not limited to,~~  
4165 ~~hydrologic and biologic functions.~~

4166           B. ~~The requirements in subsection A. of this section may be modified if the~~  
4167 ~~applicant demonstrates that greater wetland functions can otherwise be obtained.~~

4168           C. ~~Replacement shall be required if a buffer is altered under an approved~~  
4169 ~~development proposal or a wetland is used for a regional flow control facility or other~~  
4170 ~~approved use. The requirements for the restoration of wetlands shall be met by~~  
4171 ~~replacement wetlands.~~

4172           D. ~~Enhancement may be allowed if a wetland or buffer will be altered under to a~~  
4173 ~~development proposal, but the wetland's biologic and/or hydrologic functions will be~~  
4174 ~~improved. Minimum requirements for enhancement shall be established in administrative~~  
4175 ~~rules.~~

4176           E. ~~All alterations of wetlands shall be replaced or enhanced on the site or within~~  
4177 ~~the same drainage basin using the following formulas: class 1 and 2 wetlands on a two to~~  
4178 ~~one basis and class 3 wetlands on a one to one basis with equivalent or greater biologic~~  
4179 ~~functions including, but not limited to, habitat functions and with equivalent hydrologic~~  
4180 ~~functions including, but not limited to, storage capacity.~~

4181           F. ~~Replacement or enhancement off the site may be allowed if the applicant~~  
4182 ~~demonstrates to the satisfaction of King County that the off site location is in the same~~

4183 ~~drainage sub-basin as the original wetland and that greater biologic and hydrologic~~  
4184 ~~functions will be achieved. The formulas in subsection E of this section shall apply to~~  
4185 ~~replacement and enhancement off the site.~~

4186 ~~G. Surface water management or flood control alterations including, but not~~  
4187 ~~limited to, wetponds shall not constitute replacement or enhancement unless other~~  
4188 ~~functions are simultaneously improved.~~

4189 ~~H. Mitigation sites should be located to alleviate wildlife habitat fragmentation and~~  
4190 ~~avoid impacts to and prevent loss of farmable land within agricultural production~~  
4191 ~~districts.))~~

4192 A. Mitigation measures must achieve equivalent or greater wetland functions,  
4193 including, but not limited to:

- 4194 1. Habitat complexity, connectivity and other biological functions; and  
4195 2. Seasonal hydrological dynamics, as provided in the King County Surface  
4196 Water Design Manual;

4197 B. The following ratios of area of mitigation to area of alteration apply to  
4198 mitigation measures for permanent alterations:

- 4199 1. For alterations to a wetland buffer, a ratio of one to one; and

4200

2. For alterations to a wetland:

<u>Category and type of wetland</u>	<u>Wetland re-establishment or creation</u>	<u>Wetland rehabilitation</u>	<u>1:1 Wetland re-establishment or wetland creation (R/C) and wetland enhancement (E)</u>	<u>Wetland enhancement only</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>6:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>1:1 R/C and 2:1 E</u>	<u>8:1</u>
<u>Category II estuarine</u>	<u>Case-by-case</u>	<u>4:1 rehabilitation of an estuarine wetland</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>All other Category II</u>	<u>3:1</u>	<u>8:1</u>	<u>1:1 R/C and 4:1 E</u>	<u>12:1</u>
<u>Category I forested</u>	<u>6:1</u>	<u>12:1</u>	<u>1:1 R/C and 10:1 E</u>	<u>Case-by-case</u>
<u>Category I based on score for functions</u>	<u>4:1</u>	<u>8:1</u>	<u>1:1 R/C and 6:1 E</u>	<u>Case-by-case</u>
<u>Category I</u>	<u>Not allowed</u>	<u>6:1</u>	<u>Case-by-case</u>	<u>Case-by-case</u>

<u>natural heritage site</u>		<u>rehabilitation of a natural heritage site</u>		
<u>Category I coastal lagoon</u>	<u>Not allowed</u>	<u>6:1 rehabilitation of a coastal lagoon</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I bog</u>	<u>Not allowed</u>	<u>6:1 rehabilitation of a bog</u>	<u>Case-by-case</u>	<u>Case-by-case</u>
<u>Category I estuarine</u>	<u>Case-by-case</u>	<u>6:1 rehabilitation of an estuarine wetland</u>	<u>Case-by-case</u>	<u>Case-by-case</u>

4201 C. The following ratios of area of mitigation to area of alteration apply to  
 4202 mitigation measures for temporary alterations where wetlands will not be impacted by  
 4203 permanent fill material:

<u>Wetland category</u>	<u>Permanent conversion of forested and shrub wetlands into emergent wetlands</u>			<u>Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities</u>		
	<u>Enhancement</u>	<u>Rehabilitati on</u>	<u>Creation or restoration</u>	<u>Enhanceme nt</u>	<u>Rehabilitati on</u>	<u>Creation or restoration</u>

<u>Categor</u> <u>y I</u>	<u>6:1</u>	<u>4.5:1</u>	<u>3:1</u>	<u>3:1</u>	<u>2:1</u>	<u>1.5:1</u>
<u>Categor</u> <u>y II</u>	<u>3:1</u>	<u>2:1</u>	<u>1.5:1</u>	<u>1.5:1</u>	<u>1:1</u>	<u>.75:1</u>
<u>Categor</u> <u>y III</u>	<u>2:1</u>	<u>1.5:1</u>	<u>1:1</u>	<u>1:1</u>	<u>.75:1</u>	<u>.5:1</u>
<u>Categor</u> <u>y IV</u>	<u>1.5:1</u>	<u>1:1</u>	<u>.75:1</u>	<u>Not</u> <u>applicable</u>	<u>Not</u> <u>applicable</u>	<u>Not</u> <u>applicable</u>

4204 D. The department may increase the mitigation ratios provided in subsections B.  
 4205 and C. of this section under the following circumstances:

4206 1. The department determines there is uncertainty as to the probable  
 4207 success of the proposed restoration or creation;

4208 2. A significant period of time will elapse between the impact caused by the  
 4209 development proposal and the establishment of wetland functions at the mitigation site;

4210 3. The proposed mitigation will result in a lower category wetland or reduced  
 4211 functions relative to the wetland being impacted; or

4212 4. The alteration causing the impact was an unauthorized impact.

4213 E. The department may decrease the mitigation ratios provided in subsections B.  
 4214 and C. of this section under the following circumstances:

4215 1. The applicant demonstrates by documentation submitted by a qualified  
 4216 wetland specialist that the proposed mitigation actions have a very high likelihood of  
 4217 success based on hydrologic data and prior experience;

4218           2. The applicant demonstrates by documentation by a qualified wetland  
4219 specialist that the proposed actions for compensation will provide functions and values  
4220 that are significantly greater than the wetland being impacted;

4221           3. The applicant demonstrates that the proposed actions for mitigation have  
4222 been conducted in advance of the impact caused by the development proposal and that  
4223 the actions are successful; or

4224           4. In wetlands where several wetland hydrogeomorphic classes, including, but  
4225 not limited to depressional, slope, riverine and flow through, are found within one  
4226 delineated boundary, the department may decrease the ratios if:

4227           a. impacts to the wetland are all within an area that has a different  
4228 hydrogeomorphic class from the one used to establish the category;

4229           b. the category of the area with a different class is lower than that of the entire  
4230 wetland; and

4231           c. the applicant provides adequate hydrologic and geomorphic data to establish  
4232 that the boundary between the hydrogeomorphic classes lies outside of the footprint of  
4233 the impacts.

4234           F. For temporary alterations to a wetland or its buffer that are predominately  
4235 woody vegetation, the department may require mitigation in addition to restoration of the  
4236 altered wetland or buffer;

4237           G. Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic  
4238 area lake shoreline in accordance with an allowed alteration under this chapter shall  
4239 include, but is not limited to, on-site revegetation, maintenance and other restoration of  
4240 the buffer or setback area to the maximum extent practical; and

4241 H. The department may consider two or more contiguous sites under common  
4242 ownership and located in the same drainage subbasin, as one site for the purpose of  
4243 mitigation ratios.

4244 NEW SECTION. SECTION 189. There is hereby added to K.C.C. chapter  
4245 21A.24 a new section to read as follows:

4246 **Wetlands – agreement to modify mitigation ratios.**

4247 A. The department may enter into an agreement with an applicant to establish  
4248 mitigation ratios to compensate for the adverse impacts to wetlands of the applicant’s  
4249 development proposals that differ from the ratios required by K.C.C. 21A.24.340.B. The  
4250 agreement shall require that the applicant:

4251 1. Demonstrate with scientifically-valid data that the program implemented by  
4252 the applicant has achieved long-term success in reducing the risk of failure and temporal  
4253 loss of function of the applicant’s wetland mitigation projects; and

4254 2. Implement a scientifically rigorous mitigation, monitoring and adaptive  
4255 management program that includes the following elements:

4256 a. a mitigation planning process that requires mitigation plans to be prepared  
4257 and signed by a qualified wetland specialist. The mitigation planning process shall use  
4258 the guidelines contained in Washington State Department of Ecology - U.S. Army Corps  
4259 of Engineers Publication 04-06-013b "Guidance on Wetland Mitigation in Washington  
4260 State" or an alternative approach acceptable to the department;

4261 b. construction oversight by a qualified wetland specialist;

4262 c. postconstruction monitoring and reporting by experienced and qualified  
4263 personnel using scientifically rigorous and accepted methodologies to assess whether the

4264 mitigation has been installed and whether it meets the approved goals, objectives and  
4265 performance standards identified in the mitigation plan;

4266 d. ongoing mitigation site maintenance to facilitate the achievement of the  
4267 approved goals, objectives and performance standards identified in the mitigation plan.

4268 Maintenance includes, but not limited to, the removal and control of nonnative  
4269 vegetation, replacement of dead or dying planted vegetation and trash and debris  
4270 removal;

4271 e. financing or funding guarantees for the duration of the mitigation and  
4272 monitoring program. At a minimum, funding guarantees must be in place until  
4273 mitigation activities have met the established performance standards and have been  
4274 approved by the department; and

4275 f. an adaptive management program that requires the evaluation and  
4276 adjustment of remedial actions contained within the contingency plan developed as part  
4277 of the mitigation planning process.

4278 B. The mitigation ratios established by the agreement authorized by this section  
4279 shall be based on data prepared by the applicant regarding the effectiveness of past and  
4280 ongoing mitigation projects implemented and monitored by the applicant. In establishing  
4281 the mitigation ratios, the department shall consider:

4282 1. The applicant's demonstrated success in meeting mitigation performance  
4283 standards for the different types of mitigation, such as re-establishment, creation,  
4284 rehabilitation, and enhancement; and

4285 2. The hydrogeomorphic classification, such as slope, riverine, depressional and  
4286 tidal fringe, of the wetland.

4287 C. The applicant may request coordinated review of the agreement with the  
4288 Washington state Department of Ecology and the United States Army Corps of  
4289 Engineers.

