



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19820

**Proposed No.** 2024-0202.2

**Sponsors** Perry

1 AN ORDINANCE relating to river and floodplain  
 2 management, adopting the 2024 King County Flood  
 3 Management Plan, and amending Ordinance 11955,  
 4 Section 9, as amended, and K.C.C. 2.16.045, Ordinance  
 5 9163, Section 2, as amended, and K.C.C. 9.04.020,  
 6 Ordinance 9163, Section 5, as amended, and K.C.C.  
 7 9.04.050, Ordinance 1709, Section 5, as amended, and  
 8 K.C.C. 13.24.060, Ordinance 15053, Section 3, as  
 9 amended, and K.C.C. 16.82.051, Ordinance 17270, Section  
 10 2, as amended, and K.C.C. 18.25.010, Ordinance 3692,  
 11 Section 1, as amended, and K.C.C. 20.12.200, Ordinance  
 12 11112, Section 1, as amended, and K.C.C. 20.12.480,  
 13 Ordinance 19146, Section 66, and K.C.C. 21A.23.020,  
 14 Ordinance 15051, Section 137, as amended, and K.C.C.  
 15 21A.24.045, Ordinance, 19128, Section 20, and K.C.C.  
 16 21A.24.226, Ordinance, 16267, Section 59, as amended,  
 17 and K.C.C. 21A.24.381, Ordinance, 16985, Section 39, as  
 18 amended, and K.C.C. 21A.25.160, and Ordinance 3688,  
 19 Section 414, as amended, and K.C.C. 21A.25.190.

20 STATEMENT OF FACTS:

Ordinance 19820

---

- 21           1. Six major river systems flow through King County, which are the  
22           South Fork Skykomish, Snoqualmie, Sammamish, Cedar, Green, and  
23           White rivers, along with many tributaries of varying size. King County  
24           also has one hundred three miles of marine shoreline, and within the  
25           boundaries of King County are many urban areas with significant amounts  
26           of impervious surface.
- 27           2. River and stream flooding, coastal flooding, and urban flooding impact  
28           private property, businesses, and public and private infrastructure such as  
29           parks and utilities, and transportation corridors, and can directly and  
30           indirectly result in loss of life.
- 31           3. The 2024 King County Flood Management Plan ("the 2024 flood  
32           plan") updates and supersedes the 2006 King County Flood Hazard  
33           Management Plan ("the 2006 plan") and the 2013 King County Flood  
34           Hazard Management Plan Update and Progress Report ("the 2013 plan  
35           update"). The 2024 flood plan updates the policies established in the 2006  
36           plan and updates the technical information about flooding in King County  
37           presented in the 2006 plan and the 2013 plan update.
- 38           4. The 2006 plan was created to respond to aging flood protection  
39           infrastructure and unmet maintenance needs, new or updated federal  
40           regulatory requirements, environmental impacts of past flood hazard  
41           management practices, and changes in watersheds since 1993. The 2013  
42           plan update provided an update to the 2006 plan.

Ordinance 19820

---

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

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

55           7. As in previous plans, the 2024 flood plan considers the impact of flood  
56           hazard management policies and actions on habitat for Puget Sound  
57           Chinook salmon and bull trout, which are listed as threatened under the  
58           federal Endangered Species Act.

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

Ordinance 19820

---

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

71 10. The 2024 flood plan characterizes flood risks countywide, including  
72 along rivers and tributaries and in areas affected by coastal and urban  
73 flooding.

74 11. The 2024 flood plan recognizes that multiple governments and  
75 community partners carry out flood risk reduction activities, and it  
76 identifies approaches to protect public safety, valuable public and private  
77 property, the regional economy, and the general welfare of King County  
78 and its residents.

79 12. The 2024 flood plan recognizes that the King County Flood Control  
80 Zone District is a special-purpose district independent of King County  
81 with its own priorities, governance, funding source, and budgetary  
82 process. The 2024 flood plan does not commit the Flood Control Zone  
83 District to funding projects or activities identified in the plan.

84 13. The 2024 flood plan supports the goals of the King County  
85 Comprehensive Plan, the King County Equity and Social Justice Strategic  
86 Plan, the King County Strategic Climate Action Plan, the King County

Ordinance 19820

---

87 Clean Water Healthy Habitat Strategic Plan, the King County Land  
88 Conservation Initiative, and the King County Local Food Initiative.

89 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

92 A. The department of natural resources and parks is responsible to manage and  
93 be fiscally accountable for the wastewater treatment division, water and land resources  
94 division, solid waste division, and parks and recreation division. The department shall  
95 administer and implement the requirements of the federal Clean Water Act, federal  
96 Endangered Species Act, and other federal and state laws and regulations related to those  
97 requirements. The department shall perform the metropolitan water pollution abatement  
98 function referred to in this section as "the water quality program," as set forth in chapter  
99 35.58 RCW, K.C.C. Title 28, and other federal and state laws and regulations applicable  
100 to that function, although financial planning for and administration of the water quality  
101 program shall be conducted consistent with financial policies approved by the council.  
102 The department shall coordinate the county's National Pollutant Discharge Elimination  
103 System municipal stormwater permit program. The department shall provide the support  
104 to the county's participation in the regional water supply planning process including the  
105 development of reclaimed water and the review of local utility district plans for  
106 conformance with county plans and policies and shall participate in the process of  
107 preparing coordinated water system plans to ensure conformance with county plans and  
108 policies. The department shall provide for the active and passive recreational needs of  
109 the region, consistent with the mission of the parks and recreation division described in

Ordinance 19820

---

110 subsection E.1. of this section. The department shall designate as natural resource lands  
111 those county-owned lands that serve important natural resource functions, including, but  
112 not limited to, benefiting and protecting natural drainage systems, drainage basins, flood  
113 control systems, ecosystems, water quality, ground water, fisheries and wildlife habitat,  
114 and other natural resource purposes. The department shall act to ensure integration of  
115 environmental programs across utility and resource functions and to balance stewardship  
116 with economic development issues. To ensure integration and balanced stewardship  
117 through the director's office the department shall oversee strategic planning using staff  
118 resources budgeted in the department's divisions. Strategic planning may include, but not  
119 be limited to: integration of land and water resource protection; coordination of ground  
120 water, water reuse, and water supply plan approval; development of new funding  
121 approaches for resource protection; establishment of new partnerships with businesses,  
122 community organizations, and citizens; and better coordination of sewerage and flood  
123 control facilities to prevent water quality degradation. The director's office shall manage  
124 the county's historic preservation program including landmark designation, protection,  
125 and enhancement to support tourism development, downtown revitalization, and  
126 environmental and cultural sustainability.

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

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

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

Ordinance 19820

---

133 c. providing planning for the water quality capital program;  
134 d. providing design, engineering, and construction management services  
135 related to the water quality capital programs including new facilities development, and  
136 maintenance of the existing infrastructure;

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

139 f. regulating industrial discharges into the metropolitan sewerage system.

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

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



Ordinance 19820

---

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

179           10. Consulting in the preparation of management plans for protection and use of  
180 the natural resource values of county owned lands, including natural resource lands,  
181 dedicated and deeded open space lands, and lands acquired by the county as a condition  
182 of land development approval, and consulting with the parks and recreation division the  
183 appropriate means to execute such management plans;

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

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

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

Ordinance 19820

---

- 244           8. Developing and monitoring a capital project plan as defined in K.C.C.  
245 chapter 4A.100;
- 246           9. Within available resources, developing and facilitating agreements for the  
247 development of specific active park and recreation facilities;
- 248           10. Coordinating with other departments and divisions as appropriate in the  
249 preparation of grant applications for park and open space acquisition, development, and  
250 operations;
- 251           11. Developing, managing, or facilitating agreements for the provision of  
252 recreational programs;
- 253           12. Facilitating programs that promote the safe enjoyment of county-owned  
254 swimming pools and guarded swim beaches; and
- 255           13. Developing and administering for the wastewater treatment division use  
256 agreements under K.C.C. 4.56.150.E.1.d., rental or lease agreements under K.C.C.  
257 4.56.150.F., permits under K.C.C. 7.12.040, or special use permits under K.C.C.  
258 7.12.050, for the Brightwater Environmental Education and Community Center. The  
259 applicable provisions for use of the Brightwater Environmental Education and  
260 Community Center facility are contained in K.C.C. chapter 28.84.

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

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

265           A. "Adjustment" means a department-approved variation in the application of the  
266 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular

Ordinance 19820

---

267 project in accordance with K.C.C. 9.04.050.C. "Adjustment" replaces "variance," which  
268 was used in prior editions of the Surface Water Design Manual.

269 B. "Applicant" means a property owner or a public agency or public or private  
270 utility that owns a right-of-way or other easement or has been adjudicated the right to  
271 such an easement under RCW 8.12.090, or any person or entity designated or named in  
272 writing by the property or easement owner to be the applicant, in an application for a  
273 development proposal, permit or approval.

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

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

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

Ordinance 19820

---

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

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

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

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

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

308 K. "Development" means any activity that requires a permit or approval,  
309 including, but not limited to, a building permit, grading permit, shoreline substantial  
310 development permit, conditional use permit, special use permit, zoning variance or

---

Ordinance 19820

---

311 reclassification, subdivision, short subdivision, urban planned development, binding site  
312 plan, site development permit, or right-of-way use permit. "Development" does not  
313 include forest management activities, as defined in K.C.C. chapter 21A.06.

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

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

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

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

328 P. "Drainage review" means an evaluation by King County staff of a proposed  
329 project's compliance with the drainage requirements in the Surface Water Design Manual.  
330 The types of drainage review include((:)) simplified drainage review, targeted drainage  
331 review, directed drainage review, full drainage review, and large project drainage review.

Ordinance 19820

---

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

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

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

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

353 U. "Flow control facility" means a drainage facility designed in accordance with  
354 the drainage requirements in this chapter to mitigate the impacts of increased stormwater



Ordinance 19820

---

355 runoff generated by site development. A "flow control facility" is designed either to hold  
356 water for a considerable length of time and then release it by evaporation, plant  
357 transpiration or infiltration into the ground or to hold runoff for a short period of time and  
358 then release it to the conveyance system.

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

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

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

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

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

Ordinance 19820

---

400 BB. "Land disturbing activity" means an activity that results in a change in the  
401 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

402 "Land disturbing activity" includes, but is not limited to, demolition, construction,  
403 clearing, grading, filling, excavation, and compaction. "Land disturbing activity" does  
404 not include tilling conducted as part of agricultural practices, landscape maintenance, or  
405 gardening.

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

409 DD. "Large project drainage review" means the evaluation required by K.C.C.  
410 9.04.030 for any proposed project that:

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

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

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

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

420 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse,  
421 or cessation in the use of currently serviceable structures, facilities, equipment, or  
422 systems, if there is no expansion of the structure, facilities, equipment, or system and

Ordinance 19820

---

423 there are no significant hydrologic impacts. "Maintenance" includes the repair or  
424 replacement of nonfunctional facilities or the replacement of existing structures with  
425 different types of structures, if the repair or replacement is required by one or more  
426 environmental permits or to meet current engineering standards and the functioning  
427 characteristics of the original facility or structure are not changed.

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

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

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

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

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

443 LL. "New pervious surface" means the conversion of a native vegetated surface  
444 or other native surface to a nonnative pervious surface, including, but not limited to,  
445 pasture land, grassland, cultivated land, lawn, landscaping, or bare soil or any alteration

---

Ordinance 19820

---

446 of existing nonnative pervious surface that results in increased stormwater runoff as  
447 defined in the Surface Water Design Manual.

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

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

Ordinance 19820

---

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

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

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

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

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

Ordinance 19820

---

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

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

522           ZZ. "Subbasin" means a geographic area that:

- 523           1. Drains to a stream or water body named and noted on common maps; and
- 524           2. Is contained within the basin of the stream or water body.

