



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 than 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.

RESIDENTIAL													
ZONING	RURAL				URBAN	RESIDENTIAL							
	R	R	RA	RA	UR	R-1	R-4	R-	R-	R-	R-	R-	R-
STANDARDS	A-2.5	A-5	-10	-20		(17)		6	8	12	18	24	48
Base Density: Dwelling Unit/Acre (15)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.0 5 du/ac	0.2 du/a c (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)	0.4 du/ac (20)					6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum							85	85	85	80	75	70	65

Density: (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)
Minimum Lot Area (13)	1.8 75 ac	3.7 5 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	13 5 ft	13 5 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft t (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	60 ft
								45 ft	45 ft		80 ft	80 ft	80 ft
								(1 4)	(1 4)		(1 4)	(1 4)	(1 4)
Maximum Impervious Surface: Percentage (5)	25 %	20 %	15 %	12. 5%	30% (11)	30 %	55 %	70 %	75 %	85 %	85 %	85 %	90 %
	(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.14.180₂A 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.

KEY											
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	A
"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	N
	D	E	E	D	L	F	A	F	A	D	D
	S	R	P		A	F	T	F	N	L	
	L			B	N	E	I	E	N	I	N
	I	40	S	U	D	R	C	R	E	F	E
		%									
	D		L	F					L	E	T
	E	A	O	F	A		A	A			W
		N	P	E	N		R	N	M	A	O
	H	D	E	R	D		E	D	I	R	R
	A						A		G	E	K
	Z	B	H					S	R	A	
	A	U	A				A	E	A		

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	R D	F E R	Z A R D		N D	V E R E	T I O N	
ACTIVITY								
Structures								
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	
Grading								
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			
Clearing					
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
Forest Practices					
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
Roads					
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
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
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
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
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
Recreation areas					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of 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
Other					
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~~((;))~~. ~~((I))~~ The applicant may apply for ~~((A))~~ 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 ~~((c.))~~ 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 ~~((d.))~~ 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 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 C₂ 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))~~₂ 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))~~₂;

2844 2. ~~((€))~~The application of this chapter to the property₂; 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 A₂ 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((:)) ~~== ((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 ~~e. 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))~~ to₂ or elevate~~((d))~~
3295 above₂ 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**~~((:))~~ ~~-- ((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:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
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
Category II	
Estuarine	135 feet
Habitat score from 29 to 36 points	200 feet

Ordinance 15051

Habitat score from 20 to 28 points	125 feet
Category II wetlands not meeting any of the criteria below	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria below	75 feet
Category IV	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:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
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
Category I			
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

Ordinance 15051

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
Category II			
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
Category III			
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
Category IV			
	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.1₂ through ~~((A.))~~5₂ ~~((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.

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

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this ____ day of _____, _____.

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