4290 SECTION 190. Ordinance 11621, Section 72, as amended, and K.C.C. 21A.24.345  
4291 are each hereby amended to read as follows:

4292 ~~((Wetlands:))~~ **Specific mitigation requirements -- wetland mitigation**  
4293 **banking.** ~~((King County))~~ The department may ~~((consider and))~~ approve ~~((replacement~~  
4294 ~~or enhancement))~~ mitigation in advance of unavoidable adverse impacts to wetlands  
4295 caused by the development activities through an approved wetland mitigation bank.  
4296 Wetland mitigation banking is not allowed in the agricultural production districts if the  
4297 purpose is to compensate for filling wetlands for development outside of the agricultural  
4298 production districts. ~~((Compensatory mitigation in advance of authorized impacts must~~  
4299 ~~be provided through an approved mitigation bank. Criteria governing the creation and~~  
4300 ~~use of a mitigation bank shall be established in administrative rules. A pilot project or~~  
4301 ~~projects, complete with evaluation should be initiated that would test the viability of the~~  
4302 ~~mitigation bank concept before to its full implementation.))~~

4303 SECTION 191. Ordinance 10870, Section 482, and K.C.C. 21A.24.350 are each  
4304 hereby repealed.

4305 NEW SECTION. SECTION 192. There is hereby added to K.C.C. chapter  
4306 21A.24 a new section to read as follows:

4307 **Aquatic areas -- water types.**

4308 A. Aquatic areas are categorized or "typed" as follows:

4309           1. Type S waters include all aquatic areas inventoried as "shorelines of the state"  
4310 under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with  
4311 chapter 90.58 RCW, including segments of streams where the mean annual flow is more  
4312 than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or  
4313 greater;

4314           2. Type F waters include all segments of aquatic areas that are not type S waters  
4315 and that contain fish or fish habitat, including waters diverted for use by a federal, state or  
4316 tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the  
4317 entire tributary if the tributary is highly significant for protection of downstream water  
4318 quality;

4319           3. Type N waters include all segments of aquatic areas that are not type S or F  
4320 waters and that are physically connected to type S or F waters by an above-ground  
4321 channel system, stream or wetland; and

4322           4. Type O waters include all segments of aquatic areas that are not type S, F or  
4323 N waters and that are not physically connected to type S, F or N waters by an above-  
4324 ground channel system, stream or wetland.

4325           B. For the purposes of the water types in subsection A. of this section, an above-  
4326 ground channel system is considered to be present if the one-hundred year floodplains of  
4327 both the contributing and receiving waters are connected.

4328           C. The department may determine that an area upstream of a legal human-made  
4329 barrier is not fish habitat considering the following factors:

4330           1. The human-made barrier is located beneath public infrastructure that is  
4331 unlikely to be replaced and it is not feasible to remove the barrier without removing the  
4332 public infrastructure;

4333           2. The human-made barrier is in the Urban Growth Area established by the  
4334 King County Comprehensive Plan and is located beneath one or more dwelling units and  
4335 it is not feasible to remove the barrier without removing the dwelling unit;

4336           3. The human-made barrier is located in a subbasin that is not designated "high"  
4337 on the Basin and Shoreline Conditions Map which is included as Attachment A to this  
4338 ordinance; or

4339           4. The human-made barrier is not identified for removal by a public agency or  
4340 in an adopted watershed plan.

4341           NEW SECTION. SECTION 193. There is hereby added to K.C.C. chapter  
4342 21A.24 a new section to read as follows:

4343           **Aquatic areas – buffers.**

4344           A. Aquatic area buffers shall be measured as follows:

4345           1. From the ordinary high water mark or from the top of bank if the ordinary  
4346 high water mark cannot be identified;

4347           2. If the aquatic area is located within a mapped severe channel migration area,  
4348 the aquatic area buffer width shall be the greater of the aquatic area buffer width as  
4349 measured consistent with subsection A.1. of this section or the outer edge of the severe  
4350 channel migration area; or

4351           3. If the aquatic area buffer includes a steep slope hazard area or landslide  
4352 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in  
4353 this section or twenty-five feet beyond the top of the hazard area.

4354           B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

- 4355           1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;
- 4356           2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"  
4357 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;
- 4358           3. A type N aquatic area buffer is sixty-five-feet; and
- 4359           4. A type O aquatic area buffer is twenty-five-feet.

4360           C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

- 4361           1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;
- 4362           2. A type N aquatic area buffer is sixty-five-feet; and
- 4363           3. A type O aquatic area buffer is twenty-five-feet.

4364           D. Within the Bear Creek drainage basin a type N aquatic area buffer in a  
4365 designated regionally significant resource area is one-hundred-feet.

4366           E. The department may approve a modification of buffer widths if:

- 4367           1. The department determines that through buffer averaging the ecological  
4368 structure and function of the resulting buffer is equivalent to or greater than the structure  
4369 and function before averaging and meets the following standards:
  - 4370           a. The total area of the buffer is not reduced;
  - 4371           b. The buffer area is contiguous; and

4372 c. Averaging does not result in the reduction of the minimum buffer for the  
4373 buffer area waterward of the top of the associated steep slopes or for a severe channel  
4374 migration hazard area;

4375 2. The applicant demonstrates that the buffer cannot provide certain functions  
4376 because of soils, geology or topography, provided that the department shall establish  
4377 buffers which protect the remaining ecological functions that the buffer can provide;

4378 3. The site is zoned RA and is subject to an approved rural stewardship plan. In  
4379 modifying the buffers, the department shall consider factors such as, the basin and  
4380 shoreline condition, the location of the site within the basin and shoreline, the buffer  
4381 condition and the amount of clearing;

4382 4. A legally established roadway transects an aquatic area buffer, the roadway  
4383 edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on  
4384 the other side of the roadway provides insignificant biological or hydrological function in  
4385 relation to the portion of the buffer adjacent to the aquatic area; and

4386 5. The aquatic area is created as a result of enhancement or restoration projects  
4387 that are not mitigation for a development proposal or alteration.

4388 SECTION 194. Ordinance 10870, Section 483, as amended, and K.C.C.

4389 21A.24.360 are each hereby repealed.:

4390 NEW SECTION. SECTION 195. There is hereby added to K.C.C. chapter

4391 21A.24 a new section to read as follows:

4392 **Aquatic area--development standards and alterations.** The following  
4393 development standards apply to development proposals and alterations on sites  
4394 containing aquatic areas or their buffers:

4395           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4396 alterations identified in section 137 of this ordinance are allowed in aquatic areas and  
4397 aquatic area buffers;

4398           B. Grading for allowed alterations in aquatic area buffers is only allowed from  
4399 May 1 to October 1. This period may be modified when the department determines it is  
4400 necessary along marine shorelines to protect critical forage fish and salmonid migration  
4401 or as provided in K.C.C. 16.82.\_\_\_\_(Ordinance 15053, Section 9);

4402           C. The moisture-holding capacity of the topsoil layer on all areas of the site not  
4403 covered by impervious surfaces should be maintained by:

- 4404                   1. Minimizing soil compaction, or  
4405                   2. Reestablishing natural soil structure and the capacity to infiltrate;

4406           D. New structures within an aquatic area buffer should be sited to avoid the  
4407 creation of future hazard trees and to minimize the impact on groundwater movement;  
4408 and

4409           E. To the maximum extent practical:

4410                   1. The soil duff layer should not be disturbed, but if disturbed, should be  
4411 redistributed to other areas of the project site where feasible;

4412                   2. A spatial connection should be provided between vegetation within and  
4413 outside the aquatic area buffer to prevent creation of wind throw hazards; and

4414                   3. Hazard trees should be retained in aquatic area buffers and either topped or  
4415 pushed over toward the aquatic area.

4416           SECTION 196. Ordinance 10870, Section 484, as amended, and K.C.C.  
4417 21A.24.370 are each hereby repealed.

4418            SECTION 197. Ordinance 10870, Section 485, and K.C.C. 21A.24.380 are each  
4419 hereby amended to read as follows:

4420            ~~((Streams:))~~ **Aquatic area -- specific** ~~((M))~~**mitigation requirements.** In addition  
4421 the requirements in K.C.C. 21A.24.130 and sections 149 and 151 of this ordinance, the  
4422 following applies to mitigation to compensate for the adverse impacts associated with an  
4423 alteration to an aquatic area or aquatic area buffer:

4424            A. ~~((Restoration shall be required when a stream or its buffer is altered in violation~~  
4425 ~~of law or without any specific permission or approval by King County. A mitigation plan~~  
4426 ~~for the restoration shall demonstrate that:~~

4427            1. ~~The stream has been degraded and will not be further degraded by the~~  
4428 ~~restoration activity;~~

4429            2. ~~The restoration will reliably and demonstrably improve the water quality and~~  
4430 ~~fish and wildlife habitat of the stream;~~

4431            3. ~~The restoration will have no lasting significant adverse impact on any stream~~  
4432 ~~functions; and~~

4433            4. ~~The restoration will assist in stabilizing the stream channel.))~~ Mitigation  
4434 measures must achieve equivalent or greater aquatic area functions including, but not  
4435 limited to:

4436            1. Habitat complexity, connectivity and other biological functions;

4437            2. Seasonal hydrological dynamics, water storage capacity and water quality;

4438 and

4439            3. Geomorphic and habitat processes and functions;

- 4440 B. ((The following minimum requirements shall be met for the restoration of a  
4441 stream:
- 4442 1. All work shall be carried out under the direct supervision of a qualified  
4443 biologist;
- 4444 2. Basin analysis shall be performed to determine hydrologic conditions;
- 4445 3. The natural channel dimensions shall be replicated including its depth, width,  
4446 length and gradient at the original location, and the original horizontal alignment (meander  
4447 lengths) shall be replaced;
- 4448 4. The bottom shall be restored with identical or similar materials;
- 4449 5. The bank and buffer configuration shall be restored to its original condition;
- 4450 6. The channel, bank and buffer areas shall be replanted with vegetation native to  
4451 King County which replicates the original vegetation in species, sizes and densities; and
- 4452 7. The original biologic functions of the stream shall be recreated.)) To the  
4453 maximum extent practical, permanent alterations that require restoration or enhancement  
4454 of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area  
4455 buffer must consider the following design factors, as applicable to the function being  
4456 mitigated:
- 4457 1. The natural channel or shoreline reach dimensions including its depth, width,  
4458 length and gradient;
- 4459 2. The horizontal alignment and sinuosity;
- 4460 3. The channel bed, sea bed or lake bottom with identical or similar substrate  
4461 and similar erosion and sediment transport dynamics;
- 4462 4. Bank and buffer configuration and erosion and sedimentation rates; and

4463           5. Similar vegetation species diversity, size and densities in the channel, sea bed  
4464 or lake bottom and on the riparian bank or buffer;

4465           C. (~~The requirements in subsection B. may be modified if the applicant~~  
4466 ~~demonstrates to the satisfaction of King County that a greater biologic function can~~  
4467 ~~otherwise be obtained;)~~ Mitigation to compensate for adverse impacts shall meet the  
4468 following standards:

4469           1. Not upstream of a barrier to fish passage;

4470           2. Is equal or greater in biological function; and

4471           3. To the maximum extent practical is located on the site of the alteration or  
4472 within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of  
4473 mitigation to area of alteration; or

4474           4. Is located in the same aquatic area drainage subbasin or marine shoreline and  
4475 attains the following ratios of area of functional mitigation to area of alteration:

4476           a. a 3:1 ratio for a type S or F aquatic area; and

4477           b. a 2:1 ratio for a type N or O aquatic area;

4478           D. (~~Replacement or enhancement shall be required when a stream or buffer is~~  
4479 ~~altered pursuant to an approved development proposal. There shall be no net loss of~~  
4480 ~~stream functions on a development proposal site and no impact on stream functions~~  
4481 ~~above or below the site due to approved alterations.)~~ For purposes of subsection C. of  
4482 this section, a mitigation measure is in the same aquatic area reach if the length of aquatic  
4483 area shoreline meets the following criteria:

4484           1. Similar geomorphic conditions including slope, soil, aspect and substrate;

4485                    2. Similar processes including erosion and transport of sediment and woody  
4486 debris;

4487                    3. Equivalent or better biological conditions including invertebrates, fish,  
4488 wildlife and vegetation; and

4489                    4. Equivalent or better biological functions including mating, reproduction,  
4490 rearing, migration and refuge; or

4491                    5. For tributary streams, a distance of no more than one-half mile;

4492                    E. ~~The ((requirements which apply to the restoration of streams in subsection B.~~  
4493 ~~shall also apply to the relocation of streams, unless the applicant demonstrates to the~~  
4494 ~~satisfaction of King County that a greater biologic function can be obtained by modifying~~  
4495 ~~these requirements.))~~ department may reduce the mitigation ratios in subsection C. of this  
4496 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  
4497 area if the applicant provides a scientifically rigorous mitigation monitoring program that  
4498 includes the following elements:

4499                    1. Monitoring methods that ensure that the mitigation meets the approved  
4500 performance standards identified by the department;

4501                    2. Financing or funding guarantees for the duration of the monitoring program;  
4502 and

4503                    3. Experienced, qualified staff to perform the monitoring;

4504                    F. ~~((Replacement or enhancement for approved stream alterations shall be~~  
4505 ~~accomplished in streams and on the site unless the applicant demonstrates to the~~  
4506 ~~satisfaction of King County that:~~

4507                    1. Enhancement or replacement on the site is not possible;

4508           2. ~~The off site location is in the same drainage sub basin as the original stream;~~

4509   and

4510           3. ~~Greater biologic and hydrologic functions will be achieved. ))~~ For rectifying an  
4511 illegal alteration to any type of aquatic area or its buffer, mitigation measures must meet  
4512 the following standards:

4513           1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation  
4514 to area of alteration; and

4515           2. To the maximum extent practical, replicates the natural prealteration  
4516 configuration at its natural prealteration location including the factors in subsection B. of  
4517 this section; and

4518           G. ~~((Surface water management or flood control alterations shall not be~~  
4519 ~~considered enhancement unless other functions are simultaneously improved.))~~ The  
4520 department may modify the requirements in this section if the applicant demonstrates  
4521 that, with respect to each aquatic area function, greater functions can be obtained in the  
4522 affected hydrologic unit that the department may determine to be the drainage subbasin  
4523 through alternative mitigation measures.