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

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



Ordinance 19820

---

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

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

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

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

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

Ordinance 19820

---

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

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

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

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

Ordinance 19820

---

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

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

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

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

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

---

Ordinance 19820

---

605 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design  
606 Manual;

607           7. Core requirement 7: Financial guarantees and liability. All drainage  
608 facilities constructed or modified for projects, except downspout infiltration and  
609 dispersion systems for single family residential lots, must comply with the liability  
610 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title  
611 27A;

612           8. Core requirement 8: Water quality facilities. Proposed projects that would  
613 result in five thousand square feet or more of new plus replaced pollution generating  
614 impervious surface or three quarters of an acre or more of new pollution-generating  
615 pervious surface, or that are redevelopment projects that would result in a total of five  
616 thousand square feet or more of new and replaced pollution-generating impervious  
617 surface, shall provide water quality facilities to treat polluted stormwater runoff generated  
618 by new or replaced pollution-generating impervious surface, new pollution-generating  
619 pervious surface, and any existing pollution-generating impervious surface added on or  
620 after January 8, 2001, as specified in the Surface Water Design Manual. However,  
621 pervious surfaces are specifically excluded if there is a good faith agreement with the  
622 King Conservation District to implement a farm management plan for agricultural uses,  
623 and pervious areas for other uses are specifically excluded if King County department of  
624 local services, permitting division, approves a landscape management plan that controls  
625 solids, pesticides, fertilizers, and other erodible or leachable materials leaving the site.  
626 Water quality facilities shall meet the area-specific water quality facility requirements  
627 and the water quality implementation requirements applicable to the project site as

---

Ordinance 19820

---

628 specified in the Surface Water Design Manual. The facilities specified by these  
629 requirements are designed to reduce pollutant loads according to the applicable annual  
630 average performance goals listed in a. through d. of this subsection A.8. for ninety-five  
631 percent of the annual average runoff volume:

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

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

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

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

640 9. Core requirement 9: Flow control BMPs. Proposed projects that would  
641 result in two thousand square feet or more of new plus replaced impervious surface or  
642 seven thousand square feet or more of land disturbing activity shall provide flow control  
643 BMPs that use processes such as infiltration, dispersion, storage, evaporation,  
644 transpiration, forest retention and reduced impervious surface footprint to mimic pre-  
645 developed hydrology and minimize stormwater runoff generated by new impervious  
646 surface, new pervious surface, replaced impervious surface and any existing impervious  
647 surface added on or after January 8, 2001, as specified in the Surface Water Design  
648 Manual. Flow control BMPs shall be applied to manage stormwater runoff from the  
649 aforementioned surfaces to the maximum extent feasible using lists of flow control BMPs  
650 specific to the project location, size, and impervious coverage; or as required to

---

Ordinance 19820

---

651 demonstrate that developed discharge durations from the surfaces match (~~pre-~~  
652 ~~developed~~) predeveloped durations for those surfaces for the range of predeveloped  
653 discharge rates from eight percent of the two-year peak flow to fifty percent of the two-  
654 year peak flow as specified in the Surface Water Design Manual.

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

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

668 2. Special requirement 2: Floodplain/floodway delineation. If a proposed  
669 project contains or is adjacent to a stream, lake, wetland, or closed depression, or if other  
670 King County regulations require study of flood hazards relating to the proposed project,  
671 the one-hundred-year floodplain boundaries and floodway shall be determined and  
672 delineated on the site improvement plans and profiles and any final maps prepared for the

Ordinance 19820

---

673 proposed project. The flood hazard study shall be prepared as specified in the Surface  
674 Water Design Manual;

675           3. Special requirement 3: Flood protection facilities. If a proposed project  
676 contains or is adjacent to a stream that has an existing flood protection facility, such as a  
677 levee, revetment, or berm, or proposes to either construct a new or modify an existing  
678 flood protection facility, then the flood protection facilities shall be analyzed and  
679 designed as specified in the Surface Water Design Manual;

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

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

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

Ordinance 19820

---

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

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

- 701 a. produce a compensating or comparable result in the public interest; and
- 702 b. meet this chapter's objectives of safety, function, appearance, environmental  
703 protection, and maintainability based upon sound engineering judgment.

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

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

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



Ordinance 19820

---

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

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

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

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

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

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

728           B. State and local health standards;

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

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

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

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

Ordinance 19820

---

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

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

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

745 J. Coordinated water system plans under chapter 70.116 RCW;

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

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

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

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

753 O. Adopted ground water management plans under RCW 90.44.400 and chapter  
754 173-100 WAC;

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

757 Q. Requirements under chapter 77.85 RCW for salmon recovery, water resource  
758 plans adopted in accordance with chapter 90.54 RCW, watershed plans approved in

Ordinance 19820

---

759 accordance with chapter 90.82 RCW and regional water supply or water resource  
760 management plans; and

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

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

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

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

Ordinance 19820

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

Ordinance 19820

Removal of invasive vegetation	NP 7	NP 7	NP	NP	NP		NP	NP		NP	NP	NP	NP
			7	7	7		7	7		7	8	8	8
Forest management activity	NP 9	NP 9	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
			9	9	9	9	9	9	9	9	9	9	9
Emergency action	NP 10	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		10	10	10	10	10	10	10	10	10	10	10	10
<b>Roads</b>													
Grading within the roadway	NP 11	NP	NP	NP	NP	NP	NP	NP	NP	NP			NP
		11	11	11	11	11	11	11	11	11			11
Clearing within the roadway	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		12	12	12	12	12	12	12	12		12	12	12
Maintenance of driveway or private access road	NP 13	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		13	13	13	13	13	13	13	13	13	13	13	13
Maintenance of bridge or culvert	NP 13,	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	14, 15	13,	13,	13,	13,	13,	13,	13,	13,	13,	13,	13,	13,
		14,	14,	14,	14,	14,	14,	14,	14,	14,	14,	14,	14,
		15	15	15	15	15	15	15	15	15	15	15	15
Construction of farm field access drive	NP 16	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		16	16	16	16	16	16	16	16	16	16	16	16
Maintenance of farm field access drive	NP 17	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		17	17	17	17	17	17	17	17	17	17	17	17
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		19	19	19	19	19	19	19	19	18	19	19	19

Ordinance 19820

Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
<b>Agriculture</b>													

Ordinance 19820

Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
<b>Other</b>													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13		NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

777

C. The following conditions apply:

Ordinance 19820

---

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

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

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

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

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

792           c. subject to clearing limits included in property-specific development

793 standards and special district overlays under K.C.C. chapter 21A.38; or

794           d. subject to urban growth area significant tree retention standards under

795 K.C.C. 16.82.156 and 21A.38.230.

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

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

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



Ordinance 19820

---

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

804           8. Cumulative clearing of less than seven thousand square feet and either:  
805           a. conducted in accordance with a farm management plan, forest management  
806 plan, or a rural stewardship plan; or

807           b. limited to removal with hand labor.

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

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

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

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

819           a. slope stabilization or vegetation removal on slopes; or

820           b. ditches that are used by salmonids.

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

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

Ordinance 19820

---

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

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

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

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

- 835           a. The King Conservation District;
- 836           b. King County department of natural resources and parks;
- 837           c. King County department of local services, permitting division; or
- 838           d. Washington state Department of Fish and Wildlife.

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

841           17. Only if consistent with a farm plan.

842           18. In accordance with a franchise permit.

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

844           20. When:

- 845           a. conducted by a public agency;
-

Ordinance 19820

---

- 846           b. the height of the facility is not increased;
- 847           c. the linear length of the facility is not increased;
- 848           d. the footprint of the facility is not expanded waterward;
- 849           e. done in accordance with the Regional Road Maintenance Guidelines;
- 850           f. done in accordance with the adopted King County Flood ((Hazard))
- 851 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 852 State Aquatic Habitat Guidelines Program, 2002); and
- 853           ~~((f.))~~ g. monitoring is conducted for three years following maintenance or
- 854 repair and an annual report is submitted to the department.
- 855           21. Only if:
- 856           a. the activity is not part of a mitigation plan associated with another
- 857 development proposal or is not corrective action associated with a violation; and
- 858           b. the activity is sponsored or co-sponsored by a public agency that has natural
- 859 resource management as its primary function or a federally((-)) recognized tribe, and the
- 860 activity is limited to:
- 861           (1) revegetation of the critical area and its buffer with native vegetation or the
- 862 removal of noxious weeds or invasive vegetation;
- 863           (2) placement of weirs, log controls, spawning gravel, woody debris, and
- 864 other specific salmonid habitat improvements;
- 865           (3) hand labor except:
- 866           (a) the use of riding mower or light mechanical cultivating equipment and
- 867 herbicides or biological control methods when prescribed by the King County noxious
- 868 weed control board for the removal of noxious weeds or invasive vegetation; or

Ordinance 19820

---

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

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

872 23. Limited to removal of vegetation for forest fire prevention purposes in  
873 accordance with best management practices approved by the King County fire marshal.

874 24. Limited to the removal of downed trees.

875 25. Except on properties that are:

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

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

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

882 a. King Conservation District;

883 b. department of natural resources and parks;

884 c. department of local services, permitting division; or

885 d. Washington state Department of Fish and Wildlife.

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

888 A.1. The county developed a strategic climate action plan in 2012 to establish  
889 long-term targets and guide actions within county services and operations to reduce  
890 greenhouse gas emissions and adapt to a changing climate. In accordance with this  
891 chapter, the executive updates the strategic climate action plan. Each update to the

Ordinance 19820

---

892 strategic climate action plan shall be developed with an environmental justice framework  
893 in partnership with those communities disproportionately impacted by climate change  
894 and in a manner consistent with Ordinance 16948, which establishes the county's fair and  
895 just principle. The strategic climate action plan shall include the following:

896         a. the identification of specific goals, strategies, measures, targets, and priority  
897 actions for county services and operations to reduce emissions consistent with the  
898 countywide goal of reducing greenhouse gas emissions twenty-five percent by 2020, fifty  
899 percent by 2030, and eighty percent by 2050, compared to a 2007 baseline. The strategic  
900 climate action plan should address five goal areas for reducing greenhouse gas emissions:  
901 transportation and land use; building and facilities energy; green building; consumption  
902 and materials management, including the environmental purchasing program; and  
903 forestry and agriculture. Each goal area shall address environmental justice and ensure  
904 that the strategies promote an equitable distribution of any environmental benefit. The  
905 strategic climate action plan should establish explicit and, whenever possible,  
906 quantifiable connections between the overarching climate goals and specific strategies  
907 and actions;

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

912         (2) the green jobs strategy shall be developed in consultation with members  
913 of the King County climate and equity community taskforce identified in subsection  
914 A.1.b.(2)(f) of this section, labor and workforce development organizations directed in

Ordinance 19820

---

915 subsection A.7. of this section, and representatives of an environmental justice and  
916 climate equity organization, education, business, building managers, utilities, scientists  
917 with knowledge of the latest research on strategies to reduce emissions, tribes, local  
918 governments, and regional groups such as the King County-Cities Climate Collaboration  
919 and the Puget Sound Regional Council, and shall include:

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

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

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

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

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

Ordinance 19820

---

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

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

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

953 iii. based on assessment of climate impacts and extreme weather events  
954 like heat waves on vulnerable communities, make recommendations for preparedness  
955 strategies and actions to include in county emergency response plans, the flood ((hazard))  
956 management plan, and the regional hazard mitigation plan;

957 c. the current assessment of climate change impacts in King County and  
958 identification of goals, strategies, measures, targets and priority actions within county  
959 services and county operations to address climate change impacts. Each goal and

Ordinance 19820

---

960 strategy shall address environmental justice and ensure that the strategies promote an  
961 equitable distribution of any environmental benefit;

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

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

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

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

980 4. The council recognizes that science related to climate change and successful  
981 climate solutions is evolving, and each update to the strategic climate action plan should



Ordinance 19820

---

982 build upon and refine the strategies, activities, and performance targets in accordance  
983 with best available science, practices, and progress toward emissions reductions targets.

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

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

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

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

999           C. The executive must transmit the legislation and reports required to be  
1000 submitted by this section in the form of a paper original and an electronic copy with the  
1001 clerk of the council, who shall retain the original and provide an electronic copy to all  
1002 councilmembers, the council chief of staff, and the lead staff for the transportation,  
1003 economy, and environment committee or its successor.

