Chapter 21A.25
SHORELINES

Sections:
21A.25.010 Shoreline master program elements.
21A.25.020 Definitions
21A.25.030 Liberal construction
21A.25.040 Shoreline master program goals - required for permits or appeals.
21A.25.050 Shoreline jurisdiction delineated.
21A.25.060 Names of shoreline environments designations.
21A.25.070 Boundary determination.
21A.25.080 Sequence of mitigation measures - priority.
21A.25.090 Shoreline use and modification - defined - no net loss of shoreline ecological functions allowed - sequencing compliance.
21A.25.100 Shoreline use.
21A.25.110 Aquaculture.
21A.25.120 Public boat launching facilities.
21A.25.130 Forest practices.
21A.25.140 Public access.
21A.25.150 Recreational development.
21A.25.160 Shoreline modification.
21A.25.170 Shoreline stabilization.
21A.25.180 Dock, pier, moorage pile or buoy, float or launching facility.
21A.25.190 Excavation, dredging, dredge material disposal and filling.
21A.25.200 Channel migration zone - new development to avoid future shoreline stabilization.
21A.25.210 Expansion of a dwelling unit or residential accessory structure.
21A.25.220 Shoreline dimensions and density.
21A.25.230 Subdivisions.
21A.25.240 Historic resources.
21A.25.250 Parking facilities.
21A.25.260 New utility facilities and repair and replacement of existing utility facilities.
21A.25.280 Transportation facilities.
21A.25.290 Development limitations - mitigation - substantial development - record of review - conditions of approval - programmatic statement of exemption - exception to statement of exemption.
21A.25.300 Permits - prerequisite to other permits.
21A.25.310 Application review for expansion or replacement of a nonconforming use or development.
21A.25.320 Appeals.
21A.25.010 Shoreline master program elements. The King County shoreline master program elements are established in K.C.C. 20.12.200. (Ord. 16985 § 17, 2010).

21A.25.020 Definitions. The definitions in K.C.C. chapter 21A.06, chapter 90.58 RCW and chapter 173-26 apply within the shoreline jurisdiction. The definitions in chapter 90.58 RCW and chapter 173-26 WAC apply if there is a conflict with the definitions in K.C.C. chapter 21A.06. In addition, the following definitions apply to this chapter unless the context clearly requires otherwise:

A. "Development" means any development as defined in chapter 90.58 RCW.
B. "Shoreline mixed use" means shoreline development that contains a water-dependent use combined with a water related, water enjoyment or a non-water-oriented use in a single building or on a single site in an integrated development proposal. Water dependent uses must comprise a significant portion of the floor area or site area in a shoreline mixed use development. (Ord. 16985 § 19, 2010: Ord. 11792 § 23, 1995: Ord. 3688 Ch. 2 (part), 1978. Formerly K.C.C. 25.08.010).