4524           NEW SECTION. SECTION 198. There is hereby added to K.C.C. chapter  
4525 21A.24 a new section to read as follows:

4526           **Wildlife habitat conservation areas -- development standards.**

4527           The following development standards apply to development proposals and  
4528 alterations on sites containing wildlife habitat conservation areas:

4529           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4530 alterations identified in section 137 of this ordinance are allowed within a wildlife habitat  
4531 conservation area;

4532           B. For a bald eagle:

4533                 1. The wildlife habitat conservation area is an area with a four-hundred-foot  
4534 radius from an active nest;

4535                 2. Between March 15 and April 30, alterations are not allowed within eight  
4536 hundred feet of the nest; and

4537                 2. Between January 1 and August 31, land clearing machinery, such as  
4538 bulldozers, graders or other heavy equipment, may not be operated within eight hundred  
4539 feet of the nest;

4540           C. For a great blue heron:

4541                 1. The wildlife habitat conservation area is an area with an eight-hundred-  
4542 twenty-foot radius from the rookery. The department may increase the radius up to an  
4543 additional one-hundred sixty-four feet if the department determines that the population of  
4544 the rookery is declining; and

4545                 2. Between January 1 and July 31, clearing or grading are not allowed within  
4546 nine-hundred-twenty-four feet of the rookery;

4547           D. For a marbled murrelet, the wildlife habitat conservation area is an area with a  
4548 one-half-mile radius around an active nest;

4549           E. For a northern goshawk, the wildlife habitat conservation area is an area with a  
4550 one-thousand-five-hundred-foot radius around an active nest located outside of the urban  
4551 growth area;

4552 F. For an osprey:

4553 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-  
4554 foot radius around an active nest; and

4555 2. Between April 1 and September 30, alterations are not allowed within six-  
4556 hundred-sixty feet of the nest;

4557 G. For a peregrine falcon:

4558 1. The wildlife habitat conservation area is an area extending for a distance of  
4559 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the  
4560 rim of the cliff, and the area immediately below the cliff;

4561 2. Between March 1 and June 30, land-clearing activities that result in loud  
4562 noises, such as from blasting, chainsaws or heavy machinery, are not allowed within one-  
4563 half mile of the eyrie; and

4564 3. New power lines may not be constructed within one-thousand feet of the  
4565 eyrie;

4566 H. For a spotted owl, the wildlife habitat conservation area is an area with a  
4567 three-thousand-seven-hundred-foot radius from an active nest;

4568 I. For a Townsend's big-eared bat:

4569 1. Between June 1 and October 1, the wildlife habitat conservation area is an  
4570 area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located  
4571 outside of the urban area, with an active nursery colony

4572 2. Between November 1 and March 31, the wildlife habitat conservation area is  
4573 an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine  
4574 located outside the urban growth area serving as a winter hibernacula;

4575           3. Between March 1 and November 30, a building, bridge, tunnel, or other  
4576 structure used solely for day or night roosting may not be altered or destroyed;

4577           4. Between May 1 and September 15, the entrance into a cave or mine that is  
4578 protected because of bat presence is protected from human entry; and

4579           5. A gate across the entrance to a cave or mine that is protected because of bat  
4580 presence must be designed to allow bats to enter and exit the cave or mine;

4581           J. For a Vaux's swift:

4582           1. The wildlife habitat conservation area is an area with a three-hundred-foot  
4583 radius around an active nest located outside of the urban growth areas;

4584           2. Between April 1 and October 31, clearing, grading, or outdoor construction is  
4585 not allowed within four hundred feet of an active or potential nest tree. The applicant  
4586 may use a species survey to demonstrate that the potential nest tree does not contain an  
4587 active nest;

4588           K. For a red-tailed hawk:

4589           1. The wildlife habitat conservation area is an area with a radius of three-  
4590 hundred twenty-five feet from an active nest located outside of the urban growth area;  
4591 and

4592           2. Between March 1 and July 31, clearing and grading is not allowed within six  
4593 hundred sixty feet of an active nest located outside of the urban growth area;

4594           L. The department shall require protection of an active breeding site of any  
4595 species not listed in subsections B. through K. of this section whose habitat is identified  
4596 as requiring protection in the King County Comprehensive Plan. If the Washington state  
4597 Department of Fish and Wildlife has adopted management recommendations for a

4598 species covered by this subsection, the department shall follow those management  
4599 recommendations. If management recommendations have not been adopted, the  
4600 department shall base protection decisions on best available science; and

4601 M. In the area designated rural in the King County Comprehensive Plan, the  
4602 department shall require an applicant to protect the active breeding site of any species  
4603 whose habitat the king County Comprehensive Plan directs that the county should  
4604 protect. The applicant shall protect the breeding site from destruction or other direct  
4605 disturbance while it is occupied. If the Washington state Department of Fish and  
4606 Wildlife has adopted management recommendations for a species covered by this  
4607 subsection, the department shall follow those management recommendations. If  
4608 management recommendations have not been adopted, the department shall base  
4609 protection decisions on best available science.

4610 NEW SECTION. SECTION 199. There is hereby added to K.C.C. chapter 21A.24  
4611 a new section to read as follows:

4612 **Wildlife habitat conservation area -- modification.** Upon request of the  
4613 applicant and based upon a site-specific critical areas report that includes, but is not  
4614 limited to, an evaluation of the tolerance of the animals occupying the nest or rookery to  
4615 the existing level of development in the vicinity of the nest or rookery, the department  
4616 may approve a reduction of the wildlife habitat conservation area for the following  
4617 species:

- 4618 A. Bald eagle;
- 4619 B. Goshawk;
- 4620 C. Great blue heron;

4621 D. Osprey;

4622 E. Peregrine falcon; and

4623 F. Red-tailed hawk.

4624 SECTION 200. K.C.C. 21A.14.260, as amended by this ordinance, is hereby

4625 recodified as a new section in K.C.C. chapter 21A.24.

4626 SECTION 201. Ordinance 11621, Section 52, as amended, and K.C.C.

4627 21A.14.260, are each hereby amended to read as follows:

4628 **Wildlife habitat ~~((corridors))~~ networks - applicability.** The department shall  
4629 make certain that segments of the wildlife ~~((H))~~habitat ~~((corridors shall be))~~ network are  
4630 set aside and protected along the designated wildlife habitat network adopted by the King  
4631 County Comprehensive Plan as follows:

4632 A. ~~((Wildlife habitat corridors shall apply))~~ This section applies to the following  
4633 development ~~((activities))~~ proposals on parcels ~~((which))~~ that include a ~~((portion))~~  
4634 segment of ~~((a))~~ the designated wildlife habitat ~~((corridor))~~ network:

4635 1. All urban planned developments, fully contained communities, binding site  
4636 plans, subdivisions~~((;))~~ and short subdivisions ~~((and binding site plans)); and~~

4637 2. All ~~((building permits))~~ development proposals on individual lots ~~((created~~  
4638 prior to January 1, 1995)) unless a segment of the wildlife habitat network in full  
4639 compliance with K.C.C. 21A.14.270, as recodified by this ordinance, already exists in a  
4640 tract, easement or setback area, and a notice of the existence of the segment has been  
4641 recorded;

4642 B. Segments of the wildlife ~~((H))~~habitat ~~((corridors shall))~~ network must be  
4643 identified and protected in one of the following ways:

4644 1. ~~In ((U))~~urban planned developments, fully contained communities, binding  
4645 site plans, subdivisions and short subdivisions (~~((shall either place the corridor))~~), native  
4646 vegetation is placed in a contiguous permanent open-space tract with all developable lots  
4647 sited on the remaining portion of the project site, or (~~((shall design))~~) the lots are designed  
4648 so that (~~((conservation easements on individual lots))~~) required setback areas can form a  
4649 contiguous (~~((easement))~~) setback covering the (~~((corridor.))~~) network segments; or

4650 2. ~~For ((F))~~individual lots (~~((shall place the corridor))~~), the network is placed in a  
4651 (~~((conservation easement))~~) county-approved setback area. To the maximum extent  
4652 practical, existing native vegetation is included in the network. The notice required by  
4653 K.C.C. 21A.24.170 is required; and

4654 C. All wildlife habitat network tracts or (~~((conservation easements shall be~~  
4655 ~~configured to))~~) setback areas must meet the design standards in K.C.C. 21A.14.270, as  
4656 recodified by this ordinance.

4657 SECTION 202. K.C.C. 21A.14.270, as amended by this ordinance, is hereby  
4658 recodified as a new section in K.C.C. chapter 21A.24.

4659 SECTION 203. Ordinance 11621, Section 53, and K.C.C. 21A.14.270, are each  
4660 hereby amended to read as follows:

4661 **Wildlife habitat ((corridors)) network – ((Design)) development standards**  
4662 **and alterations.** (~~((Corridor design shall be reviewed by the department for consistency~~  
4663 ~~with t))~~)The following development standards apply to development proposals and  
4664 alterations on sites containing wildlife habitat network:

4665 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
4666 alterations identified in section 137 of this ordinance are allowed in the wildlife habitat  
4667 network;

4668 B. The wildlife habitat ~~((corridor shall be))~~ network is sited ~~((on the property in~~  
4669 ~~order))~~ to meet the following conditions:

4670 1. The network ~~((F))~~ forms one contiguous tract or setback area that enters and  
4671 exits the property ~~((at the points))~~ where the ~~((designated wildlife habitat))~~ network  
4672 crosses the property boundary;

4673 2. To the maximum extent practical, the network ~~((M))~~ maintains a  
4674 width ~~((, wherever possible,))~~ of ~~((300))~~ three-hundred feet. The network width shall not  
4675 be less than ~~((150))~~ one-hundred-fifty feet ~~((wide))~~ at any point; and

4676 3. ~~((Be))~~ The network is contiguous with and ~~((may))~~ includes ~~((sensitive))~~  
4677 critical areas ~~((tracts))~~ and their buffers; ~~((and~~

4678 ~~B. When feasible, the wildlife habitat corridor shall be sited on the property in~~  
4679 ~~order to meet the following conditions:~~

4680 ~~4.))~~ 4. To the maximum extent practical, the network ~~((C))~~ connects isolated  
4681 ~~((sensitive))~~ critical areas or habitat; and

4682 ~~((2.))~~ 5. To the maximum extent practical, the network ~~((C))~~ connects ~~((with))~~  
4683 wildlife habitat ~~((corridors))~~ network segments, open space tracts or wooded areas on  
4684 adjacent properties, if present~~((-))~~;