Ordinance 19820

---

1004            SECTION 7. Ordinance 3692, Section 1, as amended, and K.C.C. 20.12.200 are  
1005 each hereby amended to read as follows:

1006            A. The King County shoreline master program consists of the following  
1007 elements, enacted on or before (~~July 20, 2023~~) the date of enactment of this ordinance  
1008 (Proposed Ordinance 2024-0202):

- 1009            1. The King ~~((€))~~County Comprehensive Plan chapter six;
- 1010            2. K.C.C. chapter 21A.25;
- 1011            3. The following sections of K.C.C. chapter 21A.24:
  - 1012            a. K.C.C. 21A.24.045;
  - 1013            b. K.C.C. 21A.24.051;
  - 1014            c. K.C.C. 21A.24.055;
  - 1015            d. K.C.C. 21A.24.070.A., D. and E.;
  - 1016            e. K.C.C. 21A.24.125;
  - 1017            f. K.C.C. 21A.24.130;
  - 1018            g. K.C.C. 21A.24.133;
  - 1019            h. K.C.C. 21A.24.200;
  - 1020            i. K.C.C. 21A.24.210;
  - 1021            j. K.C.C. 21A.24.220;
  - 1022            k. K.C.C. 21A.24.275;
  - 1023            l. K.C.C. 21A.24.280;
  - 1024            m. K.C.C. 21A.24.290;
  - 1025            n. K.C.C. 21A.24.300;
  - 1026            o. K.C.C. 21A.24.310;

Ordinance 19820

---

- 1027 p. K.C.C. 21A.24.316;
- 1028 q. K.C.C. 21A.24.318;
- 1029 r. K.C.C. 21A.24.325;
- 1030 s. K.C.C. 21A.24.335;
- 1031 t. K.C.C. 21A.24.340;
- 1032 u. K.C.C. 21A.24.355;
- 1033 v. K.C.C. 21A.24.358;
- 1034 w. K.C.C. 21A.24.365;
- 1035 x. K.C.C. 21A.24.380;
- 1036 y. K.C.C. 21A.24.382;
- 1037 z. K.C.C. 21A.24.386; and
- 1038 aa. K.C.C. 21A.24.388;
- 1039 4. The following:
  - 1040 a. K.C.C. 20.18.040;
  - 1041 b. K.C.C. 20.18.050;
  - 1042 c. K.C.C. 20.18.056;
  - 1043 d. K.C.C. 20.18.057;
  - 1044 e. K.C.C. 20.18.058;
  - 1045 f. K.C.C. 20.22.160;
  - 1046 g. K.C.C. 21A.32.045;
  - 1047 h. K.C.C. 21A.44.090;
  - 1048 i. K.C.C. 21A.44.100; and
  - 1049 j. K.C.C. 21A.50.030;

Ordinance 19820

---

1050 5. The 2024 King County Flood Management Plan.

1051 B. The shoreline management goals and policies constitute the official policy of  
1052 King County regarding areas of the county subject to shoreline management jurisdiction  
1053 under chapter 90.58 RCW. As provided by WAC 173-26-191(2)(a), King County's local  
1054 administrative, enforcement, and permit review procedures shall conform to chapter  
1055 90.58 RCW but shall not be a part of the master program.

1056 C. Amendments to the shoreline master program do not apply to the shoreline  
1057 jurisdiction until approved by the Washington state Department of Ecology as provided  
1058 in RCW 90.58.090. The department of local services, permitting division, shall, within  
1059 ten days after the date of the Department of Ecology's approval, file a copy of the  
1060 Department of Ecology's approval, in the form of an electronic copy, with the clerk of the  
1061 council, who shall retain the original and provide electronic copies to all  
1062 councilmembers, the chief of staff, and the lead staff of the local services and land use  
1063 committee, or its successor.

1064 SECTION 8. Ordinance 11112, Section 1, as amended, and K.C.C. 20.12.480 are  
1065 each hereby amended to read as follows:

1066 The ~~((2006 King County Flood Hazard Management Plan, as shown in~~  
1067 ~~Attachment A to Ordinance 15673, is hereby amended by the 2013 Flood Management~~  
1068 ~~Plan Update, as shown in Attachment B to Ordinance 17697 and amended)) 2024 King~~  
1069 County Flood Management Plan, as shown in Attachment A to this ordinance, is adopted  
1070 as a functional plan to guide King County's river and floodplain management program  
1071 and to meet the intent of the natural environment, and facilities and services policies of  
1072 the King County Comprehensive Plan. ~~((The 2013 Flood Hazard Management Plan~~

---

Ordinance 19820

---

1073 Update, Attachment A to Ordinance 17697, amends the 2006 King County Flood Hazard  
1074 Management Plan, Attachment A to Ordinance 15673, by adding new text to Chapters 1  
1075 through 6 of the 2006 Plan, by replacing Chapter 7 of the 2006 Plan with a new Chapter  
1076 7, and by replacing Appendices A through G of the 2006 Plan with new Appendices A  
1077 through L.) As an amplification and augmentation of the King County Comprehensive  
1078 Plan, the ((flood hazard management plan as amended by the update)) 2024 King County  
1079 Flood Management Plan constitutes official county policy with regard to river and  
1080 floodplain management in King County. ((For each site-specific project, such as levee  
1081 improvements or concentrated areas of home buyouts or elevations, a project summary is  
1082 included to provide a better understanding of the flood or erosion conditions of concern  
1083 and the action or actions proposed to address them. Project summaries, and references to  
1084 easements, buffers or levee improvements, including levee laybacks, in connection with  
1085 such project summaries))Site-specific projects and program activities are intended to  
1086 function at the level of a planning document((s)) and do not assume that the nature and  
1087 scope of each of the described projects are the final project or action ((that are described  
1088 in this chapter 5 of Attachment A to Ordinance 17673, as amended by Chapter 5 of  
1089 Attachment B to Ordinance 17697 or in Appendices E, F and G of Attachment B to  
1090 Ordinance 17697)). The proposed projects and ((actions)) other activities are not  
1091 intended to substitute for the site-specific analysis to determine what is required for each  
1092 of the site-specific capital projects that will be recommended and adopted as part of ((an  
1093 annual)) biennial capital improvement plans. The priority, scope, nature, and cost of the  
1094 proposed projects or actions may change as the hydraulic, engineering, and geotechnical  
1095 conditions at each site are analyzed in greater detail, and as engineering alternatives are

---

Ordinance 19820

---

1096 developed, analyzed, reviewed, and negotiated with federal, state, local, and tribal  
 1097 agencies and affected property owner or owners. However, while the plan sets forth what  
 1098 the county currently believes are best practices, nothing in this plan creates or precludes  
 1099 the creation of new land use requirements, laws, or regulations. ~~((For the reach of the  
 1100 Tukwila 205 levee and any extensions thereof between South 180th Street and South  
 1101 204th Street, the setback, easement, and slope design recommendations of the 2006 King  
 1102 County Flood Hazard Management Plan, Attachment A to Ordinance 15763, as amended  
 1103 by the 2013 Flood Hazard Management Plan Update, Attachment B to Ordinance 17697,  
 1104 are satisfied if the repair, extension or modification of an existing levee or the design of a  
 1105 new levee meet the design guidelines and factors of safety in United States Army Corps  
 1106 of Engineers Engineering Manual for the Design and Construction of Levees (EM 1110-  
 1107 2-1913) dated April 30, 2000, as most currently updated.))~~

1108         SECTION 9. Ordinance 19146, Section 66, and K.C.C. 21A.23.020 are each  
 1109 hereby amended to read as follows:

1110         A. The director may approve sea level rise risk area variances to this chapter. In  
 1111 reviewing and evaluating sea level rise risk area variance applications, the director shall  
 1112 consider all technical evaluations and relevant factors, including, but not limited to:

- 1113             1. The danger that materials may be swept onto other lands to the injury of  
 1114 others;
- 1115             2. The danger to life and property due to coastal flooding or erosion damage;
- 1116             3. The susceptibility of the proposed building or facility and its contents to flood  
 1117 damage and the effect of the damage on the individual owner;

Ordinance 19820

---

1118           4. The importance of the services provided by the proposed building or facility  
1119 to the community;

1120           5. The necessity to the building or facility of a waterfront location;

1121           6. The availability of alternative locations for the proposed use that are not  
1122 subject to flooding or erosion damage;

1123           7. The potential of the proposed development to create an adverse effect on a  
1124 federally or state-protected species or habitat;

1125           8. The compatibility of the proposed use with existing and anticipated  
1126 development;

1127           9. The relationship of the proposed use to the Comprehensive Plan, shoreline  
1128 master program, and ~~((f))Flood ((hazard-m))Management ((p))Plan~~;

1129           10. The safety of access to the property in times of flooding for ordinary and  
1130 emergency vehicles;

1131           11. The expected heights, velocity, duration, rate of rise, sediment transport of  
1132 the floodwaters, and effects of wave action expected at the site;

1133           12. The costs of providing governmental services during and after flood  
1134 conditions, including emergency management services and maintenance and repair of  
1135 public utilities and facilities such as sewer, gas, electrical, water systems, streets, and  
1136 bridges; and

1137           13. Current and future risks from sea level rise conditions anticipated to occur  
1138 over the next fifty years.

1139           B. The director may only approve a sea level rise risk area variance upon a  
1140 determination that:

Ordinance 19820

---

1141           1. Failure to grant the sea level rise risk area variance would result in an  
1142 exceptional hardship to the applicant;

1143           2. The granting of a sea level rise risk area variance will not result in additional  
1144 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or  
1145 victimization of the public, or conflict with existing laws or ordinances; and

1146           3. The sea level rise risk area variance is the minimum necessary, considering  
1147 the flood or erosion hazard, to afford relief.

1148           C. An applicant for sea level rise risk area variance shall be given a written notice  
1149 that the approval of the sea level rise risk area variance to construct a structure below the  
1150 sea level rise protection elevation established in this chapter (~~(H)~~) may result in higher  
1151 future flood insurance premium rates up to amounts as high as twenty-five dollars per one  
1152 hundred dollars of coverage and that the construction below the sea level rise protection  
1153 elevation increases risks to life and property.

1154           D.1. An application for a sea level rise risk area variance shall be submitted in  
1155 writing to the department of local services, permitting division, together with any  
1156 supporting documentation that demonstrates how the proposal meets the criteria in this  
1157 section.

1158           2. An application for a sea level rise risk area variance under this section shall  
1159 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

1160           3. Sea level rise risk area variances that allow the establishment of a use not  
1161 otherwise permitted in the zone where the proposal is located shall not be permitted.



Ordinance 19820

---

1162           4. The variance standards in K.C.C. 21A.44.030 and the alteration exception  
1163 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk  
1164 area regulations of this chapter.

1165           5. The department shall maintain in perpetuity a record of all requests for  
1166 variances, including justification for their issuance.

1167           SECTION 10. Ordinance 15051, Section 137, as amended, and K.C.C.  
1168 21A.24.045 are each hereby amended to read as follows:

1169           A. Within the following seven critical areas and their buffers all alterations are  
1170 allowed if the alteration complies with the development standards, impact avoidance and  
1171 mitigation requirements and other applicable requirements established in this chapter:

- 1172           1. Critical aquifer recharge area;
- 1173           2. Coal mine hazard area;
- 1174           3. Erosion hazard area;
- 1175           4. Flood hazard area except in the severe channel migration hazard area;
- 1176           5. Landslide hazard area under forty percent slope;
- 1177           6. Seismic hazard area; and
- 1178           7. Volcanic hazard areas.

1179           B. Within the following seven critical areas and their buffers, unless allowed as  
1180 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
1181 subsection C. of this section are allowed if the alteration complies with conditions in  
1182 subsection D. of this section and the development standards, impact avoidance and  
1183 mitigation requirements and other applicable requirements established in this chapter:

- 1184           1. Severe channel migration hazard area;

Ordinance 19820

---

- 1185            2. Landslide hazard area over forty percent slope;
- 1186            3. Steep slope hazard area;
- 1187            4. Wetland;
- 1188            5. Aquatic area;
- 1189            6. Wildlife habitat conservation area; and
- 1190            7. Wildlife habitat network.

1191            C. In the following table where an activity is included in more than one activity  
 1192 category, the numbered conditions applicable to the most specific description of the activity  
 1193 governs. Where more than one numbered condition appears for a listed activity, each of  
 1194 the relevant conditions specified for that activity within the given critical area applies. For  
 1195 alterations involving more than one critical area, compliance with the conditions applicable  
 1196 to each critical area is required.

A= alternation is allowed Numbers indicate applicable development condition in subsection D. of this section	Landslide Hazard Over 40% and Buffer	Steep Slope Hazard and Buffer	Wetland and Buffer	Aquatic Area and Buffer and Severe Channel Migration	Wildlife Habitat Conservati on Area and Wildlife Habitat Network
<b>Structures</b>					
Construction of new single			A 1	A 2	

Ordinance 19820

---

detached dwelling unit					
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18	A 18, 20	A 14, 18, 20	A 4, 14,

Ordinance 19820

---

					18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Forest management activity	A	A	A	A	A 25
<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or	A 28	A 28	A 28	A 28	A 28

Ordinance 19820

---

private access road					
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of	A 67	A 67	A 66	A 66	A 4, 66

Ordinance 19820

---

a hydroelectric generating facility					
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface			A 32	A 32	A 4, 32

Ordinance 19820

---

water quality treatment facility					
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, education and science</b>					

Ordinance 19820

---

<b>projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of			A 56	A 56	



Ordinance 19820

---

a farm pad					
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Maintenance of agricultural waterway			A 69	A 69	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

1197

D. The following alteration conditions apply:

Ordinance 19820

---

1198           1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
1199 limitations of subsection D.3. of this section.