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


21A.25.050 Shoreline jurisdiction delineated.
A. The King County shoreline jurisdiction consists of:
   1. All water areas of the state, as defined in RCW 90.58.030, including reservoirs and associated wetlands, together with the lands underlying them, except for:
      a. lakes smaller than twenty acres and their associated wetlands; and
      b. segments of rivers and streams and their associated wetlands where the mean annual flow is less than twenty cubic feet per second; and
   2.a. The shorelands that extend landward in all directions as measured on a horizontal plane for two hundred feet from the ordinary high water mark of the waterbodies identified in subsection A.1. of this section;
      b. the one hundred year floodplain and contiguous floodplain areas landward two hundred feet from the one-hundred year floodplain; and
      c. all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to chapter 90.58 RCW.
B. The shoreline jurisdiction does not include tribal reservation lands and lands held in trust by the federal government for tribes. Nothing in the King County Shoreline Master Program or action taken under that program shall affect any treaty right to which the United States is a party.
C. The King County shoreline jurisdiction is shown on a map adopted in chapter 5 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. (Ord. 16985 § 25, 2010: Ord. 3688 § 303, 1978. Formerly K.C.C. 25.12.030).
21A.25.060 Names of shoreline environments designations.
   A. In order to accomplish the goals, policies and regulations of the King County shoreline master
      program, the following shoreline environment designations have been established:
      1. High Intensity shoreline;
      2. Residential shoreline;
      3. Rural shoreline;
      4. Conservancy shoreline;
      5. Resource shoreline;
      6. Forestry shoreline;
      7. Natural shoreline; and
      8. Aquatic.
   B. The shoreline environment designations are included on a map in chapter 5 of the King County
      Comprehensive Plan. If there is a discrepancy between the map and the criteria established in chapter 5
      of the King County Comprehensive Plan for shoreline environment designations, the criteria shall
      constitute the official King County shoreline environment designation. Any parcel of land included within
      the shoreline jurisdiction without a shoreline environment designation shall be considered within the
      Conservancy environment.
   C. The purpose of each shoreline environment designation is defined as follows:
      1. The purpose of the High Intensity shoreline is to provide for high intensity water-oriented
         commercial and industrial uses;
      2. The purpose of the Residential shoreline is to accommodate residential and commercial uses
         on a scale appropriate with urban residential zones;
      3. The purpose of the Rural shoreline is to accommodate land uses normally associated with
         rural area levels of development while providing appropriate public access and recreational uses to the
         maximum extent practicable;
      4. The purpose of the Conservancy shoreline is to conserve areas that are a high priority for
         restoration, include valuable historic properties or provide recreational opportunities;
      5. The purpose of the Resource shoreline is to allow for mining and agricultural uses on lands
         that are designated under the Growth Management Act as agricultural land of long term commercial
         significance or mineral resource lands;
      6. The purpose of the Forestry shoreline is to allow for forestry uses;
      7. The purpose of the Natural shoreline is to protect those shoreline areas that are relatively free
         of human influence or have high ecological quality. This designation allows only very low intensity uses in
         order to maintain the existing high levels of ecological process and function; and
      8. The Aquatic environment is to protect, restore and manage the unique characteristics and
         resources of the areas waterward of the ordinary high water mark. (Ord. 16985 § 27, 2010:  Ord. 3688 §

21A.25.070 Boundary determination.
   A. Where different environment designations have been given to a tributary and the main stream
      at the point of confluence, the environment designation given to the main stream shall extend for a
      distance of two hundred feet up the tributary.
   B. In case of uncertainty as to a wetland or environment boundary, the director shall determine its
      exact location in accordance with RCW 90.58.030 and this chapter. (Ord. 16985 § 29, 2010:  Ord. 3688 §

(King County 12-2010)
21A.25.080  Sequence of mitigation measures - priority.
A. Mitigation measures shall be applied in the following sequence of steps listed in order of priority, with subsection A.1. of this section being top priority:
   1. Avoiding the impact altogether by not taking a certain action or parts of an action;
   2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
   3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
   4. Reducing or eliminating the impact over time by preservation and maintenance operations;
   5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and
   6. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
B. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.
C. Mitigation shall be designed to:
   1. Achieve no net loss of ecological functions for each new development;
   2. Not require mitigation in excess of that necessary to assure that the development will result in no net loss of shoreline ecological functions; and
   3. Not result in a significant adverse impact on other shoreline ecological functions.
D. When compensatory measures are appropriate under the mitigation priority sequence in subsection A. of this section, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. The department may approve alternative compensatory mitigation within the watershed if the mitigation addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact. The department may require appropriate safeguards, terms or conditions as necessary to ensure no net loss of shoreline ecological functions as conditions of approval for compensatory mitigation measures. (Ord. 16985 § 129, 2010).

21A.25.090  Shoreline use and modification - defined - no net loss of shoreline ecological functions allowed - sequencing compliance.
A. Shoreline use is an activity that is allowed within a specific shoreline environment. Shoreline uses are identified in K.C.C. 21A.25.100.
B. Shoreline modification is construction of a physical element such as a bulkhead, groin, berm, jetty, breakwater, dredging, filling, vegetation removal or alteration or application of chemicals that changes the natural or existing shoreline conditions. Shoreline modifications are identified in K.C.C. 21A.25.160.
C. King County shall ensure that uses and modifications within the shoreline jurisdiction do not cause a net loss of shoreline ecological functions and comply with the sequencing requirements under K.C.C. 21A.25.080. (Ord. 16985 § 30, 2010).

21A.25.100  Shoreline use.
A. The shoreline use table in this section determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be interpreted as follows:
   1. If the cell is blank in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment;
   2. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment;
   3. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 25.32.050, as recodified by this ordinance.

(King County 12-2010)
4. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process in this section, the general requirements of this chapter and the specific development conditions indicated with the corresponding number in subsection C. of this section. If more than one number appears after a letter, all numbers apply.