4685 C. The wildlife ~~((corridor))~~ habitat network tract ~~((shall))~~ must be permanently  
4686 marked ~~((consistent with the methods contained in K.C.C.))~~ in accordance with this

4687 chapter ~~((21A.24. Conservation easements are exempt from the permanent marking~~  
4688 ~~requirement.))~~;

4689 D. An applicant proposing recreation, forestry or any other use compatible with  
4690 preserving and enhancing the habitat value of the wildlife habitat network located within  
4691 the site must have an approved management plan ~~((for the wildlife corridor contained~~  
4692 ~~within a tract or tracts shall be prepared which specifies the permissible extent of~~  
4693 ~~recreation, forestry or other uses compatible with preserving and enhancing the wildlife~~  
4694 ~~habitat value of the tract or tracts. The management plan shall be reviewed and approved~~  
4695 ~~by the department)).~~ The applicant shall include and record the approved management  
4696 plan for a~~((n urban planned development))~~ binding site plan or subdivision ~~((shall be~~  
4697 ~~contained within and recorded))~~ with the covenants, conditions and restrictions (CCRs),  
4698 if any. ~~((If the wildlife corridor is contained in a conservation easement, a management~~  
4699 ~~plan is not required, but may be submitted to the department for review and approval, and~~  
4700 ~~recorded with the conservation easement.))~~ Clearing within the wildlife habitat network  
4701 in a tract or tracts is limited to that allowed by an approved management plan;

4702 E. ~~((Clearing within the wildlife corridors contained in a tract or tracts shall be~~  
4703 ~~limited to that allowed by the management plan. No))~~ If the wildlife habitat network is  
4704 contained in a setback area, a management plan is not required. ~~((e))~~Clearing ~~((shall be))~~  
4705 is not allowed within a wildlife ~~((corridor contained))~~ habitat network within a  
4706 ~~((conservation easement))~~ setback area on individual lots, unless the property owner has  
4707 an approved management plan~~((:))~~;

4708 F. ~~((A))~~ In urban planned developments, fully contained communities, binding  
4709 site plans, subdivisions and short subdivisions a homeowners association or other entity

4710 capable of long-term maintenance and operation shall ~~((be established to))~~ monitor and  
4711 assure compliance with ~~((the))~~ any approved management plan~~((:))~~;

4712 G. Segments of the ~~((W))~~wildlife ~~((corridors))~~ habitat network set aside in tracts  
4713 ~~((or))~~, conservation easements ~~((shall meet the provisions in))~~ or setback area must  
4714 comply with K.C.C. 16.82.150~~((:))~~;

4715 H. The department may credit a permanent open space tract containing the  
4716 wildlife ~~((corridor may be credited))~~ habitat network toward the other applicable  
4717 requirements such as surface water management and the recreation space requirement of  
4718 K.C.C. 21A.14.180, ~~((provided))~~ if the proposed uses within the tract are compatible with  
4719 preserving and enhancing the wildlife habitat value. Restrictions on other uses within the  
4720 wildlife ~~((corridor))~~ habitat network tract shall be clearly identified in the management  
4721 plan~~((:))~~; and

4722 I. ~~((At the discretion of t))~~The director~~((:))~~ may waive or reduce these standards  
4723 ~~((may be waived or reduced))~~ for public facilities such as schools, fire stations, parks~~((:))~~  
4724 and ~~((public))~~ road projects.

4725 NEW SECTION. SECTION 204. There is hereby added to K.C.C. chapter  
4726 21A.24 a new section to read as follows:

4727 **Wildlife habitat conservation area and wildlife network -- specific mitigation**  
4728 **requirements.**

4729 In addition to the requirements in K.C.C. 21A.24.130 and sections 149 and 151 of  
4730 this ordinance, the following applies to mitigation to compensate for the adverse impacts  
4731 associated with wildlife habitat conservation areas and wildlife habitat networks:

4732           A. Mitigation to compensate for the adverse impacts to a wildlife habitat  
4733 conservation area must prevent disturbance of each protected species. On-site mitigation  
4734 may include management practices, such as timing of the disturbance. Off-site mitigation  
4735 is limited to sites that will enhance the wildlife habitat conservation area;

4736           B. Mitigation to compensate for the adverse impacts to the wildlife habitat  
4737 network must achieve equivalent or greater biologic functions including, but not limited  
4738 to, habitat complexity and connectivity functions. Specific mitigation requirements for  
4739 impacts to the wildlife habitat network shall:

4740           1. Expand or enhance the wildlife network as close to the location of impact as  
4741 feasible; and

4742           2. Attain the following ratios of area of mitigation to area of alteration:

4743           a. for mitigation on site:

4744           (1) 1:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4745           and

4746           (2) 1.5:1 ratio for enhancement or restoration; and

4747           b. for mitigation off-site:

4748           (1) 2:1 ratio for rectifying an illegal alteration to a wildlife habitat network;

4749           and

4750           (2) 3:1 ratio for enhancement or restoration;

4751           C. For temporary alterations, the department may require rectification, restoration  
4752 or enhancement of the altered wildlife habitat network;

4753           D. The department may increase the width of the wildlife habitat network to  
4754 mitigate for risks to habitat functions;

4755 E. To the maximum extent practical, mitigation projects involving wildlife  
4756 habitat network restoration should provide replication of the site's prealteration natural  
4757 environment including:

- 4758 1. Soil type, conditions and physical features;  
4759 2. Vegetation diversity and density; and  
4760 3. Biologic and habitat functions; and

4761 F. The department may modify the requirements in this section if the applicant  
4762 demonstrates that greater wildlife habitat functions will be obtained in the same wildlife  
4763 habitat conservation area or wildlife habitat network through alternative mitigation  
4764 measures.

4765 SECTION 205. Ordinance 10870, Section 486, and K.C.C. 21A.24.390 are each  
4766 hereby amended to read as follows:

4767 ~~((Sensitive))~~ **Critical areas mitigation fee - ((€))creation of fund.** There is  
4768 hereby created a ~~((Sensitive))~~ **critical** ~~((A))~~**areas** ~~((M))~~**mitigation** ~~((F))~~**fund.** ~~((This fund  
4769 shall be administered by t))~~The King County ((Office of F))finance and business operations  
4770 divisions shall administer this fund.

4771 SECTION 206. Ordinance 10870, Section 487, and K.C.C. 21A.24.400 are each  
4772 hereby amended to read as follows:

4773 ~~((Sensitive))~~ **Critical areas mitigation fee - ((S))source of funds.** King County  
4774 shall deposit ~~((A))~~**all** ~~((monies))~~ **moneys** received from penalties resulting from the  
4775 violation of rules and laws regulating development and activities within ~~((sensitive))~~  
4776 **critical** areas ~~((shall be deposited))~~ into the fund.

4777            SECTION 207. Ordinance 10870, Section 488, and K.C.C. 21A.24.410 are each  
4778 hereby amended to read as follows:

4779            ~~((Sensitive))~~ **Critical areas mitigation fee - ((U))use of funds.** ~~((Monies))~~  
4780 Moneys from the fund shall only be used for paying the cost of enforcing and  
4781 implementing ~~((sensitive))~~ critical area laws and rules.

4782            SECTION 208. Ordinance 10870, Section 489, and K.C.C. 21A.24.420 are each  
4783 hereby amended to read as follows:

4784            ~~((Sensitive))~~ **Critical areas mitigation fee - ((I))investment of funds.** ~~((Monies in~~  
4785 ~~the fund not needed for immediate expenditure))~~ King County shall ~~((be deposited))~~  
4786 deposit moneys in the fund not needed for immediate expenditure in a separate investment  
4787 fund ~~((pursuant to))~~ in accordance with RCW 36.29.020. The director ~~((shall be))~~ is the  
4788 designated ~~((as the))~~ investment fund director.

4789            SECTION 209. Ordinance 14187, Section 1, and K.C.C. 21A.24.500 are each  
4790 hereby amended to read as follows:

4791            ~~((Sensitive))~~ **Critical area designation.**

4792            A.1. A property owner or the property owner's agent may request a ~~((sensitive))~~  
4793 critical area designation for part or all of a site, without seeking a permit for a development  
4794 proposal, by filing with the department a written application for a ~~((sensitive))~~ critical area  
4795 designation on a form provided by the department. If the request is for review of a portion  
4796 of a site, the application shall include a map identifying the portion of the site for which the  
4797 designation is sought.

4798            2. The designation ~~((shall be))~~ is limited to the following determinations:

4799 a. The existence, location, and boundaries of any ~~((stream))~~ aquatic area,  
4800 wetland, critical aquifer recharge area, coal mine hazard area, landslide hazard area or steep  
4801 slope on the site; and

4802 b. The classification of any ~~((stream))~~ aquatic area or wetland.

4803 3. The designation ~~((shall not))~~ may include an~~((y))~~ evaluation or interpretation of  
4804 the applicability of ~~((sensitive))~~ critical area buffers ~~((or))~~ and other ~~((sensitive))~~ critical  
4805 area standards to a future development proposal.

4806 B. In preparing the ~~((sensitive))~~ critical area designation, the department shall  
4807 perform a ~~((sensitive))~~ critical area review to:

4808 1. Determine whether any ~~((sensitive))~~ critical area that is subject to this  
4809 designation process exists on the site and confirm its type, location, boundaries and  
4810 classification;

4811 2. Determine whether a ~~((special study))~~ critical area report is required to identify  
4812 and characterize the location, boundaries and classification of the ~~((sensitive))~~ critical area;

4813 3. Evaluate the ~~((special study))~~ critical area report, if required; and

4814 4. Document the existence, location and classification of any ~~((sensitive))~~ critical  
4815 area that is subject to this designation process.

4816 C. If required by the department, the applicant for a ~~((sensitive))~~ critical area  
4817 designation shall prepare and submit to the department the ~~((special study))~~ critical area  
4818 report required by subsection B.2. of this section. For sites zoned for single detached  
4819 dwelling units involving wetlands or aquatic areas, the applicant may elect to have the  
4820 department conduct the special study in accordance with K.C.C. Title 27;

4821 D. The department~~((s))~~ shall make the determination of a ~~((sensitive))~~ critical area  
4822 designation ~~((shall be made))~~ in writing within one hundred twenty days after the  
4823 application for a ~~((sensitive))~~ critical area designation is complete, as provided in K.C.C.  
4824 20.20.050. The periods ~~((set forth))~~ in K.C.C. 20.20.100A.1<sub>2</sub> through ~~((A.))~~5<sub>2</sub> ~~((shall be))~~  
4825 are excluded from the one-hundred-twenty-day period. The written determination made  
4826 ~~((pursuant to))~~ under this section as to the existence, location, ~~((and))~~ classification of a  
4827 ~~((sensitive))~~ critical area ~~((shall be))~~ and critical area buffers is effective for ~~((two))~~ five  
4828 years from the date the determination is issued if there has been no change in site  
4829 conditions. The department shall rely on the determination of the existence, location and  
4830 classification of the critical area and the critical area buffer in its review of a complete  
4831 application for a permit or approval filed within ~~((two))~~ five years after the determination is  
4832 issued. If the determination applies to less than an entire site, the determination shall  
4833 clearly identify the portion of the site to which the determination applies.

4834 E. ~~((The applicant for a sensitive area designation shall be responsible for fees as~~  
4835 ~~provided in K.C.C. Title 27.~~

4836 F.) If the department designates ~~((sensitive))~~ critical areas on a site ~~((pursuant to))~~  
4837 under this section, the applicant for a development proposal on that site shall submit proof  
4838 that a ~~((sensitive))~~ critical area notice ~~((on title))~~ has been filed as required by K.C.C.  
4839 21A.24.170.