1200           2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
1201 created before January 1, 2005, if:

1202           a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
1203 seventy-five percent of the lake frontage, whichever constitutes the most developable lake  
1204 frontage, has existing density of four dwelling units per acre or more;

1205           b. the development proposal, including mitigation required by this chapter, will  
1206 have the least adverse impact on the critical area;

1207           c. existing native vegetation within the critical area buffer will remain  
1208 undisturbed except as necessary to accommodate the development proposal and required  
1209 building setbacks;

1210           d. access is located to have the least adverse impact on the critical area and  
1211 critical area buffer;

1212           e. the site alteration is the minimum necessary to accommodate the development  
1213 proposal and in no case in excess of five thousand square feet;

1214           f. the alteration is no closer than:

1215           (1) on a site with a shoreline environment designation of high intensity or  
1216 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on  
1217 either side of the subject property, as measured from the ordinary high water mark of the  
1218 lake shoreline;

Ordinance 19820

---

1219 (2) on a site with a shoreline environment designation of rural, conservancy,  
1220 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots  
1221 on either side of the subject property, as measured from the ordinary high water mark; and

1222 (3) on a site with a shoreline environment designation of natural, the greater of  
1223 one hundred feet or the average of the setbacks on adjacent lots on either side of the subject  
1224 property, as measured from the ordinary high water mark; and

1225 g. to the maximum extent practical, alterations are mitigated on the development  
1226 proposal site by enhancing or restoring remaining critical area buffers.

1227 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
1228 buffers of wetlands or aquatic areas where:

1229 a. the site is predominantly used for the practice of agriculture;

1230 b. the structure is in compliance with an approved farm management plan in  
1231 accordance with K.C.C. 21A.24.051;

1232 c. the structure is either:

1233 (1) on or adjacent to existing nonresidential impervious surface areas,  
1234 additional impervious surface area is not created waterward of any existing impervious  
1235 surface areas and the area was not used for crop production;

1236 (2) higher in elevation and no closer to the critical area than its existing  
1237 position; or

1238 (3) at a location away from existing impervious surface areas that is determined  
1239 to be the optimum site in the farm management plan;

1240 d. all best management practices associated with the structure specified in the  
1241 farm management plan are installed and maintained;

Ordinance 19820

---

1242 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
1243 require the development of a farm management plan if required best management practices  
1244 are followed and the installation does not require clearing of critical areas or their buffers;  
1245 and

1246 f. in a severe channel migration hazard area portion of an aquatic buffer only if:

1247 (1) there is no feasible alternative location on-site;

1248 (2) the structure is located where it is least subject to risk from channel  
1249 migration;

1250 (3) the structure is not used to house animals or store hazardous substances; and

1251 (4) the total footprint of all accessory structures within the severe channel  
1252 migration hazard area will not exceed the greater of one thousand square feet or two  
1253 percent of the severe channel migration hazard area on the site.

1254 4. No clearing, external construction or other disturbance in a wildlife habitat  
1255 conservation area is allowed during breeding seasons established under K.C.C.  
1256 21A.24.382.

1257 5. Allowed for structures when:

1258 a. the landslide hazard poses little or no risk of injury;

1259 b. the risk of landsliding is low; and

1260 c. there is not an expansion of the structure.

1261 6. Within a severe channel migration hazard area allowed for:

1262 a. existing legally established primary structures if:

1263 (1) there is not an increase of the footprint of any existing structure; and

Ordinance 19820

---

1264 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

1265 and

1266 b. existing legally established accessory structures if:

1267 (1) additions to the footprint will not make the total footprint of all existing

1268 structures more than one-thousand square feet; and

1269 (2) there is not an expansion of the footprint towards any source of channel

1270 migration hazard, unless the applicant demonstrates that the location is less subject to risk

1271 and has less impact on the critical area.

1272 7. Allowed only in grazed wet meadows or the buffer or building setback outside

1273 a severe channel migration hazard area if:

1274 a. the expansion or replacement does not increase the footprint of a

1275 nonresidential structure;

1276 b.(1) for a legally established dwelling unit, the expansion or replacement,

1277 including any expansion of a legally established accessory structure allowed under this

1278 subsection B.7.b., does not increase the footprint of the dwelling unit and all other

1279 structures by more than one thousand square feet, not including any expansion of a

1280 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent

1281 practical, the replacement or expansion of a drainfield in the buffer should be located

1282 within areas of existing lawn or landscaping, unless another location will have a lesser

1283 impact on the critical area and its buffer;

1284 (2) for a structure accessory to a dwelling unit, the expansion or replacement is

1285 located on or adjacent to existing impervious surface areas and does not result in a

Ordinance 19820

---

1286 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
1287 more than one thousand square feet;

1288 (3) the location of the expansion has the least adverse impact on the critical  
1289 area; and

1290 (4) a comparable area of degraded buffer area shall be enhanced through  
1291 removal of nonnative plants and replacement with native vegetation in accordance with an  
1292 approved landscaping plan;

1293 c. the structure was not established as the result of an alteration exception,  
1294 variance, buffer averaging or reasonable use exception;

1295 d. to the maximum extent practical, the expansion or replacement is not located  
1296 closer to the critical area or within the relic of a channel that can be connected to an aquatic  
1297 area; and

1298 e. The expansion of a residential structure in the buffer of a Type S aquatic area  
1299 that extends towards the ordinary high water mark requires a shoreline variance if:

1300 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

1301 (2) the expansion is between thirty-five and fifty feet of the ordinary high water  
1302 mark and the area of the expansion extending towards the ordinary high water mark is  
1303 greater than three hundred square feet.

1304 8. Allowed upon another portion of an existing impervious surface outside a  
1305 severe channel migration hazard area if:

1306 a. except as otherwise allowed under subsection D.7. of this section, the  
1307 structure is not located closer to the critical area;

Ordinance 19820

---

1308           b. except as otherwise allowed under subsection D.7. of this section, the existing  
1309 impervious surface within the critical area or buffer is not expanded; and

1310           c. the degraded buffer area is enhanced through removal of nonnative plants and  
1311 replacement with native vegetation in accordance with an approved landscaping plan.

1312           9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or  
1313 its buffer or along a lake shoreline or its buffer where:

1314           a. the vegetation where the alteration is proposed does not consist of dominant  
1315 native wetland herbaceous or woody vegetation six feet in width or greater and the lack of  
1316 this vegetation is not the result of any violation of law;

1317           b. the wetland or lake shoreline is not a salmonid spawning area;

1318           c. hazardous substances or toxic materials are not used; and

1319           d. if located in a freshwater lake, the pier or dock conforms to the standards for  
1320 docks under K.C.C. 21A.25.180.

1321           10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
1322 materials are not used.

1323           11. Allowed on type S or F aquatic areas outside of the severe channel migration  
1324 hazard area if in compliance with K.C.C. 21A.25.180.

1325           12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

1326           13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
1327 grading activity.

1328           14. The following are allowed in the severe channel migration hazard area if  
1329 conducted more than one hundred sixty-five feet from the ordinary high water mark in the

Ordinance 19820

---

1330 rural area and natural resource lands and one-hundred fifteen feet from the ordinary high  
1331 water mark in the urban area:

- 1332 a. grading of up to fifty cubic yards on lot less than five acres; and  
1333 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
1334 percent of the severe channel migration hazard area.

1335 15. Only where erosion or landsliding threatens a structure, utility facility,  
1336 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
1337 practical, stabilization work does not disturb the slope and its vegetative cover and any  
1338 associated critical areas.

1339 16. Allowed when performed by, at the direction of or authorized by a  
1340 government agency in accordance with regional road maintenance guidelines.

1341 17. Allowed when not performed under the direction of a government agency  
1342 only if:

1343 a. the maintenance or expansion does not involve the use of herbicides,  
1344 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or  
1345 their buffers; and

1346 b. when maintenance, expansion or replacement of bridges or culverts involves  
1347 water used by salmonids:

1348 (1) the work is in compliance with ditch standards in public rule; and

1349 (2) the maintenance of culverts is limited to removal of sediment and debris  
1350 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
1351 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
1352 excavation of a new sediment trap adjacent to the inlet.



Ordinance 19820

---

1353           18. Allowed for the removal of hazard trees and vegetation as necessary for  
1354 surveying or testing purposes.

1355           19. The limited trimming, pruning or removal of vegetation under a vegetation  
1356 management plan approved by the department:

1357           a. in steep slope and landslide hazard areas, for the making and maintenance of  
1358 view corridors; and

1359           b. in all critical areas for habitat enhancement, invasive species control or forest  
1360 management activities.

1361           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits,  
1362 for restoration and enhancement projects is allowed.

1363           21. Cutting of firewood is subject to the following:

1364           a. within a wildlife habitat conservation area, cutting firewood is not allowed;

1365           b. within a wildlife network, cutting shall be in accordance with a management  
1366 plan approved under K.C.C. 21A.24.386; and

1367           c. within a critical area buffer, cutting shall be for personal use and in  
1368 accordance with an approved forest management plan or rural stewardship plan.

1369           22. Allowed only in buffers if in accordance with best management practices  
1370 approved by the King County fire marshal.

1371           23. Allowed as follows:

1372           a. if conducted in accordance with an approved forest management plan, farm  
1373 management plan, or rural stewardship plan; or

1374           b. without an approved forest management plan, farm management plan, or rural  
1375 stewardship plan, only if:

Ordinance 19820

---

1376 (1) removal is undertaken with hand labor, including hand-held mechanical  
1377 tools, unless the King County noxious weed control board otherwise prescribes the use of  
1378 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
1379 methods;

1380 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1381 (3) the cleared area is revegetated with native vegetation and stabilized against  
1382 erosion; and

1383 (4) herbicide use is in accordance with federal and state law;

1384 24. Allowed to repair or replace existing on site wastewater disposal systems in  
1385 accordance with the applicable public health standards within Marine Recovery Areas  
1386 adopted by the ~~((Public))~~Public Health – Seattle & King County and:

1387 a. there is no alternative location available with less impact on the critical area;

1388 b. impacts to the critical area are minimized to the maximum extent practicable;

1389 c. the alterations will not subject the critical area to increased risk of landslide or  
1390 erosion;

1391 d. vegetation removal is the minimum necessary to accommodate the septic  
1392 system; and

1393 e. significant risk of personal injury is eliminated or minimized in the landslide  
1394 hazard area.

1395 25. Only if in compliance with published Washington state Department of Fish  
1396 and Wildlife and Washington state Department of Natural Resources Management  
1397 standards for the species. If there are no published Washington state standards, only if in

Ordinance 19820

---

1398 compliance with management standards determined by the county to be consistent with  
1399 best available science.

1400 26. Allowed only if:

1401 a. there is not another feasible location with less adverse impact on the critical  
1402 area and its buffer;

1403 b. the corridor is not located over habitat used for salmonid rearing or spawning  
1404 or by a species listed as endangered or threatened by the state or federal government unless  
1405 the department determines that there is no other feasible crossing site.

1406 c. the corridor width is minimized to the maximum extent practical;

1407 d. the construction occurs during approved periods for instream work;

1408 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
1409 duration or volume or the flood storage capacity; and

1410 f. no new public right-of-way is established within a severe channel migration  
1411 hazard area.

1412 27. To the maximum extent practical, during breeding season established under  
1413 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
1414 equipment are not operated within a wildlife habitat conservation area.

1415 28. Allowed only if:

1416 a. an alternative access is not available;

1417 b. impact to the critical area is minimized to the maximum extent practical  
1418 including the use of walls to limit the amount of cut and fill necessary;

1419 c. the risk associated with landslide and erosion is minimized;

1420 d. access is located where it is least subject to risk from channel migration; and

Ordinance 19820

---

- 1421 e. construction occurs during approved periods for instream work.
- 1422 29. Only if in compliance with a farm management plan in accordance with
- 1423 K.C.C. 21A.24.051.
- 1424 30. Allowed only if:
- 1425 a. the new construction or replacement is made fish passable in accordance with
- 1426 the most recent Washington state Department of Fish and Wildlife manuals or with the
- 1427 National Marine and Fisheries Services guidelines for federally listed salmonid species;
- 1428 and
- 1429 b. the site is restored with appropriate native vegetation.
- 1430 31. Allowed if necessary to bring the bridge or culvert up to current standards and
- 1431 if:
- 1432 a. there is not another feasible alternative available with less impact on the
- 1433 aquatic area and its buffer; and
- 1434 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 1435 impacts to the aquatic area and its buffers.
- 1436 32. Allowed in an existing roadway if conducted consistent with the regional road
- 1437 maintenance guidelines.
- 1438 33. Allowed outside the roadway if:
- 1439 a. the alterations will not subject the critical area to an increased risk of landslide
- 1440 or erosion;
- 1441 b. vegetation removal is the minimum necessary to locate the utility or construct
- 1442 the corridor; and

Ordinance 19820

---

1443 c. significant risk of personal injury is eliminated or minimized in the landslide  
1444 hazard area.