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

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

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

### B. Shoreline uses

<table>
<thead>
<tr>
<th>KEY</th>
<th>Agriculture (K.C.C. 21A.08.090)</th>
<th>Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)</th>
<th>Boating Facilities (Marinas (K.C.C. 21A.08.040))</th>
<th>Commercial Development (General services (K.C.C. 21A.08.050))</th>
<th>Government Services (Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060))</th>
<th>Manufacturing (K.C.C. 21A.08.080)</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>P</td>
<td>P</td>
<td>C3</td>
<td>C3</td>
<td>C9</td>
<td>P1</td>
</tr>
<tr>
<td>C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P1</td>
</tr>
<tr>
<td>Blank</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P1</td>
</tr>
</tbody>
</table>

(King County 12-2010)
<table>
<thead>
<tr>
<th><strong>In-stream structural uses</strong></th>
<th>C13</th>
<th>C13</th>
<th>C13</th>
<th>C13</th>
<th>C13</th>
<th>C13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-stream utility facilities (K.C.C. 21A.08.060)</td>
<td>P14</td>
<td>P14</td>
<td>P14</td>
<td>P14</td>
<td>P14</td>
<td>P14</td>
</tr>
<tr>
<td>In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Mining</strong></th>
<th>C17</th>
<th>C17</th>
<th>C17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mineral uses (K.C.C. 21A.08.090)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Recreational Development</strong></th>
<th>P18</th>
<th>P19</th>
<th>P19</th>
<th>P20</th>
<th>P19</th>
<th>P21</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Residential Development</strong></th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>P</th>
<th>C22</th>
<th>C22</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single detached dwelling units (K.C.C. 21A.08.030)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse, apartment, mobile home park, cottage housing (K.C.C. 21A.08.030)</td>
<td>P23</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group residences (K.C.C. 21A.08.030)</td>
<td>P23</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory uses (K.C.C. 21A.08.030)</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
<td>P24</td>
<td>C22 and 24</td>
<td>C22 and 24</td>
</tr>
<tr>
<td>Temporary lodging (K.C.C. 21A.08.030)</td>
<td>P23</td>
<td>P27</td>
<td>P27</td>
<td>C27</td>
<td>C27</td>
<td></td>
</tr>
<tr>
<td>Live-aboards (K.C.C. 21A.08.030)</td>
<td>P28</td>
<td>P28</td>
<td>P28</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Transportation and parking</strong></th>
<th>P29</th>
<th>P29</th>
<th>P29</th>
<th>C29</th>
<th>P29</th>
<th>P29</th>
<th>C29</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commuter parking lot (K.C.C. 21A.08.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Automotive parking (K.C.C. 21A.08.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-street required parking lot (K.C.C. 21A.08.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Utilities</strong></th>
<th>P26</th>
<th>P26</th>
<th>P26</th>
<th>P26</th>
<th>P26</th>
<th>P26</th>
<th>C26</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility facility (K.C.C. 21A.08.060)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Regional land uses</strong></th>
<th>P30</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(King County 12-2010)
C. Development conditions:
   1. Only low intensity agriculture is allowed in the Natural environment.
   2.a. The supporting infrastructure for aquaculture may be located landward of the aquaculture 
       operation, subject to the limitations of K.C.C. Title 21A.
       b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.
       c. In aquatic areas adjacent to the residential shoreline environment, net pen facilities shall be 
          located no closer than one thousand five hundred feet from the ordinary high water mark of this 
          environment, unless the department allows a specific lesser distance that it determines is appropriate 
          based upon a visual impact analysis. Other types of floating culture facilities may be located within one 
          thousand five hundred feet of the ordinary high water mark if supported by a visual impact analysis.
       d. In aquatic areas adjacent to the rural shoreline environment, net pen facilities shall be 
          located no closer than one thousand five hundred feet from the ordinary high water mark of this 
          environment, unless the department allows a specific lesser distance that it determines is appropriate 
          based upon a visual impact analysis.
       e. In the natural shoreline environment and aquatic areas adjacent to the natural shoreline 
          environment, limited to aquaculture activities that do not require structures, facilities or mechanized 
          harvest practices and that will not alter the natural character of the site or alter natural systems or 
          features.
   3.a. New marinas are not allowed along the east shore of Maury Island, from Piner Point to 
       Point Robinson.
       b. Marinas must meet the standards in K.C.C. 21A.25.120.
   4. Water dependent general services land uses in K.C.C. 21A.08.050 are allowed. Non-water 
       dependent general services land uses in K.C.C. 21A.08.050 are only allowed on sites that are not 
       contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct 
       access to the water.
   5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are allowed.
       b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are only allowed as 
          part of a shoreline mixed-use development that includes water-dependent uses.
       c. Non-water-oriented general services land uses must provide a significant public benefit by 
          helping to achieve one or more of the following shoreline master program goals:
          i. economic development for uses that are water-dependent;
          ii. public access;
          iii. water-oriented recreation;
          iv. multimodal transportation circulation;
          v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; or
          vi. preservation of historic properties.
   6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed. Water-related 
       business services uses are only allowed as part of a shoreline mixed-use development and only if they 
       support a water-dependent use. The water-related business services uses must comprise less than one-
       half of the square footage of the structures or the portion of the site within the shoreline jurisdiction.
   7.a. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.
       b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as part of a 
          shoreline mixed-use development if the non-water-dependent retail use supports a water-dependent use. 
          Non-water-dependent uses must comprise less than one-half of the square footage of the structures or 
          the portion of the site within the shoreline jurisdiction.
       c. Non-water-oriented retail uses must provide a significant public benefit by helping to achieve 
          one or more of the following shoreline master program goals:
          i. economic development for uses that are water-dependent;
          ii. public access;
          iii. water-oriented recreation;
          iv. multimodal transportation circulation;
          v. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and
          vi. preservation of historic properties.