4840 ~~((G. The department by rule may provide for the designation of other sensitive~~  
4841 ~~areas identified by this chapter as established by council ordinance in addition to those~~  
4842 ~~provided for in this section.~~

4843           H. 1.) Except as provided in ((2. of)) this subsection, the department's  
4844 determination under this section is final. ((2.)) If the department relies on a ((sensitive))  
4845 critical area designation made ((pursuant to)) under this section during its review of an  
4846 application for a permit or other approval of a development proposal and the permit or  
4847 other approval is subject to an administrative appeal, any appeal of the designation shall be  
4848 consolidated with and is subject to the same appeal process as the underlying development  
4849 proposal. If the King County hearing examiner makes the county's final decision with  
4850 regard to the permit or other approval type for the underlying development proposal, the  
4851 hearing examiner's decision constitutes the county's final decision on the designation. If  
4852 the King County council, acting as a quasi-judicial body, makes the county's final decision  
4853 with regard to the permit or other approval type for the underlying development proposal,  
4854 the King County council's decision constitutes the county's final decision on the  
4855 designation.

4856           NEW SECTION. SECTION 210. There is hereby added to K.C.C. chapter  
4857 21A.24 a new section to read as follows:

4858           **Conversion of designated critical areas.**

4859           A. For purposes of determining the minimum buffer widths for a wetland or  
4860 aquatic area that was designated under K.C.C. 21A.24.500 before the effective date of  
4861 this section for a development proposal deemed complete after the effective date of this  
4862 section, the department shall apply the following conversions to determine the  
4863 appropriate wetland or aquatic area classification provided in sections 183 and 192 of this  
4864 ordinance:

4865           1. Aquatic area classifications:

Stream Type (prior K.C.C. 21A.24.360)	Aquatic Area Classification (section 192 of this ordinance)
Class 1	Type S
Class 2	Type F
Class 2S	Type F
Class 3	Type N

4866 2. Wetland classification:

Wetland Class (prior K.C.C. 21A.06.1415)	Wetland Classification (section 183 of this ordinance)
Class 1	Category I
Class 2	Category II
Class 3	Category III

4867 B. As an alternative to the reclassification prescribed in subsection A. of this  
 4868 section, an applicant may request a reclassification of the wetland or aquatic area using  
 4869 the criteria in sections 183 and 192 of this ordinance.

4870 C. This section expires two years after the effective date of this section.

4871 SECTION 211. Ordinance 14187, Section 2, and K.C.C. 21A.24.510 are each  
 4872 hereby amended to read as follows:

4873 ~~((Effect of approval of s))~~ **Septic system design ((based on sensitive)) and**  
 4874 **critical area designation.** ~~((If the department of Seattle King County public health~~  
 4875 ~~approves))~~ An applicant proposing to install a septic system ((design based on a  
 4876 sensitive)) or locate a well shall apply for a critical area designation ((made pursuant to))  
 4877 under K.C.C. 21A.24.500 ((and the applicant submits a complete application to the

4878 ~~department of development and environmental services within two years after the date~~  
4879 ~~the department of development and environmental service issues the sensitive area~~  
4880 ~~designation under K.C.C. 21A.24.500, the standards of this chapter in effect at the time of~~  
4881 ~~the department of Seattle King County public health's approval of the septic system~~  
4882 ~~design shall apply to the department of development and environmental services's~~  
4883 ~~determination of whether the septic system design complies with the provisions of this~~  
4884 ~~chapter for those sensitive areas for which a sensitive area designation has been issued))~~  
4885 before seeking approval of the septic system design or well location from the Seattle-  
4886 King County department of public health.

4887 SECTION 212. Ordinance 10870, Section 515, and K.C.C. 21A.28.050 are each  
4888 hereby amended to read as follows:

4889 **Surface water management.** All new development shall be served by an adequate  
4890 surface water management system as follows:

4891 A. The proposed system is adequate if the development proposal site is served by a  
4892 surface water management system approved by the department as being consistent with the  
4893 design, operating and procedural requirements of the King County Surface Water Design  
4894 Manual and K.C.C. Title 9;

4895 B. For a subdivision, zone reclassification or urban planned development, the  
4896 phased installation of required surface water management improvements shall be stated in  
4897 the approving ordinance as specified in K.C.C. 20.24.230. Such phasing may require that a  
4898 bond or similar security be deposited with King County; and

4899 C. A ~~((variance))~~ request ~~((from))~~ for an adjustment of the requirements of the  
4900 Surface Water Design Manual and K.C.C. Title 9 shall be reviewed ~~((as set forth))~~ in

4901 accordance with K.C.C. 9.04.050 and does not require a variance from this ((~~F~~))title unless  
4902 relief is requested from a building height, setback, landscaping or other development  
4903 standard ((~~set forth~~)) in K.C.C. chapters 21A.12 ((~~through K.C.C.~~)), 21A.14, 21A.16,  
4904 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28 and 21A.30.

4905 SECTION 213. Ordinance 10870, Section 532, as amended, and K.C.C.  
4906 21A.30.040 are each hereby amended to read as follows:

4907 **Animal regulations -- ((~~L~~))livestock - ((~~D~~))densities.** The raising, keeping,  
4908 breeding or fee boarding of livestock are subject to K.C.C. chapter 11.04, Animal Control  
4909 Regulations, and the following requirements:

4910 A. The minimum lot size on which large livestock ((~~may be~~)) are kept ((shall be  
4911 20,000)) is twenty thousand square feet ((~~, provided that the amount of site area available~~  
4912 for use by the livestock may be less than 20,000 square feet and provided further that))  
4913 unless the portion of the total lot area used for confinement or grazing meets the  
4914 requirements of this section.

4915 B.1. The maximum number of livestock shall be as follows:

4916 ((~~1.~~)) a. Commercial dairy farms ((~~in full compliance with a Washington State~~  
4917 ~~Department of Ecology NPDES general or special use permit as consistent with the~~  
4918 ~~permit requirements. Otherwise, K.C.C. 21A.30.040B.3 applies. Commercial dairies~~  
4919 ~~shall have 5 years from the adoption of this section to either comply with the state permit~~  
4920 ~~requirements or come into compliance with Ordinance 11168.)) shall meet the  
4921 requirements of chapter 90.64 RCW or a livestock management component of a farm  
4922 management plan adopted in accordance with K.C.C. 21A.30.045;~~

4923            ~~((2.))~~ b. Six resident animal units per gross acre in stables, barns and other  
4924 livestock operations with covered confinement areas, ~~((provided that))~~ if no more than  
4925 three animal units per gross acre are allowed to use uncovered grazing or confinement  
4926 areas on a full time basis, and the standards in K.C.C. 21A.30.060 are met or a livestock  
4927 management component of a farm management plan is implemented and maintained  
4928 ~~((pursuant to Ordinance 11168; provided further that))~~ in accordance with K.C.C.  
4929 21A.30.045. ~~((h))~~ Higher densities may be allowed subject to the conditional use permit  
4930 process to confirm compliance with the management standards. ~~((This))~~ The conditional  
4931 use permit process is not required for existing operations ~~((which))~~ that operate with higher  
4932 densities, ~~((provided the standards in Ordinance 11168 are met))~~ in accordance with K.C.C.  
4933 21A.30.060 or a livestock management component of a farm management plan is  
4934 implemented for ~~((such))~~ those operations~~((-))~~;

4935            ~~((3.(a) For all large livestock not covered by paragraph 1. or 2. above,))~~ c.  
4936 ~~((t))~~ Three animal units per gross acre of vegetated site area, ~~((provided that))~~ if the  
4937 standards in K.C.C. 21A.30.060 are met or a livestock management component of a farm  
4938 management plan is implemented and maintained ~~((pursuant to Ordinance 11168.))~~ in  
4939 accordance with K.C.C. 21A.30.045; and

4940            ~~((a) if a farm management plan is implemented and maintained as or, in the~~  
4941 ~~alternative, all of the management standards of section K.C.C. 21A.30.060 are met, three~~  
4942 ~~horse, cows or similarly sized animals per gross acre of total site area, provided further that~~  
4943 ~~two ponies shall be counted as being equivalent to one horse and that miniature horses shall~~  
4944 ~~be treated as small livestock subject to paragraph 4. below.~~

4945 ~~(b) if paragraph (a) is not met,)~~ d. ~~((e))~~ One animal unit per two acres of  
4946 vegetated area, ~~((provided that))~~ not to exceed a total of five animal units, if the standards  
4947 for storage and handling of manure~~((, as set out))~~ in ~~((Section 3D of this section,))~~ K.C.C.  
4948 21A.30.060.D. are met~~((;))~~.

4949 ~~((4.))~~ 2. For purposes of ~~((these regulations))~~ this section, an animal unit ~~((shall))~~  
4950 consists of one adult horse or bovine, two ponies, five small livestock~~((;))~~ or equivalent  
4951 thereof, ~~((excluding sucklings((, provided that)).~~ ~~((m))~~ Miniature horses and feeder  
4952 calves ~~((up to one year of age((shall be))~~ are considered small livestock.

4953 ~~((5. The 1990 sensitive areas ordinance exemption from the fencing requirements~~  
4954 ~~for the Snoqualmie river floodplain shall continue in effect, provided that farm~~  
4955 ~~management plans which minimize livestock impacts on the Snoqualmie river are~~  
4956 ~~implemented for properties in the floodplain.))~~

4957 SECTION 214. Ordinance 11168 Section 3, as amended, and K.C.C. 21A.30.045  
4958 are each hereby amended to read as follows:

4959 **Animal regulations -- ~~((L))~~ livestock management ~~((F))~~ farm ~~((management))~~**  
4960 **plans.**

4961 A. To achieve the maximum density allowances using a livestock management  
4962 component of a farm management ~~((conservation))~~ plan, the plan must ~~((be developed~~  
4963 ~~according to))~~ meet the following criteria:

4964 1. The plan ~~((must be))~~ is developed ~~((by the King Conservation District, unless~~  
4965 ~~the King County agriculture commission certifies other qualified persons or companies to~~  
4966 ~~prepare such plans))~~ as part of a program authorized or approved by King County.  
4967 Certified Washington state Department of Ecology nutrient management plans that are

4968 consistent with all of the criteria of this section may substitute for a livestock management  
4969 component of a farm management plan for commercial dairy farms. Commercial dairy  
4970 farms that do not have approved nutrient management plans must meet the requirements of  
4971 K.C.C. 21A.30.060;

4972           2. The plan ~~((shall require))~~ includes site-specific management measures for  
4973 minimizing non((-)point pollution from agricultural activities and for managing wetland  
4974 and aquatic areas including, but not limited to:

- 4975           a. livestock watering ~~((, wetland and stream corridor management));~~
- 4976           b. grazing and pasture management;
- 4977           c. confinement area management;
- 4978           d. manure management; and
- 4979           e. exclusion of animals from aquatic areas and their buffers and wetlands and  
4980 their buffers with the exception of grazed wet meadows.

4981           3. The plan ~~((shall be))~~ is implemented within a timeframe established in the plan  
4982 and maintained ~~((such))~~ so that non((-)point pollution attributable to livestock-keeping is  
4983 minimized((-); and

4984           4. A monitoring plan ~~((shall))~~ may be ~~((developed))~~ required as part of the  
4985 livestock management component of a farm management plan~~((, and implemented))~~ to  
4986 demonstrate that there is no significant impact to water quality and salmonid fisheries  
4987 habitat. Monitoring ~~((data))~~ results shall be available to the King County agriculture  
4988 ~~((commission))~~ program.