1445 34. Limited to the pipelines, cables, wires and support structures of utility  
1446 facilities within utility corridors if:

1447 a. there is no alternative location with less adverse impact on the critical area and  
1448 critical area buffer;

1449 b. new utility corridors meet ~~((the))~~ all of the following to the maximum extent  
1450 practical:

1451 (1) are not located over habitat used for salmonid rearing or spawning or by a  
1452 species listed as endangered or threatened by the state or federal government unless the  
1453 department determines that there is no other feasible crossing site;

1454 (2) the mean annual flow rate is less than twenty cubic feet per second; and

1455 (3) paralleling the channel or following a down-valley route near the channel is  
1456 avoided;

1457 c. to the maximum extent practical utility corridors are located so that:

1458 (1) the width is the minimized;

1459 (2) the removal of trees greater than twelve inches diameter at breast height is  
1460 minimized;

1461 (3) an additional, contiguous and undisturbed critical area buffer, equal in area  
1462 to the disturbed critical area buffer area including any allowed maintenance roads, is  
1463 provided to protect the critical area;

Ordinance 19820

---

1464 d. to the maximum extent practical, access for maintenance is at limited access  
1465 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
1466 maintenance road is necessary the following standards are met:

1467 (1) to the maximum extent practical the width of the maintenance road is  
1468 minimized and in no event greater than fifteen feet; and

1469 (2) the location of the maintenance road is contiguous to the utility corridor on  
1470 the side of the utility corridor farthest from the critical area;

1471 e. the utility corridor or facility will not adversely impact the overall critical area  
1472 hydrology or diminish flood storage capacity;

1473 f. the construction occurs during approved periods for instream work;

1474 g. the utility corridor serves multiple purposes and properties to the maximum  
1475 extent practical;

1476 h. bridges or other construction techniques that do not disturb the critical areas  
1477 are used to the maximum extent practical;

1478 i. bored, drilled or other trenchless crossing is laterally constructed at least four  
1479 feet below the maximum depth of scour for the base flood;

1480 j. bridge piers or abutments for bridge crossing are not placed within the FEMA  
1481 floodway or the ordinary high water mark;

1482 k. open trenching is only used during low flow periods or only within aquatic  
1483 areas when they are dry. The department may approve open trenching of type S or F  
1484 aquatic areas only if there is not a feasible alternative and equivalent or greater  
1485 environmental protection can be achieved; and

1486 l. minor communication facilities may collocate on existing utility facilities if:

Ordinance 19820

---

- 1487 (1) no new transmission support structure is required; and
- 1488 (2) equipment cabinets are located on the transmission support structure.
- 1489 35. Allowed only for new utility facilities in existing utility corridors.
- 1490 36. Allowed for onsite private individual utility service connections or private or
- 1491 public utilities if the disturbed area is not expanded and no hazardous substances, pesticides
- 1492 or fertilizers are applied.
- 1493 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 1494 maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.
- 1495 38. Allowed if:
- 1496 a. conveying the surface water into the wetland or aquatic area buffer and
- 1497 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 1498 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 1499 than if the surface water were discharged at the buffer's edge and allowed to naturally drain
- 1500 through the buffer;
- 1501 b. the volume of discharge is minimized through application of low impact
- 1502 development and water quality measures identified in the King County Surface Water
- 1503 Design Manual;
- 1504 c. the conveyance and outfall are installed with hand equipment where feasible;
- 1505 d. the outfall shall include bioengineering techniques where feasible; and
- 1506 e. the outfall is designed to minimize adverse impacts to critical areas.
- 1507 39. Allowed only if:
- 1508 a. there is no feasible alternative with less impact on the critical area and its
- 1509 buffer;

Ordinance 19820

---

1510           b. to the maximum extent practical, the bridge or culvert is located to minimize  
1511 impacts to the critical area and its buffer;

1512           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
1513 spawning unless there is no other feasible crossing site;

1514           d. construction occurs during approved periods for in-stream work; and

1515           e. bridge piers or abutments for bridge crossings are not placed within the  
1516 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high  
1517 water mark.

1518           40. Allowed for an open, vegetated stormwater management conveyance system  
1519 and outfall structure that simulates natural conditions if:

1520           a. fish habitat features necessary for feeding, cover and reproduction are  
1521 included when appropriate;

1522           b. vegetation is maintained and added adjacent to all open channels and ponds, if  
1523 necessary to prevent erosion, filter out sediments or shade the water; and

1524           c. bioengineering techniques are used to the maximum extent practical.

1525           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

1526           a. necessary to avoid erosion of slopes; and

1527           b. bioengineering techniques are used to the maximum extent practical.

1528           42. Allowed in a severe channel migration hazard area or an aquatic area buffer to  
1529 prevent bank erosion only:

1530           a. if consistent with the Integrated Streambank Protection Guidelines

1531 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering



Ordinance 19820

---

1532 techniques are used to the maximum extent practical, unless the applicant demonstrates that  
1533 other methods provide equivalent structural stabilization and environmental function;

1534           b. based on a critical areas report, the department determines that the new flood  
1535 protection facility will not cause significant impacts to upstream or downstream properties;  
1536 and

1537           c. to prevent bank erosion for the protection of:

1538               (1) public roadways;

1539               (2) sole access routes in existence before February 16, 1995;

1540               (3) new primary dwelling units, accessory dwelling units or accessory living  
1541 quarters and residential accessory structures located outside the severe channel migration  
1542 hazard area if:

1543                   (a) the site is adjacent to or abutted by properties on both sides containing  
1544 buildings or sole access routes protected by legal bank stabilization in existence before  
1545 February 16, 1995. The buildings, sole access routes or bank stabilization must be located  
1546 no more than six hundred feet apart as measured parallel to the migrating channel; and

1547                   (b) the new primary dwelling units, accessory dwelling units, accessory living  
1548 quarters or residential accessory structures are located no closer to the aquatic area than  
1549 existing primary dwelling units, accessory dwelling units, accessory living quarters or  
1550 residential accessory structures on abutting or adjacent properties; or

1551               (4) existing primary dwelling units, accessory dwelling units, accessory living  
1552 quarters or residential accessory structures if:

1553                   (a) the structure was in existence before the adoption date of a King County  
1554 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

Ordinance 19820

---

1555 (b) the structure is in imminent danger, as determined by a geologist,  
1556 engineering geologist or geotechnical engineer;

1557 (c) the applicant has demonstrated that the existing structure is at risk, and the  
1558 structure and supporting infrastructure cannot be relocated on the lot further from the  
1559 source of channel migration; and

1560 (d) nonstructural measures are not feasible.

1561 43. Applies to lawfully established existing structures if:

1562 a. the height of the facility is not increased, unless the facility is being replaced  
1563 in a new alignment that is landward of the previous alignment and enhances aquatic area  
1564 habitat and process;

1565 b. the linear length of the facility is not increased, unless the facility is being  
1566 replaced in a new alignment that is landward of the previous alignment and enhances  
1567 aquatic area habitat and process;

1568 c. the footprint of the facility is not expanded waterward;

1569 d. consistent with the Integrated Streambank Protection Guidelines (Washington  
1570 State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used  
1571 to the maximum extent practical;

1572 e. the site is restored with appropriate native vegetation and erosion protection  
1573 materials; and

1574 f. based on a critical areas report, the department determines that the  
1575 maintenance, repair, replacement or construction will not cause significant impacts to  
1576 upstream or downstream properties.

Ordinance 19820

---

1577           44. Allowed in type N and O aquatic areas if done in least impacting way at least  
1578 impacting time of year, in conformance with applicable best management practices, and all  
1579 affected instream and buffer features are restored.

1580           45. Allowed in a type S or F water when such work is:

1581           a. included as part of a project to evaluate, restore or improve habitat, and

1582           b. sponsored or cosponsored by a public agency that has natural resource

1583 management as a function or by a federally recognized tribe.

1584           46. Allowed as long as the trail is not constructed of impervious surfaces that will  
1585 contribute to surface water run-off, unless the construction is necessary for soil stabilization  
1586 or soil erosion prevention or unless the trail system is specifically designed and intended to  
1587 be accessible to handicapped persons.

1588           47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the  
1589 buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

1590           a. the trail surface is made of pervious materials, except that public multipurpose  
1591 trails may be made of impervious materials if they meet all the requirements in K.C.C.

1592 chapter 9.12. A trail that crosses a wetland or aquatic area shall be constructed as a raised  
1593 boardwalk or bridge;

1594           b. to the maximum extent practical, buffers are expanded equal to the width of  
1595 the trail corridor including disturbed areas;

1596           c. there is not another feasible location with less adverse impact on the critical  
1597 area and its buffer;

Ordinance 19820

---

1598           d. the trail is not located over habitat used for salmonid rearing or spawning or  
1599 by a species listed as endangered or threatened by the state or federal government unless  
1600 the department determines that there is no other feasible crossing site;

1601           e. the trail width is minimized to the maximum extent practical;

1602           f. the construction occurs during approved periods for instream work; and

1603           g. the trail corridor will not change or diminish the overall aquatic area flow  
1604 peaks, duration or volume or the flood storage capacity.

1605           h. the trail may be located across a critical area buffer for access to a viewing  
1606 platform or to a permitted dock or pier;

1607           i. A private viewing platform may be allowed if it is:

1608               (1) located upland from the wetland edge or the ordinary high water mark of an  
1609 aquatic area;

1610               (2) located where it will not be detrimental to the functions of the wetland or  
1611 aquatic area and will have the least adverse environmental impact on the critical area or its  
1612 buffer;

1613               (3) limited to fifty square feet in size;

1614               (4) constructed of materials that are nontoxic; and

1615               (5) on footings located outside of the wetland or aquatic area.

1616           48. Only if the maintenance:

1617               a. does not involve the use of herbicides or other hazardous substances except  
1618 for the removal of noxious weeds or invasive vegetation;

1619               b. when salmonids are present, the maintenance is in compliance with ditch  
1620 standards in public rule; and

Ordinance 19820

---

1621 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
1622 culvert, engineered slope or other improved area being maintained.

1623 49. Limited to alterations to restore habitat forming processes or directly restore  
1624 habitat function and value, including access for construction, as follows:

1625 a. projects sponsored or cosponsored by a public agency that has natural  
1626 resource management as a primary function or by a federally recognized tribe;

1627 b. restoration and enhancement plans prepared by a qualified biologist; or

1628 c. conducted in accordance with an approved forest management plan, farm  
1629 management plan or rural stewardship plan.

1630 50. Allowed in accordance with a scientific sampling permit issued by  
1631 Washington state Department of Fish and Wildlife or an incidental take permit issued under  
1632 Section 10 of the Endangered Species Act.

1633 51. Allowed for the minimal clearing and grading, including site access,  
1634 necessary to prepare critical area reports.

1635 52. The following are allowed if associated spoils are contained:

1636 a. data collection and research if carried out to the maximum extent practical by  
1637 nonmechanical or hand-held equipment;

1638 b. survey monument placement;

1639 c. site exploration and gage installation if performed in accordance with state-  
1640 approved sampling protocols and accomplished to the maximum extent practical by hand-  
1641 held equipment and; or similar work associated with an incidental take permit issued under  
1642 Section 10 of the Endangered Species Act or consultation under Section 7 of the  
1643 Endangered Species Act.

---

Ordinance 19820

---

1644           53. Limited to activities in continuous existence since January 1, 2005, with no  
1645 expansion within the critical area or critical area buffer. "Continuous existence" includes  
1646 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
1647 states associated with these horticultural and agricultural activities.

1648           54. Allowed for expansion of existing or new agricultural activities where:

1649           a. the site is predominantly involved in the practice of agriculture;

1650           b. there is no expansion into an area that:

1651           (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
1652 practice permit; or

1653           (2) is more than ten thousand square feet with tree cover at a uniform density  
1654 more than ninety trees per acre and with the predominant mainstream diameter of the trees  
1655 at least four inches diameter at breast height, not including areas that are actively managed  
1656 as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;

1657           c. the activities are in compliance with an approved farm management plan in  
1658 accordance with K.C.C. 21A.24.051; and

1659           d. all best management practices associated with the activities specified in the  
1660 farm management plan are installed and maintained.