(King County 12-2010)
8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a significant public benefit by helping to achieve one or more of the following shoreline master program goals:
   a. economic development for uses that are water-dependent;
   b. public access;
   c. water-oriented recreation;
   d. multimodal transportation circulation;
   e. conservation of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; and
   f. preservation of historic properties.
9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.
   b. Non-water-dependent government services in K.C.C. 21A.08.060 are only allowed as part of a shoreline mixed-use development if the non-water-dependent government use supports a water-dependent use. Non-water-dependent uses must comprise less than one-half of the square footage of the structures or the portion of the site within the shoreline jurisdiction. Only low-intensity water-dependent government services are allowed in the Natural environment.
10. The following standards apply to government services uses within the Aquatic environment:
   a. Stormwater and sewage outfalls are allowed if upland treatment and infiltration to groundwater, streams or wetlands is not feasible and there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone. However, stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve, except from Piner Point to Point Robinson;
   b. Water intakes shall not be located near fish spawning, migratory or rearing areas. Water intakes must adhere to Washington state Department of Fish and Wildlife fish screening criteria. To the maximum extent practical, intakes should be placed at least thirty feet below the ordinary high water mark;
   c. Desalination facilities shall not be located near fish spawning, migratory or rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high water mark and must adhere to Washington state Department Fish and Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may be considered if there is no impact on critical saltwater habitats, salmon migratory habitat and the nearshore zone;
   d. Cable crossings for telecommunications and power lines shall:
      (1) be routed around or drilled below aquatic critical habitat or species;
      (2) be installed in sites free of vegetation, as determined by physical or video seabed survey;
      (3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and
      (4) use the best available technology;
   e. Oil, gas, water and other pipelines shall meet the same standards as cable crossings and in addition:
      (1) pipelines must be directionally drilled to depths of seventy feet or one half mile from the ordinary high water mark; and
      (2) use the best available technology for operation and maintenance;
   f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or within the Aquatic environment adjacent to the Conservancy and Natural shorelines.
11. Only low intensity forestry is allowed in the Natural environment and all forestry must meet the standards in K.C.C. 25.20.060, as recodified by this ordinance.
12. Manufacturing uses in the shoreline environment must give preference first to water-dependent manufacturing uses and second to water-related manufacturing uses:
   a. Non-water-oriented manufacturing uses are allowed only:
      (1) as part of a shoreline mixed-use development that includes a water-dependent use, but only if the water-dependent use comprises over fifty percent of the floor area or portion of the site within the shoreline jurisdiction;
      (2) on sites where navigability is severely limited; or
      (3) on sites that are not contiguous with the ordinary high water mark or on sites that do not have an easement that provides direct access to the water; and
      (4) all non-water-oriented manufacturing uses must also provide a significant public benefit, such as ecological restoration, environmental clean-up, historic preservation or water-dependent public education;
b. public access is required for all manufacturing uses unless it would result in a public safety risk or is incompatible with the use;
c. shall be located, designed and constructed in a manner that ensures that there are no significant adverse impacts to other shoreline resources and values.
d. restoration is required for all new manufacturing uses;
e. boat repair facilities are not permitted within the Maury Island Aquatic Reserve, except as follows:
   (1) engine repair or maintenance conducted within the engine space without vessel haul-out;
   (2) topside cleaning, detailing and bright work;
   (3) electronics servicing and maintenance;
   (4) marine sanitation device servicing and maintenance that does not require haul-out;
   (5) vessel rigging; and
   (6) minor repairs or modifications to the vessel's superstructure and hull above the waterline that do not exceed twenty-five percent of the vessel's surface area above the waterline.
13. The water-dependent in-stream portion of a hydroelectric generation facility, wastewater treatment facility and municipal water production are allowed, including the upland supporting infrastructure, and shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
14. New in-stream portions of utility facilities may be located within the shoreline jurisdiction if:
   a. there is no feasible alternate location;
   b. provision is made to protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas; and
   c. the use complies with the standards in K.C.C. 25.16.160, as recodified by this ordinance.
15. Limited to in-stream infrastructure, such as bridges, and must consider the priorities of the King County Shoreline Protection and Restoration Plan when designing in-stream transportation facilities. In-stream structures shall provide for the protection and preservation, of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.
16. Limited to hatchery and fish preserves.
17. Mineral uses:
   a. must meet the standards in K.C.C. chapter 21A.22;
   b. must be dependent upon a shoreline location;
   c. must avoid and mitigate adverse impacts to the shoreline environment during the course of mining and reclamation to achieve no net loss of shoreline ecological function. In determining whether there will be no net loss of shoreline ecological function, the evaluation may be based on the final reclamation required for the site. Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species;
   d. must provide for reclamation of disturbed shoreline areas to achieve appropriate ecological functions consistent with the setting;
   e. may be allowed within the active channel of a river only as follows:
      i. removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;
      ii. the mining and any associated permitted activities will not have significant adverse impacts to habitat for priority species nor cause a net loss of ecological functions of the shoreline; and
      iii. if no review has been previously conducted under this subsection C.17.e., prior to renewing, extending or reauthorizing gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with this subsection C.17.e. If there has been prior review, the department shall review previous determinations comparable to the requirements of this section C.17.e. to ensure compliance with this subsection under current site conditions; and