4989           B. The livestock management component of a ~~((F))~~ farm management plan ~~((s~~  
4990 ~~((FMPs)))~~ shall, at a minimum:

4991           1. Generally seek to achieve a twenty-five-foot buffer of diverse, mature  
4992           vegetation between grazing areas and the ordinary high water mark of all ~~((class 1 and 2~~  
4993           ~~streams and any naturally occurring pond))~~ type S and F aquatic areas and the wetland edge  
4994           of any ~~((class 1 or 2))~~ category I, II or III wetland ~~((on the site))~~ with the exception of  
4995           grazed wet meadows, using buffer averaging where necessary to accommodate existing  
4996           structures. ~~((No buffer for class 1 or 2 streams shall be less than ten feet.))~~ The livestock  
4997           management component of a farm management plans may vary the width of the buffer of  
4998           an aquatic area or wetland, and the time and duration of animal exclusion throughout the  
4999           year, according to guidelines agreed upon by King County and the King Conservation  
5000           District. The guidelines may support a different buffer width based on both the nature of  
5001           the farm operation and the function and sensitivity of the aquatic area or wetland. The plan  
5002           must include best management practices ~~((which))~~ that avoid having manure accumulate in  
5003           or within ten feet of ~~((class 3 streams; provided that))~~ type N or O waters. ~~((§))~~ Forested  
5004           lands being cleared for grazing areas shall comply with the ~~((sensitive areas ordinance~~  
5005           ~~setbacks for class 1, 2 and 3 streams and class 1 and 2 wetlands.))~~ critical area buffers in  
5006           K.C.C. chapter 21A.24;

5007           2. Assure that drainage ditches on the site do not channel animal waste to ~~((such~~  
5008           ~~streams))~~ aquatic areas and wetlands~~((:));~~

5009           3. Achieve an additional twenty-foot buffer downslope of any confinement  
5010           areas within two hundred feet of ~~((class 1 and 2 streams))~~ type S and F waters. This  
5011           requirement may be waived for existing confinement areas on lots of two and one-half  
5012           acres or less in size if:

5013 a. ~~((A))~~ a minimum buffer of twenty-five feet of diverse, mature vegetation is  
5014 achieved;

5015 b. ~~((M))~~manure within the confinement area is removed daily during the winter  
5016 season ~~((f))~~ from October 15 to April 15~~((g))~~, and stored in accordance with K.C.C.  
5017 21A.30.060.D; and

5018 c. ~~((A))~~additional ~~((BMPs))~~ best management practices, as recommended by  
5019 the ~~((KCD))~~ King Conservation District, are implemented and maintained~~((-))~~; and

5020 4. Include a schedule for implementation.

5021 C. Any deviation from the manure management standards must be addressed in a  
5022 livestock management component of a farm management plan.

5023 D. A copy of the final plans shall be ~~((provided to the clerk of the council))~~  
5024 submitted to the department of natural resources and parks within sixty days of  
5025 completion.

5026 ~~((D-))~~ E. The completed farm management plan may be appealed to the ~~((zoning~~  
5027 ~~and subdivision))~~ hearing examiner ~~((pursuant to the provisions of))~~ in accordance with  
5028 K.C.C. 20.24.080. The appeal must be filed within thirty days of ~~((being received by the~~  
5029 ~~clerk))~~ submitting the farm management plan with of the department of natural resources  
5030 and parks under subsection D. of this section. Appeals may be filed only by the property  
5031 owner or four members of the King County agriculture commission. Any farm  
5032 management plan not appealed shall constitute prima facie evidence of compliance with  
5033 the regulatory provisions of K.C.C. 9.12.035.

5034 SECTION 215. Ordinance 10870, Section 534, as amended, and K.C.C.  
5035 21A.30.060 are each hereby amended to read as follows:

5036           **Animal regulations -- ~~((L))livestock ((-M))management standards.~~** Property  
5037 owners with farms containing either large livestock at densities greater than ~~((+))~~ one  
5038 animal unit per ~~((2))~~ two acres~~((, and/))~~ or small livestock at densities greater than ~~((5))~~  
5039 five animals per acre, or both, are not required to follow a ~~((n-FMP))~~ livestock  
5040 management plan if ~~((said))~~ the owners adhere to the ~~((following))~~ management  
5041 standards in subsections A. through G. of this section. This section ~~((shall apply as long~~  
5042 ~~as))~~ applies only if farm practices do not result in violation of any federal, state or local  
5043 water quality standards.

5044           A. ~~((Livestock Watering, Wetland and Stream Corridor Management.))~~ To  
5045 minimize livestock access to ~~((streams))~~ aquatic areas, property owners shall utilize the  
5046 following livestock watering options:

5047           1. The preferred option ~~((shall be)),~~ which is a domestic water supply, stock  
5048 watering pond, roof runoff collection system, or approved pumped supply from the  
5049 ~~((stream))~~ aquatic areas so that livestock are not required to enter ~~((streams))~~ aquatic  
5050 areas for their water supply~~((:))~~;

5051           2. Livestock access to ~~((class 1 and 2 streams and))~~ type S and F waters,  
5052 including their buffers shall be limited to ~~((stream))~~ crossing and watering points  
5053 ~~((which))~~ that have been addressed by a crossing or watering point plan designed to  
5054 ~~((SCS/KCD))~~ Natural Resource Conservation Services or King Conservation District  
5055 specifications ~~((which shall))~~ that prevent free access along the length of the ~~((streams))~~  
5056 aquatic areas.

5057           a. Fencing shall be used as necessary to prevent livestock access to ~~((class 1~~  
5058 ~~and 2 streams))~~ type S and F waters.

5059           b. Bridges may be used, in accordance with K.C.C. chapter 21A.24, in lieu of  
5060 ~~((stream))~~ crossings~~((, provided that))~~. ~~((p))~~Piers and abutments shall not be placed  
5061 within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall  
5062 be designed to allow free flow of flood waters and shall not diminish ~~((the))~~ flood  
5063 carrying capacity ~~((of the stream;))~~. ~~((t))~~These bridges may be placed without a county  
5064 building permit, ~~((provided that such))~~ but the permit waiver shall not constitute any  
5065 assumption of liability by the county with regard to such bridge or its placement. The  
5066 waiver of county building permit requirements does not constitute a waiver from other  
5067 required agency permits.

5068           B. ~~((Grazing and Pasture Management.))~~ 1. Existing grazing areas not addressed  
5069 by K.C.C. chapter 21A.24 shall maintain a vegetative buffer of ~~((50))~~ fifty feet from  
5070 ~~((any naturally occurring pond,))~~ the wetland edge of a ~~((class 1 or 2))~~ category I, II or III  
5071 wetland ~~((t))~~, except those wetlands meeting the definition of grazed wet meadows~~((t))~~,  
5072 or the ordinary high water mark of a ~~((class 1 or 2 stream))~~ type S or F water.

5073           2. Forested lands being cleared for grazing areas shall comply with ~~((the~~  
5074 ~~sensitive areas ordinance setbacks for class 1, 2 and 3 streams, and class 1 and 2~~  
5075 ~~wetlands))~~ critical area buffers in K.C.C. chapter 21A.24.

5076           3. The grazing area buffer may be reduced to ~~((25))~~ twenty-five feet where a  
5077 ~~((25))~~ twenty-five foot buffer of diverse, mature vegetation already exists. This buffer  
5078 reduction may not be used when forested lands are being cleared for grazing areas.

5079           4. Fencing shall be used to establish and maintain the buffer unless the buffer is  
5080 otherwise impenetrable to livestock.

5081           5. Fencing installed ~~((pursuant to))~~ in accordance with the 1990 ~~((SAO prior to~~  
5082 ~~the effective date of the ordinance codified in this section))~~ Sensitive Area Ordinance  
5083 before February 14, 1994 at setbacks other than those specified in ~~((paragraphs))~~  
5084 subsection B.1. and ((B))2. of this section shall be deemed to constitute compliance with  
5085 those requirements.

5086           6. Grazing areas within ~~((200))~~ two hundred feet of a ~~((class 1 or 2 stream))~~ type  
5087 S or F water or category I, II or III wetland shall not be plowed during the rainy season  
5088 ~~((t))~~ from October 1 through April ~~((15))~~ 30.

5089           7. Grazing areas may extend to the property line, provided that ~~((class 1 or 2~~  
5090 ~~streams and))~~ type S or F waters and category I, II and III wetlands adjacent to the  
5091 property line are buffered in accordance with ~~((K.C.C. 21A.30.060))~~ subsection B.1.,  
5092 ~~((B))2. or ((B))3. of this section.~~

5093           C. ~~((Confinement Area Management.))~~ 1. In addition to the buffers in subsection  
5094 B.1. and ((B))2. ((above)) of this section, confinement areas located within ~~((200))~~ two  
5095 hundred feet of any ~~((class 1 or 2 streams,))~~ type S or F waters or category I, II or III  
5096 wetlands, ((or drainageways)) with the exception of grazed wet meadows shall:

5097           a. ~~((H))~~ have a ((20)) twenty-foot-wide vegetative filter strip downhill from the  
5098 confinement area, consisting of heavy grasses or other ground cover with high stem  
5099 density and ~~((which))~~ that may also include tree cover;

5100           b. ~~((N))~~ not be located in the buffer of any ((class 1 or 2 stream)) type S or F  
5101 water or any wetland buffer ((area)) required by the ((sensitive)) critical areas ordinance  
5102 in effect at the time the confinement area is built, or within ((50)) fifty feet of ((any  
5103 naturally occurring pond,)) the wetland edge of any ((class 1 or 2)) category I, II or III

5104 wetland or the ordinary high water mark of any ~~((class 1 or 2 stream))~~ type S or F water.  
5105 Fencing shall be used to establish and maintain the buffer except where existing natural  
5106 vegetation is sufficient to exclude livestock from the buffer. Existing confinement areas  
5107 ~~((which))~~ that do not meet these requirements shall be modified as necessary to provide  
5108 the buffers specified ~~((herein))~~ in this section within five years of the effective date of  
5109 ~~((the ordinance codified in this section, provided further that))~~ this section, though the  
5110 footprint of existing buildings need not be so modified; and

5111 c. ~~((H))~~have roof drains of any buildings in the confinement area diverted  
5112 away from the confinement area.

5113 2. Confinement areas may extend to the property line, ~~((provided that streams))~~  
5114 if aquatic areas and wetlands adjacent to the property line are buffered in accordance with  
5115 ~~((K.C.C. 21A.30.))~~ this subsection C. of this section.

5116 D. ~~((Manure Management.))~~ 1. Manure storage areas shall be managed as  
5117 follows:

5118 a. Surface flows and roof runoff shall be diverted away from manure storage  
5119 areas~~((:))~~;

5120 b. ~~((During the winter months (October 15 to April 15), a))~~All manure  
5121 stockpiled within ~~((200))~~ two hundred feet uphill of ~~((any class 1 or 2 stream or))~~ the  
5122 ordinary high water mark of a type S or F water or the edge of a category I, II or III  
5123 wetland shall either be covered in a manner that excludes precipitation and allows free  
5124 flow of air to minimize fire danger~~((:))~~ or ~~((, in the alternative, shall))~~ be placed in an  
5125 uncovered concrete bunker or manure lagoon or held for pickup in a dumpster, vehicle or  
5126 other facility designed to prevent leachate from reaching any ~~((streams or any class 1 or 2~~

5127 ~~wetlands~~) aquatic area or wetland. Concrete bunkers shall be monitored quarterly for the  
5128 first two years after installation, then annually unless problems were identified in the first  
5129 two years, in which case quarterly monitoring shall continue and appropriate adjustments  
5130 shall be made((-));

5131 c. Manure shall not be stored in any aquatic area buffer or wetland buffer, with  
5132 the exception of grazed or tilled wet meadows unless there is no other alternative on the  
5133 property. Manure shall be stored in a location that avoids having runoff from the manure  
5134 enter ((~~streams~~)) aquatic areas or wetlands. Manure piles shall not be closer than ((50))  
5135 one hundred feet uphill from:

5136 (1) any wetland edge((,)) excluding grazed or tilled wet meadows;

5137 (2) the ordinary high water mark of any ((~~stream~~,)) aquatic area; or

5138 (3) any ditch to which the topography would generally direct runoff from the  
5139 manure((-~~nor within any stream buffer~~)); and

5140 d. The location may be reduced to no closer than fifty feet if the manure pile is  
5141 part of an active compost system that is located on an impervious surface to prevent  
5142 contact with the soil and includes a leachate containment system.