1661           55. Only allowed in grazed or tilled wet meadows or their buffers if:

1662           a. the facilities are designed to the standards of an approved farm management  
1663 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
1664 accordance with K.C.C. chapter 21A.30;

1665           b. there is not a feasible alternative location available on the site; and

Ordinance 19820

---

1666 c. the facilities are located close to the outside edge of the buffer to the  
1667 maximum extent practical.

1668 56. Only allowed in:

1669 a.(1) a severe channel migration hazard area located outside of the shorelines  
1670 jurisdiction area;

1671 (2) grazed or tilled wet meadow or wet meadow buffer; or

1672 (3) aquatic area buffer; and only if:

1673 b.(1) the applicant demonstrates that adverse impacts to the critical area and  
1674 critical area buffers have been minimized;

1675 (2) there is not another feasible location available on the site that is located  
1676 outside of the critical area or critical area buffer;

1677 (3) the farm pad is designed to the standards in an approved farm management  
1678 plan in accordance with K.C.C. 21A.24.051; and

1679 (4) for proposals located in the severe channel migration hazard area, the farm  
1680 pad or livestock manure storage facility is located where it is least subject to risk from  
1681 channel migration.

1682 57. Allowed for new agricultural drainage in compliance with an approved farm  
1683 management plan in accordance with K.C.C. 21A.24.051 and all best management  
1684 practices associated with the activities specified in the farm management plan are installed  
1685 and maintained.

1686 58. If the agricultural drainage is used by salmonids, maintenance shall be in  
1687 compliance with an approved farm management plan in accordance with K.C.C.  
1688 21A.24.051.

Ordinance 19820

---

1689           59. Allowed within existing landscaped areas or other previously disturbed areas.

1690           60. Allowed for residential utility service distribution lines to residential  
1691 dwellings, including, but not limited to, well water conveyance, septic system conveyance,  
1692 water service, sewer service, natural gas, electrical, cable and telephone, if:

1693           a. there is no alternative location with less adverse impact on the critical area or  
1694 the critical area buffer;

1695           b. the residential utility service distribution lines meet ~~((the))~~ all of the  
1696 following, to the maximum extent practical:

1697           (1) are not located over habitat used for salmonid rearing or spawning or by a  
1698 species listed as endangered or threatened by the state or federal government unless the  
1699 department determines that there is no other feasible crossing site;

1700           (2) not located over a type S aquatic area;

1701           (3) paralleling the channel or following a down-valley route near the channel is  
1702 avoided;

1703           (4) the width of clearing is minimized;

1704           (5) the removal of trees greater than twelve inches diameter at breast height is  
1705 minimized;

1706           (6) an additional, contiguous and undisturbed critical area buffer, equal in area  
1707 to the disturbed critical area buffer area is provided to protect the critical area;

1708           (7) access for maintenance is at limited access points into the critical area  
1709 buffer.

1710           (8) the construction occurs during approved periods for instream work;



Ordinance 19820

---

1711 (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
1712 laterally constructed at least four feet below the maximum depth of scour for the base  
1713 flood; and

1714 (10) open trenching across Type O or Type N aquatic areas is only used during  
1715 low flow periods or only within aquatic areas when they are dry.

1716 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
1717 district and the department determines that the project and its location:

1718 a. is the best flood risk reduction alternative practicable;

1719 b. is part of a comprehensive, long-term flood management strategy;

1720 c. is consistent with the King County Flood ((Hazard)) Management Plan  
1721 policies;

1722 d. will have the least adverse impact on the ecological functions of the critical  
1723 area or its buffer, including habitat for fish and wildlife that are identified for protection in  
1724 the King County Comprehensive Plan; and

1725 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

1726 62.a. Not allowed in wildlife habitat conservation areas;

1727 b. Only allowed if:

1728 (1) the project is sponsored or cosponsored by a public agency whose primary  
1729 function deals with natural resources management;

1730 (2) the project is located on public land or on land that is owned by a nonprofit  
1731 agency whose primary function deals with natural resources management;

1732 (3) there is not a feasible alternative location available on the site with less  
1733 impact to the critical area or its associated buffer;

Ordinance 19820

---

- 1734 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 1735 (5) the project minimizes the footprint of structures and the number of access  
1736 points to any critical areas; and
- 1737 (6) the project meets the following design criteria:
- 1738 (a) to the maximum extent practical size of platform shall not exceed one  
1739 hundred square feet;
- 1740 (b) all construction materials for any structures, including the platform,  
1741 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
1742 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass  
1743 or cured concrete that the department determines will not have an adverse impact on water  
1744 quality;
- 1745 (c) the exterior of any structures are sufficiently camouflaged using netting or  
1746 equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
1747 practical. The camouflage shall be maintained to retain concealment effectiveness;
- 1748 (d) structures shall be located outside of the wetland or aquatic area landward  
1749 of the Ordinary High Water Mark or open water component (if applicable) to the maximum  
1750 extent practical on the site;
- 1751 (e) construction occurs during approved periods for work inside the Ordinary  
1752 High Water Mark;
- 1753 (f) construction associated with bird blinds shall not occur from March 1  
1754 through August 31, in order to avoid disturbance to birds during the breeding, nesting and  
1755 rearing seasons;

Ordinance 19820

---

1756 (g) to the maximum extent practical, provide accessibility for persons with  
1757 physical disabilities in accordance with the International Building Code;

1758 (h) trail access is designed in accordance with public rules adopted by the  
1759 department;

1760 (i) existing native vegetation within the critical area will remain undisturbed  
1761 except as necessary to accommodate the proposal. Only minimal hand clearing of  
1762 vegetation is allowed; and

1763 (j) disturbed bare ground areas around the structure must be replanted with  
1764 native vegetation approved by the department.

1765 63. Not allowed in the severe channel migration zone, there is no alternative  
1766 location with less adverse impact on the critical area and buffer and clearing is minimized  
1767 to the maximum extent practical.

1768 64. Only structures wholly or partially supported by a tree and used as accessory  
1769 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
1770 following:

1771 a. not allowed in wildlife habitat conservation areas or severe channel migration  
1772 hazard areas;

1773 b. the structure's floor area shall not exceed two hundred square feet, excluding a  
1774 narrow access stairway or landing leading to the structure;

1775 c. the structure shall be located as far from the critical area as practical, but in no  
1776 case closer than seventy-five feet from the critical area;

1777 d. only one tree-supported structure within a critical area buffer is allowed on a  
1778 lot;

Ordinance 19820

---

1779 e. all construction materials for the structure, including the platform, pilings,  
1780 exterior and interior walls and roof, shall be constructed of nontoxic material, such as  
1781 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass  
1782 or cured concrete that the department determines will not have an adverse impact on water  
1783 quality;

1784 f. to the maximum extent practical, the exterior of the structure shall be  
1785 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and  
1786 visibility from the critical area. The camouflage shall be maintained to retain concealment  
1787 effectiveness;

1788 g. the structure must not adversely impact the long-term health and viability of  
1789 the tree. The evaluation shall include, but not be limited to, the following:

1790 (1) the quantity of supporting anchors and connection points to attach the tree  
1791 house to the tree shall be the minimum necessary to adequately support the structure;

1792 (2) the attachments shall be constructed using the best available tree anchor bolt  
1793 technology; and

1794 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement of  
1795 the tree house and shall submit a report discussing how the tree's long-term health and  
1796 viability will not be negatively impacted by the tree house or associated infrastructure;

1797 h. exterior lighting shall meet the following criteria:

1798 (1) limited to the minimum quantity of lights necessary to meet the building  
1799 code requirements to allow for safe exiting of the structure and stairway; and

1800 (2) exterior lights shall be fully shielded and shall direct light downward, in an  
1801 attempt to minimize impacts to the nighttime environment;

Ordinance 19820

---

1802           i. unless otherwise approved by the department, all external construction shall be  
1803 limited to September 1 through March 1 in order to avoid disturbance to wildlife species  
1804 during typical breeding, nesting and rearing seasons;

1805           j. trail access to the structure shall be designed in accordance with trail standards  
1806 under subsection D.47. of this section;

1807           k. to the maximum extent practical, existing native vegetation shall be left  
1808 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1809           l. vegetated areas within the critical area buffer that are temporarily impacted by  
1810 construction of the structure shall be restored by planting native vegetation according to a  
1811 vegetation management plan approved by the department.

1812           65. Shoreline water dependent and shoreline water oriented uses are allowed in  
1813 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
1814 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

1815           66. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
1816 21A.08.100B.14., and only as follows:

1817           a. there is not another feasible location within the aquatic area with less adverse  
1818 impact on the critical area and its buffer;

1819           b. the facility and corridor is not located over habitat used for salmonid rearing or  
1820 spawning or by a species listed as endangered or threatened by the state or federal  
1821 government unless the department determines that there is no other feasible location;

1822           c. the facility is not located in Category I wetlands or Category II wetlands with a  
1823 habitat score of 8 points or greater;

1824           d. the corridor width is minimized to the maximum extent practical;

Ordinance 19820

---

- 1825 e. paralleling the channel or following a down-valley route within an aquatic  
1826 area buffer is avoided to the maximum extent practical;
- 1827 f. the construction occurs during approved periods for instream work;
- 1828 g. the facility and corridor will not change or adversely impact the overall aquatic  
1829 area flow peaks, duration or volume or the flood storage capacity;
- 1830 h. the facility and corridor is not located within a severe channel migration  
1831 hazard area;
- 1832 i. to the maximum extent practical, buildings will be located outside the buffer  
1833 and away from the aquatic area or wetland;
- 1834 j. to the maximum extent practical, access for maintenance is at limited access  
1835 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
1836 maintenance road is necessary the following standards are met:
- 1837 (1) to the maximum extent practical the width of the maintenance road is  
1838 minimized and in no event greater than fifteen feet; and
- 1839 (2) the location of the maintenance road is contiguous to the utility corridor on  
1840 the side of the utility corridor farthest from the critical area;
- 1841 k. the facility does not pose an unreasonable threat to the public health, safety or  
1842 welfare on or off the development proposal site and is consistent with the general purposes  
1843 of this chapter and the public interest; and
- 1844 l. the facility connects to or is an alteration to a public roadway, public trail, a  
1845 utility corridor or utility facility or other infrastructure owned or operated by a public  
1846 utility.

Ordinance 19820

---

1847           67. Only hydroelectric generating facilities meeting the requirements of K.C.C.

1848 21A.08.100.B.14, and only as follows:

1849           a. there is not another feasible location with less adverse impact on the critical  
1850 area and its buffer;

1851           b. the alterations will not subject the critical area to an increased risk of landslide  
1852 or erosion;

1853           c. the corridor width is minimized to the maximum extent practical;

1854           d. vegetation removal is the minimum necessary to locate the utility or construct  
1855 the corridor;

1856           e. the facility and corridor do not pose an unreasonable threat to the public health,  
1857 safety or welfare on or off the development proposal site and is consistent with the general  
1858 purposes of this chapter, and the public interest and significant risk of personal injury is  
1859 eliminated or minimized in the landslide hazard area; and

1860           f. the facility connects to or is an alteration to a public roadway, public trail, a  
1861 utility corridor or utility facility or other infrastructure owned or operated by a public  
1862 utility.

1863           68. Only for a single detached dwelling unit on a lake twenty acres or larger and  
1864 only as follows:

1865           a. the heat exchanger must be a closed loop system that does not draw water  
1866 from or discharge to the lake;

1867           b. the lake bed shall not be disturbed, except as required by the county or a state  
1868 or federal agency to mitigate for impacts of the heat exchanger;

1869           c. the in-water portion of system is only allowed where water depth exceeds six

Ordinance 19820

---

1870 feet; and

1871 d. system structural support for the heat exchanger piping shall be attached to an  
1872 existing dock or pier or be attached to a new structure that meets the requirements of  
1873 K.C.C. 21A.25.180.