(King County 12-2010)
18. Only water-dependent recreational uses are allowed, except for public parks and trails, in the High Intensity environment and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.


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

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

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

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

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

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


27. Only bed and breakfast guesthouses.

28. Only in a marina.

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


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

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

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

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

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

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

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

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

(King County 12-2010)
H. Commercial salmon net pen facilities shall not be located in King County waters. These do not include subsistence salmon net pen facilities operated by tribes with treaty fishing rights or the limited penned cultivation of wild salmon stocks during a limited portion of their lifecycle to enhance restoration of native stocks or when implemented as mitigation for a development activity, but only when such activities involve minimal supplemental feeding and limited use of chemicals or antibiotics as provided in subsection G. of this section.

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

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

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

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

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

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

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

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

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

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

1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent with the recommendations in the Washington state Department of Natural Resources Maury Island Environmental Aquatic Reserve Final Management Plan (October 29, 2004);

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

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

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

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

6. In the event of a significant fish kill at the site of a net pen facility, the fin fish aquaculture operator shall submit a timely report to Public Health - Seattle-King County, Environmental Health Division and the department stating the cause of death and shall detail remedial actions to be implemented to prevent reoccurrence.

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

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

V. Aquaculture structures and equipment shall be of sound construction and shall be so maintained. Abandoned or unsafe structures and equipment shall be removed or repaired promptly by the owner. Where any structure might constitute a potential hazard to the public in the future, the department shall require the posting of a bond commensurate with the cost of removal or repair. The department may abate an abandoned or unsafe structure in accordance with K.C.C. Title 23. (Ord. 16985 § 32, 2010).

21A.25.120 Public boat launching facilities.