5143 2. Manure shall be spread on fields only during the growing season, and not on  
5144 saturated or frozen fields.

5145 E. ((~~Noxious Weeds. None of these standards shall preclude the removal of~~  
5146 ~~noxious weeds, provided that such removal is achieved without the use of chemicals or~~  
5147 ~~mechanical methods which would be damaging to stream banks or other vegetation in the~~  
5148 ~~buffer~~).

5149 F)) For purposes of this section, "buffer maintenance" means allowing vegetation  
5150 in the buffer ~~((which))~~ that provides shade for the ~~((stream))~~ aquatic area or acts as a filter  
5151 for storm water entering the ~~((stream))~~ aquatic area, other than noxious weeds, to grow to  
5152 its mature height~~((; provided that))~~, though grasses in the buffer may be mowed but not  
5153 grazed. Grading in the buffer is allowed only for establishment of watering and crossing  
5154 points, or for other activities permitted ~~((pursuant to the sensitive areas ordinance))~~ in  
5155 accordance with K.C.C. chapter 21A.24, with the appropriate permits.

5156 ~~((G-))~~ F. Properties ~~((which))~~ that have existing fencing already installed at  
5157 distances other than those specified in these standards, and for which livestock  
5158 management farm ~~((management))~~ plans have been developed based on the existing  
5159 fencing locations, shall be deemed to be in compliance with the fencing requirements of  
5160 these standards. Properties with or without a livestock management component of a farm  
5161 management plan that complied with the fencing requirements in effect before the  
5162 effective date of this section shall have five years from the effective date of this section to  
5163 meet the fencing requirements for aquatic areas that were exempt from fencing under  
5164 ordinances in effect before the effective date of this section.

5165 ~~((H-))~~ G. Buffer areas shall not be subject to public access, use or dedication by  
5166 reason of the establishment of such buffers.

5167 SECTION 216. Ordinance 10870, Section 577, as amended, and K.C.C.  
5168 21A.38.040 are each hereby amended to read as follows:

5169 **Special district overlay -- ~~((G))~~general provisions.** Special district overlays shall  
5170 be designated on official area zoning maps and as a notation in the ~~((SITUS File))~~  
5171 department's electronic parcel record, as follows:

5172 A. A special district overlay shall be designated through the area zoning process as  
5173 provided in K.C.C. chapters 20.12 and 20.16. Designation of an overlay district shall  
5174 include policies that prescribe the purposes and location of the overlay;

5175 B. A special district overlay shall be applied to land through an area zoning process  
5176 as provided in K.C.C. chapters 20.12 and 20.16 and shall be indicated on the zoning map  
5177 and as a notation in the ~~((SITUS File))~~ department's electronic parcel record and shall be  
5178 designated in Appendix B of Ordinance 12824 as maintained by the department of  
5179 development and environmental services, with the suffix "-SO" following the map symbol  
5180 of the underlying zone or zones;

5181 C. The special district overlays ~~((set forth))~~ in this chapter are the only overlays  
5182 authorized by the code. New or amended overlays to carry out new or different goals or  
5183 policies shall be adopted as part of this chapter and be available for use in all appropriate  
5184 community, subarea or neighborhood planning areas;

5185 D. The special district overlays ~~((set forth))~~ in this chapter may waive, modify and  
5186 substitute for the range of permitted uses and development standards established by this  
5187 title for any use or underlying zone;

5188 E. Unless they are specifically modified by ~~((the provisions of))~~ this chapter, the  
5189 standard requirements of this title and other county ordinances and regulations govern all  
5190 development and land uses within special district overlays; ~~((and))~~

5191 F. A special district overlay on an individual site may be modified by property-  
5192 specific development standards as provided in K.C.C. 21A.38.030;

5193 G. A special district overlay may not be deleted by a zone reclassification; and

5194 H. Special district overlay development standards may be modified or waived  
5195 through the consideration of a variance, subject to the variance criteria in K.C.C.  
5196 21A.44.030.

5197 SECTION 217. Ordinance 10870, Section 609, and K.C.C. 21A.42.010 are each  
5198 hereby repealed.

5199 SECTION 218. Ordinance 10870, Section 610, and K.C.C. 21A.42.020 are each  
5200 hereby repealed.

5201 SECTION 219. Ordinance 10870, Section 611, and K.C.C. 21A.42.030 are each  
5202 hereby amended to read as follows:

5203 **Code compliance review - ~~((D))~~decisions and appeals.**

5204 A. The department shall approve, approve with conditions, or deny ~~((permits))~~  
5205 development proposals based on compliance with this title and any other development  
5206 condition affecting the proposal.

5207 B. ~~((Decisions on temporary use permits may be appealed to the zoning and~~  
5208 ~~subdivision examiner.~~

5209 C. ~~Permits approved through code compliance review shall be effective for the~~  
5210 ~~time periods and subject to the terms set out as follows:~~

- 5211 ~~1. Building permits shall comply with K.C.C. 16.04;~~  
5212 ~~2. Grading permits shall comply with K.C.C. 16.82; and~~  
5213 ~~3. Temporary use permits shall comply with K.C.C. 21A.32.))~~ K.C.C. chapter  
5214 20.20 applies to appeals of decisions on development proposals.

5215 SECTION 220. Ordinance 10870, Section 612, as amended, and K.C.C.  
5216 21A.42.040 are each hereby amended to read as follows:

5217           **Director review -- ((A))actions subject to review.** The following actions shall be  
5218 subject to the director review procedures ((set forth)) in this chapter:

5219           A. Applications for variances, exceptions under K.C.C. 21A.24.070.A, as  
5220 recodified by this ordinance, and conditional uses; and

5221           B. Periodic review of ((extractive)) mineral extraction operations.

5222           SECTION 221. Ordinance 10870, Section 616, as amended, and K.C.C.  
5223 21A.42.080 are each hereby amended to read as follows:

5224           **Director review - ((D))decision regarding development proposal - rules.**

5225           A. Decisions regarding the approval or denial of development proposals ((~~l~~)),  
5226 excluding periodic review of ((extractive)) mineral extraction operations((~~l~~)), subject to  
5227 director review shall be based upon compliance with the required showings of K.C.C.  
5228 chapter 21A.44. Periodic reviews of ((extractive)) mineral extraction operations shall be  
5229 based upon the criteria outlined in K.C.C. 21A.22.050.B.

5230           B. The written decision contained in the record shall show:

- 5231           1. Facts, findings and conclusions supporting the decision and demonstrating  
5232 compliance with the applicable decision criteria; and
- 5233           2. Any conditions and limitations imposed, if the request is granted.

5234           C. The director shall mail a copy of the written decision to the applicant and to all  
5235 parties of record.

5236           D. ((Rules:)) The director shall adopt rules for the transaction of business and shall  
5237 keep a public record of his actions, finding, waivers and determinations.

5238           SECTION 222. Ordinance 10870, Section 618, as amended, and K.C.C.  
5239 21A.42.100 are each hereby amended to read as follows:

5240            **Examiner review - ~~((Z))~~zone reclassifications, shoreline environment**  
5241            **redesignation, urban plan developments, ~~((and))~~ special use permits, amendment or**  
5242            **deletion of P-suffix conditions, plat vacations and short plat vacations.** Applications  
5243            for zone reclassifications, shoreline environment redesignation, special use permits  
5244            ~~((and))~~, urban plan developments, amendment or deletion of P-suffix conditions, plat  
5245            vacations and short plat vacations shall be reviewed by the department subject to the  
5246            criteria in K.C.C. chapter 21A.44 and to the procedures and criteria ~~((set forth))~~ in K.C.C.  
5247            chapter 20.24 for action subject to approval by the council and notice shall be provided  
5248            ~~((pursuant to))~~ in accordance with K.C.C. ~~((21A.40.080 through .130))~~ chapter 20.20.

5249            SECTION 223. Ordinance 10870, Section 620, and K.C.C. 21A.42.120 are each  
5250            hereby repealed.

5251            SECTION 224. Ordinance 10870, Section 624, as amended, and K.C.C.  
5252            21A.44.030 are each hereby amended to read as follows:

5253            **Variance.** A variance shall be granted by the county, only if the applicant  
5254            demonstrates all of the following:

5255            A. The strict enforcement of ~~((the provisions of))~~ this title creates an unnecessary  
5256            hardship to the property owner;

5257            B. The variance is necessary because of the unique size, shape, topography~~((s))~~ or  
5258            location of the subject property;

5259            C. The subject property is deprived, ~~((by provisions of))~~ under this title, of rights  
5260            and privileges enjoyed by other properties in the vicinity and under an identical zone;

5261 D. The variance does not create health and safety hazards, is not materially  
5262 detrimental to the public welfare or is not unduly injurious to property or improvements  
5263 in the vicinity;

5264 E. The variance does not relieve an applicant from any of the procedural  
5265 provisions of this title;

5266 F. The variance does not relieve an applicant from any standard or provision that  
5267 specifically states that no variance from ~~((such))~~ that standard or provision is permitted;

5268 G. The variance does not relieve an applicant from conditions established during  
5269 prior permit review ~~((or from provisions enacted pursuant to K.C.C. 21A.28.030,~~  
5270 ~~Property Specific Development Standards))~~);

5271 H. The variance does not allow establishment of a use that is not otherwise  
5272 permitted in the zone in which the proposal is located;

5273 I. The variance does not allow the creation of lots or densities that exceed the  
5274 base residential density for the zone by more than ~~((10))~~ ten percent;

5275 J. The variance is the minimum necessary to grant relief to the applicant;

5276 K. The variance from setback or height requirements does not infringe upon or  
5277 interfere with easement or covenant rights or responsibilities; ~~((and))~~

5278 L. The variance does not relieve an applicant from any provisions of K.C.C.  
5279 21A.24, ~~((Sensitive))~~ Critical Areas ~~((, except for the required buffer widths and building~~  
5280 ~~setbacks set forth in K.C.C. 21A.24.200, 21A.24.280, 21A.24.310, or 21A.24))~~; and

5281 M. Within a special district overlay, the variance does not:

5282 1. Modify, waive or define uses;

5283 2. Waive requirements for special studies or reports; or

5284            3. Reduce vegetation retention standards by more than a total of ten percent.

5285            SECTION 225. Ordinance 10870, Section 630, and K.C.C. 21A.50.020 are each

5286 hereby amended to read as follows:

5287            **Authority and application.** The director is authorized to enforce ~~((the provisions~~  
5288 ~~of))~~ this ~~((code))~~ title, any implementing administrative rules adopted under K.C.C. chapter  
5289 2.98((;)) administration, and approval conditions attached to any land use approval, through  
5290 revocation or modification of permits~~((;))~~ or through the enforcement, penalty and  
5291 abatement provisions of K.C.C. Title 23, ~~((Enforcement))~~ Code Compliance.

5292            NEW SECTION. SECTION 226. There is hereby added to K.C.C. chapter  
5293 21A.50 a new section to read as follows:

5294            **Inspections.** The director is authorized to make such inspections and take such  
5295 actions as may be required to enforce this title.

5296            NEW SECTION. SECTION 227. There is hereby added to K.C.C. chapter  
5297 21A.50 a new section to read as follows:

5298            **Hazards.** If the director determines that an existing site, as a result of alterations  
5299 regulated under this title has become a hazard to life and limb, endangers property or the  
5300 environment, or adversely affects the safety, use or stability of a public way or public  
5301 drainage channel, the owner of the property upon which the alterations are located, or other  
5302 person or agent in control of the property, upon receipt of notice in writing from the  
5303 director, shall within the period specified in the notice restore the site affected by the  
5304 alterations or remove or repair the alterations so as to eliminate the hazard and conform  
5305 with this title.