1874 69. Only for maintenance of agricultural waterways if:

1875 a. the purpose of the maintenance project is to improve agricultural production  
1876 on a site predominately engaged in the practice of agriculture;

1877 b. the maintenance project is conducted in compliance with a hydraulic project  
1878 approval issued by the Washington state Department of Fish and Wildlife pursuant to  
1879 chapter 77.55 RCW;

1880 c. the maintenance project complies with the King County agricultural drainage  
1881 assistance program as agreed to by the Washington state Department of Fish and Wildlife,  
1882 the department of local services, permitting division, and the department of natural  
1883 resources and parks, and as reviewed by the Washington state Department of Ecology;

1884 d. the person performing the maintenance and the (~~land owner~~)landowner have  
1885 attended training provided by King County on the King County agricultural drainage  
1886 assistance program and the best management practices required under that program; and

1887 e. the maintenance project complies with K.C.C. chapter 16.82.

1888 SECTION 11. Ordinance, 19128, Section 20, and K.C.C. 21A.24.226 are each  
1889 hereby amended to read as follows:

1890 A. The director may approve variances to floodplain development regulations not  
1891 otherwise allowed by this chapter. In reviewing and evaluating these variance applications,



Ordinance 19820

---

1892 the director shall consider all technical evaluations, all relevant factors, applicable  
1893 standards specified in other sections of the King County Code and:

1894 1. The danger that materials may be swept onto other lands to the injury of others;

1895 2. The danger to life and property due to flooding, erosion damage or channel  
1896 migration;

1897 3. The susceptibility of the proposed floodplain development and the contents of  
1898 any building or structure to flood damage and the effect of such damage on the individual  
1899 owner;

1900 4. The importance of the services provided by the proposed floodplain  
1901 development to the community;

1902 5. The necessity to the floodplain development of a waterfront location, where  
1903 applicable;

1904 6. The availability of alternative locations for the proposed use that are not subject  
1905 to flooding, erosion damage, or channel migration;

1906 7. The potential of the proposed floodplain development to create an adverse  
1907 effect on a federally or state-protected species or habitat;

1908 8. The compatibility of the proposed floodplain development with existing and  
1909 anticipated development;

1910 9. The relationship of the proposed use to the Comprehensive Plan, shoreline  
1911 master program, and Flood ((Hazard)) Management Plan;

1912 10. The safety of access to the property in times of flooding for ordinary and  
1913 emergency vehicles;

Ordinance 19820

---

1914            11. The expected heights, velocity, duration, rate of rise and sediment transport of  
1915 the floodwaters, and effects of wave action, if applicable, expected at the site; and

1916            12. The costs of providing governmental services during and after flood  
1917 conditions, including emergency management services and maintenance and repair of  
1918 public utilities and infrastructure such as sewer, gas, electrical, water systems, streets, and  
1919 bridges.

1920            B. The director may approve variances to floodplain development regulations as  
1921 follows:

1922            1. A variance shall only be approved upon a showing by the applicant of good and  
1923 sufficient cause and also upon a determination that failure to grant the variance would  
1924 result in an exceptional hardship. An exceptional hardship shall not include economic or  
1925 financial hardship or personal circumstances of the applicant, including inconvenience,  
1926 aesthetic considerations, physical handicaps, personal preferences, or disapproval of  
1927 neighbors;

1928            2. A variance shall only be approved based upon a determination that the granting  
1929 of the variance will not result in increased flood heights;

1930            3. A variance shall only be approved based upon a determination that the granting  
1931 of the variance will not result in additional threats to public safety, extraordinary public  
1932 expense, create nuisances, cause fraud on or victimization of the public, or conflict with  
1933 existing laws or ordinances;

1934            4. A variance may be approved for new construction and substantial  
1935 improvements to be erected on a lot of one-half acre or less in size contiguous to and  
1936 surrounded by lots with existing buildings constructed below the flood protection elevation,

Ordinance 19820

---

1937 but only if subsection A. of this section has been fully considered and all other criteria in  
1938 this subsection B. have been met. As the lot size increases beyond one-half acre, the  
1939 technical justification required for issuing the variance increases;

1940           5. A variance shall not be approved within the FEMA floodway or the zero-rise  
1941 floodway if any increase in water surface elevations would result;

1942           6. A variance shall only be approved upon a determination that the variance is the  
1943 minimum necessary, considering the flood, erosion, or channel migration hazard, to afford  
1944 relief;

1945           7. A variance shall not be approved that would conflict with K.C.C.  
1946 21A.24.260.C.;

1947           8. A variance shall not be approved that allows establishment of a use that is not  
1948 otherwise permitted in the zone in which the proposal is located; and

1949           9. A variance to the nonresidential elevation and dry floodproofing standards in  
1950 K.C.C. 21A.24.240.F. for agricultural buildings that equal or exceed a maximum assessed  
1951 value of sixty-five thousand dollars must meet all criteria in this section as well as all  
1952 criteria in K.C.C. 21A.24.228. The more restrictive requirements shall apply where there  
1953 is a conflict.

1954           C. For a proposal where an applicant submits both a request for a variance as  
1955 allowed under this section and a critical areas alteration exception request as allowed under  
1956 K.C.C. 21A.24.070, the two requests shall be evaluated concurrently and the director's  
1957 determination on both requests shall be issued at the same time.

1958           D. An applicant for a variance shall be given a written notice that the approval of  
1959 the variance to construct a building below the flood protection elevation will result in

Ordinance 19820

---

1960 increased flood insurance premium rates up to amounts as high as twenty-five dollars per  
1961 one hundred dollars of coverage and will increase risks to life and property.

1962 E.1. An application for a variance to floodplain development regulations shall be  
1963 submitted in writing to the department of local services, permitting division, together with  
1964 any supporting documentation that demonstrates how the proposal meets the criteria in this  
1965 section.

1966 2. An application for a variance to floodplain development regulations under this  
1967 section shall be reviewed as a Type II land use decision in accordance with K.C.C.  
1968 20.20.020.

1969 F. The department shall maintain in perpetuity a record of all requests for  
1970 variances, including justification for their issuance.

1971 G. The variance standards in K.C.C. 21A.44.030 and the alteration exception  
1972 standards in K.C.C. 21A.24.070 shall not be used for variances or exceptions to the  
1973 floodplain regulations of this chapter.

1974 SECTION 12. Ordinance, 16267, Section 59, as amended, and K.C.C.  
1975 21A.24.381 are each hereby amended to read as follows:

1976 To ensure that agriculture will remain the predominate use in the agriculture  
1977 production district, the department shall only approve an aquatic habitat restoration project,  
1978 a floodplain restoration project or a project under the mitigation reserves program that is  
1979 proposed for a site located within an agricultural production district, as follows:

1980 A. The project shall be allowed only when supported by owners of the land where  
1981 the proposed project is to be sited;

Ordinance 19820

---

1982           B. Except as provided in subsection C. of this section, the project shall be located  
1983 on lands that the department of natural resources and parks determines are unsuitable for  
1984 direct agricultural production purposes, such as portions of property that have not  
1985 historically been farmed due to soil conditions or frequent flooding and that it determines  
1986 cannot be returned to productivity by drainage maintenance; and

1987           C. If the project is located on land determined by the department of natural  
1988 resources and parks to be suitable for direct agriculture, then:

1989           1. The applicant shall demonstrate to the satisfaction of the department that there  
1990 are no unsuitable lands available within the agricultural production district that meet the  
1991 technical or locational requirements of the project;

1992           2. The applicant shall demonstrate to the satisfaction of the department of natural  
1993 resources and parks that the project will not reduce the ability to farm in the area and that  
1994 agriculture will remain the predominate use in the agricultural production district; and

1995           3. The project must either:

1996           a. be included in, or be consistent with, an approved Water Resources Inventory  
1997 Area Plan, Farm Management Plan, Flood ((Hazard)) Management Plan, or other similar  
1998 watershed scale plan; or

1999           b. not reduce the baseline agricultural productivity within the agricultural  
2000 production district.

2001           SECTION 13. Ordinance, 16985, Section 39, as amended, and K.C.C.

2002 21A.25.160 are each hereby amended to read as follows:

2003           A. The shoreline modification table in this section determines whether a  
2004 specific shoreline modification is allowed within each of the shoreline environments.

Ordinance 19820

---

2005 The shoreline environment is located on the vertical column and the specific use is  
 2006 located on the horizontal row of the table. The specific modifications are grouped by the  
 2007 shoreline modification categories in WAC 173-26-231. The table should be interpreted  
 2008 as follows:

2009                   1. If the cell is blank in the box at the intersection of the column and the  
 2010 row, the modification is prohibited in that shoreline environment;

2011                   2. If the letter "P" appears in the box at the intersection of the column and  
 2012 the row, the modification may be allowed within the shoreline environment;

2013                   3. If the letter "C" appears in the box at the intersection of the column and  
 2014 the row, the modification may be allowed within the shoreline environment subject to the  
 2015 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

2016                   4. If a number appears in the box at the intersection of the column and the  
 2017 row, the modification may be allowed subject to the appropriate review process indicated  
 2018 in this section and the specific development conditions indicated with the corresponding  
 2019 number immediately following the table, and only if the underlying zoning allows the  
 2020 modification. If more than one number appears at the intersection of the column and  
 2021 row, both numbers apply;

2022                   5. If more than one letter-number combination appears in the box at the  
 2023 intersection of the column and the row, the modification is allowed within that shoreline  
 2024 environment subject to different sets of limitations or conditions depending on the review  
 2025 process indicated by the letter, the specific development conditions indicated in the  
 2026 development condition with the corresponding number immediately following the table;

2027                   6. A shoreline modification may be allowed in the aquatic environment

Ordinance 19820

---

2028 only if that shoreline modification is allowed in the adjacent shoreland environment; and

2029 7. This section does not authorize a shoreline modification that is not  
 2030 allowed by the underlying zoning, but may add additional restrictions or conditions or  
 2031 prohibit specific modifications within the shoreline jurisdiction. All shoreline  
 2032 modifications in the shoreline jurisdiction must comply with all relevant county code  
 2033 provisions and with the King County shoreline master program.

2034 B. Shoreline modifications.

	High Intens ity	Residenti al	Rur al	Conserva ncy	Resour ce	Fores try	Natur al	Aquat ic
<b>Shoreline stabilization</b>								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2		P2	P2
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats or launching	P3	P3	P3	C3	C3	C3		P3 C3

Ordinance 19820

---

facilities								
<b>Fill</b>								
Filling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins and weirs</b>								
Breakwaters, jetties, groins and weirs	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5	P5 C5
<b>Dredging and dredge material disposal</b>								
Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural systems enhancement projects</b>								
Habitat and natural	P7	P7	P7	P7	P7	P7	P7	P7



Ordinance 19820

---

systems enhancement projects								
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

2035 C. Development conditions.

2036 1. New shoreline stabilization, including bulkheads, must meet the

2037 standards in K.C.C. 21A.25.170;

2038 2.a. Flood protection facilities must be consistent with the standards in

2039 K.C.C. chapter 21A.24, goals, objectives, guiding principles, and policies of the 2024

2040 King County Flood ((Hazard)) Management Plan ((~~adopted January 16, 2007~~)), and the

2041 Integrated Stream Protection Guidelines (Washington state departments of Fish and

2042 Wildlife, Ecology and Transportation, 2003). New structural flood hazard protection

2043 measures are allowed in the shoreline jurisdiction only when the applicant demonstrates

2044 by a scientific and engineering analysis that the structural measures are necessary to

2045 protect existing development, that nonstructural measures are not feasible and that the

2046 impact on ecological functions and priority species and habitats can be successfully

2047 mitigated so as to assure no net loss of shoreline ecological functions. New flood

2048 protection facilities designed as shoreline stabilization must meet the standards in K.C.C.

2049 21A.25.170.

Ordinance 19820

---

2050                   b. Relocation, replacement or expansion of existing flood control facilities  
2051 within the Natural environment are permitted, subject to the requirements of the King  
2052 ~~((county))~~ County Flood ~~((Hazard Reduction))~~ Management Plan and consistent with the  
2053 Washington State Aquatic Guidelines Program's Integrated Streambank Protection  
2054 Guidelines and bioengineering techniques used to the maximum extent practical. New  
2055 facilities would only be permitted consistent with an approved watershed resources  
2056 inventory area (WRIA) salmon recovery plan under chapter 77.85 RCW.

2057                   3. Docks, piers, moorage, buoys, floats or launching facilities must meet the  
2058 standards in K.C.C. 21A.25.180;

2059                   4.a. Filling must meet the standards in K.C.C. 21A.25.190.