5306            NEW SECTION. SECTION 228. There is hereby added to K.C.C. chapter 21A.50  
5307 a new section to read as follows:

5308            **Critical areas violations - corrective work required.**

5309            A. A person who alters a critical area or buffer in violation of law shall undertake  
5310 corrective work in compliance with this chapter and K.C.C. chapter 23.08. When  
5311 feasible, corrective work shall include restoration of the critical area and buffer.

5312            Corrective work shall be subject to all permits or approvals required for the type of work  
5313 undertaken. In addition, the violator shall be subject to all fees associated with  
5314 investigation of the violation and the need for corrective work.

5315            B. When a wetland or buffer is altered in violation of this title, restoration of the  
5316 wetland and buffer shall comply with the restoration standards in K.C.C. 21A.24.340.

5317            C. When an aquatic area or buffer is altered in violation of this title, restoration of  
5318 the stream and buffer shall comply with the restoration standards in K.C.C. 21A.24.380.

5319            D. All corrective work shall be completed within the time specified in the  
5320 corrective work plan, but in no case later than one year from the date the corrective work  
5321 plan is approved by the department, unless the director authorizes a longer period. The  
5322 violator shall notify the department when restoration measures are installed and  
5323 monitoring is commenced.

5324            E. Any failure to satisfy corrective work requirements established by law or  
5325 condition including, but not limited to, the failure to provide a monitoring report within  
5326 thirty days after it is due or comply with other provisions of an approved corrective work  
5327 plan shall constitute a default, and the department may demand payment of any financial

5328 guarantees or require other action authorized by K.C.C. Title 27A or other applicable  
5329 law.

5330 F. Reasonable access to the corrective work site shall be provided to King  
5331 County for the purpose of inspections during any monitoring period.

5332 NEW SECTION. SECTION 229. There is hereby added to K.C.C. chapter 21A.50  
5333 a new section to read as follows:

5334 **Critical areas violations - corrective work plan and monitoring.**

5335 A. Except as otherwise provided in subsection D. of this section, a person who  
5336 violates this title shall submit a proposed corrective work plan to the department for  
5337 approval. The department may modify the plan and shall approve it only if the  
5338 department determines that the plan complies with the requirements for mitigation plans  
5339 in K.C.C. 21A.24.130.

5340 B. All corrective work shall be accomplished according to the approved  
5341 corrective work plan, and corrective work shall not be undertaken until after approval of  
5342 the plan by the department.

5343 C. Corrective work shall be monitored in accordance with the approved  
5344 corrective work plan. Monitoring may be required for up to five years. Monitoring  
5345 under the corrective work plan shall comply with the monitoring requirements in K.C.C.  
5346 21A.24.130.

5347 D. The director may exempt from this section emergency response activities or  
5348 other actions required to be undertaken immediately or within a time too short to allow  
5349 full compliance with this title or to avoid an imminent threat to public health or safety or  
5350 to property.

5351            NEW SECTION. SECTION 230. There is hereby added to K.C.C. chapter 21A.24  
5352 a new section to read as follows:

5353            **Wetland monitoring study.** The department of natural resources and parks, in  
5354 consultation with the department of development and environmental services, shall conduct  
5355 monitoring in one or two subbasins to evaluate the effect of this ordinance on wetland functions  
5356 and values. The departments shall file a status report on the monitoring with the clerk of the  
5357 council for distribution to the chair of the growth management and unincorporated areas  
5358 committee, or its successor committee, not later than January 1, 2007. The departments shall file  
5359 a final report on the monitoring with the clerk of the council for distribution to the chair of the  
5360 growth management and unincorporated areas committee, or its successor committee, not later  
5361 than January 1, 2010.

5362            NEW SECTION. SECTION 231. There is hereby added to K.C.C. chapter  
5363 21A.24 a new section to read as follows:

5364            **Buffer modifications to achieve zoned density.** If a property owner is unable to  
5365 subdivide a rural residential zoned parcel twenty acres or smaller at the density allowed  
5366 under K.C.C. 21A.12.030 after application of the requirements of this chapter, the  
5367 director may approve modifications to requirements for critical area buffers if:

5368            A. The applicant demonstrates that after the use of all provisions of this title,  
5369 including but not limited to, clustering and buffer averaging, reduction in critical area  
5370 buffers required by this chapter is necessary to achieve the density allowed under K.C.C.  
5371 21A.12.030;

5372            B. To the maximum extent practical, the subdivision or short subdivision design  
5373 has the least adverse impact on the critical area and critical area buffer;

5374 C. The modification does not pose an unreasonable threat to the public health,  
5375 safety or welfare on or off the development proposal site and is consistent with the  
5376 general purposes of this chapter and the public interest; and

5377 D. The applicant provides mitigation to compensate for the adverse impacts to critical  
5378 areas and buffers resulting from any modification to critical area buffers approved under this  
5379 section.

5380 NEW SECTION. SECTION 232. There is hereby added to K.C.C. chapter  
5381 21A.24 a new section to read as follows:

5382 **Vesting period for lots in final short plats.** Unless the department finds that a  
5383 change in conditions creates a serious threat to the public health or safety in the short  
5384 subdivision, for a period of five years after recording, a lot within a short subdivision  
5385 shall be governed by the provisions of this chapter in effect at the time a fully completed  
5386 application for short subdivision approval was filed in accordance with K.C.C. chapter  
5387 20.20.

5388 NEW SECTION. SECTION 233. There is hereby added to K.C.C. chapter  
5389 21A.24 a new section to read as follows:

5390 **Reliance upon standards established through critical area review of a prior**  
5391 **approved conditional use permit.** For a development proposal that requires a  
5392 conditional use permit, the provisions of this chapter in effect at the time a complete  
5393 application for the conditional use permit was submitted shall apply to the development  
5394 proposal if:

5395 A. Critical areas on the development proposal site have been categorized and  
5396 delineated and the impacts of development on the critical areas have been considered in  
5397 the review of the conditional use permit;

5398 B. There are no outstanding violations of the conditions of the approved  
5399 conditional use permit relating to the protection of the critical area;

5400 C. The development proposal is in compliance with all conditions that have been  
5401 imposed as part of the approved conditional use permit; and

5402 D. The conditional use permit has not expired.

5403 NEW SECTION. SECTION 234. A new section is added to K.C.C. chapter  
5404 21A.24 to read as follows:

5405 **Consolidated site review for single-family residential development.**

5406 A. A development proposal shall be deemed to comply with the provisions of this  
5407 chapter and the department shall not require additional critical areas, fire or drainage  
5408 review of a development proposal for a single-family residential development that is  
5409 consistent with the conditions established by the department in its review of the  
5410 development proposal if the applicant meets all of the following requirements:

5411 1. The applicant provides to the department a critical areas report prepared by a  
5412 preferred consultant, as provided in K.C.C. Title 27, for the critical areas on the  
5413 development proposal site;

5414 2. The department has issued a critical areas designation under K.C.C.  
5415 21A.24.500. If applicable, the designation shall be issued before septic system design,  
5416 application and approval;

5417 3. The development proposal qualifies for small project drainage review and  
5418 does not require targeted drainage review under K.C.C. chapter 9.04;

5419 4. The development proposal does not require an alteration exception or  
5420 reasonable use exception under this chapter, a variance from road standards under K.C.C.  
5421 Title 14 or a drainage adjustment under K.C.C. chapter 9.04; and

5422 5. The development proposal locates structures, on-site septic drainfield areas,  
5423 the well location, and other impervious surfaces, including but not limited to driveways,  
5424 within the areas identified by the department.

5425 B. If an applicant indicates on a form approved by the department that a development  
5426 proposal for a single family residence will be proposed for review under this section, the  
5427 department shall consolidate critical areas, drainage, road standards, and fire review. Based on  
5428 the information provided by the applicant under this section, the department shall identify a  
5429 development footprint on the property where the applicant may clear and place structures and  
5430 other impervious surfaces in order to meet the requirements of this chapter and K.C.C. chapters  
5431 9.04 and 16.82. At the time of development permit application, the department shall screen the  
5432 proposal for compliance with the conditions established by the department under this section, set  
5433 the conditions of permit approval and, if required, establish the mitigation financial guarantee.

5434 NEW SECTION. SECTION 235. There is hereby added to K.C.C. chapter  
5435 21A.24 a new section to read as follows:

5436 **Vesting of an approved on-site sewage disposal system.** An on-site sewage  
5437 disposal system approved prior to the effective date of this section shall be subject to the  
5438 provisions of this chapter in effect at the time of the on-site sewage disposal system  
5439 approval.

5440            SECTION 236. Pursuant to K.C.C. 20.44.080, the metropolitan King County  
5441 council finds that the requirements for environmental analysis, protections and mitigation  
5442 measures in the chapter of K.C.C. Title 21A amended by this ordinance, provide  
5443 adequate analysis of and mitigation for the specific adverse environmental impacts to  
5444 which the requirements apply.

5445            SECTION 237. **Development of information manuals and customer**  
5446 **assistance bulletins.**

5447            A. The department of development and environmental services shall develop by  
5448 February 1, 2005, the following items to aid in the implementation of this ordinance and  
5449 Ordinances 15052 and 15053:

- 5450                    1. A training manual; and  
5451                    2. All necessary customer assistance bulletins.

5452            B. Once the manual and assistance bulletins are complete, the department of  
5453 development and environmental services shall provide fifteen copies of the manual and  
5454 assistance to the chair of the growth management and unincorporated areas committee for  
5455 distribution to the committee.

5456            SECTION 238. **Development of wildfire reduction practices.**

5457            A. The King County fire marshal shall by:

- 5458                    1. February 1, 2005, convene discussions for the purpose of developing a single  
5459 set of guidelines containing management practices designed to reduce the hazards from  
5460 wildfires. These discussions shall involve and include consultations with groups such as:

5461 a. Fire prevention and protection professionals from local fire districts serving  
5462 suburban and rural communities and from appropriate state or federal forest fire  
5463 protection agencies; and

5464 b. Affected interest groups such as the King County rural forest commission,  
5465 Firewise, owners of timber land and rural area residents;

5466 2. December 31, 2005, or sooner, promulgate a public rule on the agreed-to best  
5467 management practices to reduce hazards of wildfire. The fire marshal shall file with the  
5468 clerk of the council, for distribution to the chair of the growth management and  
5469 unincorporated areas committee, or its successor, a draft of the public rule. Once  
5470 transmitted to the chair, the proposed public rules shall not go into effect for at least  
5471 forty-five days from the time of transmittal.

5472 B. When the public rule for the approved set of best available management  
5473 practices is complete and becomes effective, these practices shall be made available for  
5474 distribution by:

5475 1. The King County Internet web site;

5476 2. Local fire districts;

5477 3. County agencies such as the department of development and environmental  
5478 services and the department of natural resources and parks;

5479 4. Private fire-safety organizations;

5480 5. The rural forest commission;

5481 6. The unincorporated area councils; and

5482 7. Rural cities and those cities at the edge of the urban growth boundary.

5483 SECTION 239. Effective date. This ordinance takes effect January 1, 2005.

**Ordinance 15051**

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5484            SECTION 240. Severability. If any provision of this ordinance or its application  
5485 to any person or circumstance is held invalid, the remainder of the ordinance or the  
5486 application of the provision to other persons or circumstances is not affected.  
5487

Ordinance 15051 was introduced on 3/8/2004 and passed as amended by the  
Metropolitan King County Council on 10/25/2004, by the following vote:

Yes: 7 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Ms.  
Patterson and Mr. Constantine  
No: 6 - Mr. von Reichbauer, Ms. Lambert, Mr. McKenna, Mr. Hammond, Ms.  
Hague and Mr. Irons  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Phillips, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Ron Sims, County Executive

**Attachments**      A. Basin and Shorelines Conditions Map, dated 9-24-04, B. King County Critical  
Aquifer Recharge Areas, dated September 17, 2004