2060                   b. A shoreline conditional use permit is required to:

2061                   (1) Place fill waterward of the ordinary high water mark for any use  
2062 except ecological restoration or for the maintenance and repair of flood protection  
2063 facilities; and

2064                   (2) Dispose of dredged material within shorelands or wetlands within a  
2065 channel migration zone;

2066                   c. Fill shall not placed in critical saltwater habitats except when all of the  
2067 following conditions are met:

2068                   (1) the public's need for the proposal is clearly demonstrated and the  
2069 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2070                   (2) avoidance of impacts to critical saltwater habitats by an alternative  
2071 alignment or location is not feasible or would result in unreasonable and disproportionate  
2072 cost to accomplish the same general purpose;

Ordinance 19820

---

2073 (3) the project including any required mitigation, will result in no net loss  
2074 of ecological functions associated with critical saltwater habitat; and

2075 (4) the project is consistent with the state's interest in resource protection  
2076 and species recovery.

2077 d. In a channel migration zone, any filling shall protect shoreline  
2078 ecological functions, including channel migration.

2079 5.a. Breakwaters, jetties, groins and weirs:

2080 (1) are only allowed where necessary to support water dependent uses,  
2081 public access, approved shoreline stabilization or other public uses, as determined by the  
2082 director;

2083 (2) are not allowed in the Maury Island Aquatic Reserve except as part of  
2084 a habitat restoration project or as an alternative to construction of a shoreline stabilization  
2085 structure;

2086 (3) shall not intrude into or over critical saltwater habitats except when  
2087 all of the following conditions are met:

2088 (a) the public's need for the structure is clearly demonstrated and the  
2089 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2090 (b) avoidance of impacts to critical saltwater habitats by an alternative  
2091 alignment or location is not feasible or would result in unreasonable and disproportionate  
2092 cost to accomplish the same general purpose;

2093 (c) the project including any required mitigation, will result in no net  
2094 loss of ecological functions associated with critical saltwater habitat; and

2095 (d) the project is consistent with the state's interest in resource

Ordinance 19820

---

2096 protection and species recovery.

2097                   b. Groins are only allowed as part of a restoration project sponsored or  
2098 cosponsored by a public agency that has natural resource management as a primary  
2099 function.

2100                   c. A conditional shoreline use permit is required, except for structures  
2101 installed to protect or restore shoreline ecological functions.

2102                   6. Excavation, dredging and filling must meet the standards in K.C.C.  
2103 21A.25.190. A shoreline conditional use permit is required to dispose of dredged  
2104 material within shorelands or wetlands within a channel migration zone.

2105                   7.a. If the department determines the primary purpose is restoration of the  
2106 natural character and ecological functions of the shoreline, a shoreline habitat and natural  
2107 systems enhancement project may include shoreline modification of vegetation, removal  
2108 of nonnative or invasive plants, shoreline stabilization, including the installation of large  
2109 woody debris, dredging and filling. Mitigation actions identified through biological  
2110 assessments required by the National Marine Fisheries Services and applied to flood  
2111 hazard mitigation projects may include shoreline modifications of vegetation, removal of  
2112 nonnative or invasive plants, shoreline stabilization, including the installation of large  
2113 woody debris, dredging and filling.

2114                   b. Within the Urban Growth Area, the county may grant relief from  
2115 shoreline master program development standards and use regulations resulting from  
2116 shoreline restoration projects consistent with criteria and procedures in WAC 173-27-  
2117 215.

2118                   8. Within the critical area and critical area buffer, vegetation removal is

Ordinance 19820

---

2119 subject to K.C.C. chapter 21A.24.

2120                   9. Except for forest practices conducted under K.C.C. 21A.25.130, existing  
2121 native vegetation located outside of the critical area and critical area buffer shall be  
2122 retained to the maximum extent practical. Within the critical area and critical area buffer,  
2123 vegetation removal is subject to K.C.C. chapter 21A.24.

2124                   SECTION 14. Ordinance, 3688, Section 414, as amended, and K.C.C.  
2125 21A.25.190 are each hereby amended to read as follows:

2126                   A. Fill or excavation landward of the ordinary high water mark shall be  
2127 subject to K.C.C. chapters 16.82 and 21A.24;

2128                   B. Fill may be permitted below the ordinary high water mark only:

2129                   1. When necessary to support a water dependent use;

2130                   2. To provide for public access;

2131                   3. When necessary to mitigate conditions that endanger public safety,  
2132 including flood risk reduction projects;

2133                   4. To allow for cleanup and disposal of contaminated sediments as part of  
2134 an interagency environmental cleanup plan;

2135                   5. To allow for the disposal of dredged material considered suitable under,  
2136 and conducted in accordance with, the dredged material management program of the  
2137 Washington state Department of Natural Resources;

2138                   6. For expansion or alteration of transportation or utility facilities currently  
2139 located on the shoreline and then only upon demonstration that alternatives to fill are not  
2140 feasible; or

2141                   7. As part of mitigation actions, environmental restoration projects and

Ordinance 19820

---

2142 habitat enhancement projects;

2143 C. Fill or excavations shall be permitted only when technical information  
2144 demonstrates water circulation, littoral drift, aquatic life and water quality will not be  
2145 substantially impaired and that the fill or excavation will not obstruct the flow of the  
2146 ordinary high water, flood waters or cutoff or isolate ((~~hydrolic~~))hydraulic features from  
2147 each other;

2148 D. Dredging and dredged material disposal below the ordinary high water  
2149 mark shall be permitted only:

- 2150 1. When necessary for the operation of a water dependent use;
- 2151 2. When necessary to mitigate conditions that endanger public safety or  
2152 fisheries resources;
- 2153 3. As part of and necessary to roadside or agricultural ditch maintenance  
2154 that is performed consistent with best management practices promulgated through  
2155 administrative rules under the critical areas provisions of K.C.C. chapter 21A.24 and if:
  - 2156 a. the maintenance does not involve any expansion of the ditch beyond its  
2157 previously excavated size. This limitation shall not restrict the county's ability to require  
2158 mitigation, under K.C.C. chapter 21A.24, or other applicable laws;
  - 2159 b. the ditch was not constructed or created in violation of law;
  - 2160 c. the maintenance is accomplished with the least amount of disturbance to  
2161 the stream or ditch as possible;
  - 2162 d. the maintenance occurs during the summer low flow period and is timed  
2163 to avoid disturbance to the stream or ditch during periods critical to salmonids; and
  - 2164 e. the maintenance complies with standards designed to protect salmonids

Ordinance 19820

---

2165 and salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection  
2166 D.3.e. shall not be construed to permit the mining or quarrying of any substance below  
2167 the ordinary high water mark;

2168 4. For establishing, maintaining, expanding, relocating or reconfiguring  
2169 navigation channels and basins when necessary to ensure safe and efficient  
2170 accommodation of existing navigation uses when:

2171 a. significant ecological impacts are minimized;

2172 b. mitigation is provided;

2173 c. maintained to the existing authorized location, depth and width;

2174 5. For restoration projects when;

2175 a. the site where the fill is placed is located waterward of the ordinary high  
2176 water mark; and

2177 b. the project is associated with a habitat project under the Model Toxics  
2178 Control Act or the Comprehensive Environmental Response, Compensation, and  
2179 Liability Act; or

2180 c. any habitat enhancement or restoration project; and

2181 6. For flood risk reduction projects conducted in accordance with Policy  
2182 ~~((RCM-3))~~ 9 of the King County Flood ~~((Hazard))~~ Management Plan;

2183 E. Dredging is not allowed waterward of the ordinary high water mark for  
2184 the primary purpose of obtaining fill material or creating a new marina;

2185 F. Disposal of dredged material shall be done only in approved deep water  
2186 disposal sites or approved upland disposal sites and is not allowed within wetlands or  
2187 channel migration zones;

Ordinance 19820

---

2188 G. Stockpiling of dredged material in or under water is prohibited; and

2189 H. In order to insure that operations involving dredged material disposal and

2190 maintenance dredging are consistent with the King County shoreline master program as

2191 required by RCW 90.58.140(1), no dredging may commence in any shoreline

2192 environment without the responsible person having first obtained either a substantial

2193 development permit or a statement of exemption when required under K.C.C.

2194 21A.25.290. A statement of exemption or shoreline permit is not required before

2195 emergency dredging needed to protect property from imminent damage by the elements,

2196 if statement of exemption or substantial development permit is subsequently obtained

2197 following the procedures in K.C.C. 16.82.065.

2198 SECTION 15. The executive shall submit the 2024 King County Flood

2199 Management Plan in Attachment A to this ordinance to the state Department of Ecology

2200 for its approval, as provided in RCW 90.58.090.

2201 SECTION 16. The 2024 King County Flood Management Plan in

2202 Attachment A to this ordinance takes effect within the shoreline jurisdiction fourteen

2203 days after the state Department of Ecology provides written notice of final action stating



Ordinance 19820

---

2204 that the proposal is approved, in accordance with RCW 90.58.090. The executive shall  
2205 provide the written notice of final action to the clerk of the council.


Ordinance 19820 was introduced on 6/11/2024 and passed by the Metropolitan King County Council on 9/17/2024, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Dunn, Mosqueda,  
Upthegrove, von Reichbauer and Zahilay  
Excused: 1 - Perry


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Signed by:  
  
E76CE01F07B14EF...  
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...  
Melani Hay, Clerk of the Council

APPROVED this \_\_\_\_ day of 9/24/2024, \_\_\_\_\_.

Signed by:  
  
4FBCAB8196AE4C6...  
Dow Constantine, County Executive

**Attachments:** A. King County Flood Management Plan, dated September 2024

**Certificate Of Completion**

Envelope Id: 2A0EED3C589A41428F83CAEBF85FD832	Status: Completed
Subject: Complete with Docusign: Ordinance 19820.docx	
Source Envelope:	
Document Pages: 113	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

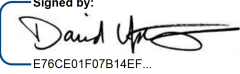
**Record Tracking**

Status: Original	Holder: Cherie Camp	Location: DocuSign
9/18/2024 3:50:02 PM	Cherie.Camp@kingcounty.gov	
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

**Signer Events**

Dave Upthegrove  
dave.upthegrove@kingcounty.gov  
Chair  
Security Level: Email, Account Authentication (None)

**Signature**

Signed by:  
  
E76CE01F07B14EF...  
Signature Adoption: Uploaded Signature Image  
Using IP Address: 67.185.138.82


**Timestamp**

Sent: 9/18/2024 3:52:20 PM  
Viewed: 9/19/2024 8:47:19 AM  
Signed: 9/19/2024 8:47:29 AM

**Electronic Record and Signature Disclosure:**

Accepted: 9/19/2024 8:47:19 AM  
ID: da244a02-0cc2-45e2-bb30-ec47057a5b98

Melani Hay  
melani.hay@kingcounty.gov  
Clerk of the Council  
King County Council  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
8DE1BB375AD3422...  
Signature Adoption: Pre-selected Style  
Using IP Address: 198.49.222.20

Sent: 9/19/2024 8:47:36 AM  
Viewed: 9/19/2024 8:50:13 AM  
Signed: 9/19/2024 8:50:19 AM

**Electronic Record and Signature Disclosure:**

Accepted: 9/30/2022 11:27:12 AM  
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

Dow Constantine  
Dow.Constantine@kingcounty.gov  
King County Executive  
Security Level: Email, Account Authentication (None)

Signed by:  
  
4FBCAB8196AE4C6...  
Signature Adoption: Uploaded Signature Image  
Using IP Address: 146.129.84.117

Sent: 9/19/2024 8:50:25 AM  
Viewed: 9/24/2024 4:12:32 PM  
Signed: 9/24/2024 4:12:55 PM

**Electronic Record and Signature Disclosure:**

Accepted: 9/24/2024 4:12:32 PM  
ID: 0a7ad177-d1c7-4f02-9afa-d2516e9d7c5f

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
---------------------------	--------	-----------

Carbon Copy Events	Status	Timestamp
--------------------	--------	-----------

Ames Kessler  
akessler@kingcounty.gov  
Executive Legislative Coordinator & Public Records  
Officer  
King County  
Security Level: Email, Account Authentication  
(None)  
**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

**COPIED**

Sent: 9/19/2024 8:50:25 AM  
Viewed: 9/19/2024 11:03:48 AM

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
-------------------------	--------	------------

Envelope Sent	Hashed/Encrypted	9/18/2024 3:52:20 PM
Certified Delivered	Security Checked	9/24/2024 4:12:32 PM
Signing Complete	Security Checked	9/24/2024 4:12:55 PM
Completed	Security Checked	9/24/2024 4:12:55 PM

Payment Events	Status	Timestamps
----------------	--------	------------

Electronic Record and Signature Disclosure
--

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact King County-Department of 02:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov)

### **To advise King County-Department of 02 of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from King County-Department of 02**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with King County-Department of 02**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.