A. The traffic generated the facility must be safely and conveniently handled by the streets serving the proposed facility;

B. The facility must provide adequate parking in accordance with K.C.C. chapter 21A.18;

C. Live-aboards on a vessel are only allowed in a marina and only as follows:

1. They are for residential use only;

2. The marina shall provide shower and toilet facilities on land;

3. There shall be no sewage discharges to the water;

4. Live-aboards shall not exceed ten percent of the total slips in the marina; and

5. The vessels shall be owner-occupied;

D. The marina must be sited to protect the rights of navigation;

E. The marina must be equipped with pumpout facilities;

F. The marina must have provisions available for cleanup of accidental spills of contaminants;

G. Marinas and boat ramps must be located where their development will not interrupt littoral currents, at the ends of drift cells and away from erosional pocket beaches;

H. Lighting shall be maintained to avoid creating shading for aquatic predator species and other impacts to upland wildlife;

I. Vessels moored on waters of the state shall obtain any required lease or permission from the state; and

J. New covered or enclosed moorages are not allowed in the Maury Island aquatic reserve. (Ord. 16985 § 33, 2010).
21A.25.130 Forest practices.
A. Forest practices within shorelines of statewide significance shall meet the following conditions:
   1. Only selective commercial timber harvest is allowed, except other timber harvesting methods may be permitted where the topography, soil conditions or silviculture practices necessary for forest regeneration render selective commercial timber harvests ecologically detrimental;
   2. No more than thirty percent of the merchantable trees may be harvested in any ten year period of time; and
   3. Clear cutting of timber that is necessary for the preparation of land for other uses authorized by the King County shoreline master program may be permitted so long as limited to the maximum extent practical.
B. Forest practices in the Natural environment must be of low intensity and only for the purpose of enhancing forest health.
C. Forest practices within shoreline environments must comply with the Forest Practices Rules in Title 222 WAC and the revised Forest Practices Board Manual except:
   1. The small forest landowner forestry riparian easement program established in chapter 222-21 WAC does not apply within shorelines; and

21A.25.140 Public access.
A. Except as otherwise provided in subsection B. of this section, public access shall be required for:
   1. Attached residential developments;
   2. New subdivisions of more than four lots;
   3. Developments for water enjoyment, water related and non-water-dependent uses;
   4. Publicly owned land, including, but not limited to, land owned by public agencies and public utilities;
   5. Marinas; and
   6. Publicly financed shoreline stabilization projects.
B. Public access shall:
   1. Connect to other public and private public access and recreation facilities on adjacent parcels to the maximum extent practical;
   2. Be sited to ensure public safety is considered; and
   3. Be open to the general public;
C. Public access is not required if the applicant demonstrates to the satisfaction of the department that public access would be incompatible with the proposed use because of safety or security issues, would result in adverse impacts to the shoreline environment that cannot be mitigated or there are constitutional or other legal limitations that preclude requiring public access;
D. Public pedestrian and bicycle pathways and recreation areas constructed as part of a private development proposal should enhance access and enjoyment of the shoreline and provide features in scale with the development, such as:
   1. View points;
   2. Places to congregate in proportion to the scale of the development;
   3. Benches and picnic tables;
   4. Pathways; and
   5. Connections to other public and private public access and recreation facilities; and
E. Private access from single detached residences to the shoreline shall:
   1. Not exceed three feet in width;
   2. Avoid removal of significant trees and other woody vegetation to the maximum extent practical; and
   3. Avoid a location that is parallel to the shoreline to the maximum extent practical.  (Ord. 16985 § 36, 2010).

(King County 12-2010)
21A.25.150  Recreational development. Recreational development must meet the following standards:

A. The recreational development must be permitted in the underlying zone;
B. Recreational uses in the Natural environment must be water-oriented;
C. Swimming areas shall be separated from boat launch areas and marinas, to the maximum extent practical;
D. The development of underwater sites for sport diving shall not:
   1. Take place at depths of greater than eighty feet;
   2. Constitute a navigational hazard; and
   3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site;
E. The construction of swimming facilities, docks, piers, moorages, buoys, floats and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, moorage, buoys, floats or launching facility construction in K.C.C. 21A.25.180;
F. Public boat launching facilities or marinas shall be governed by K.C.C. 21A.25.120;
G. Campgrounds in the Natural environment shall meet the following conditions:
   1. Campsites shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical areas buffers;
   2. Restrooms and parking shall be located outside the shoreline jurisdiction; and
   3. Removal of vegetation shall be limited to the maximum extent practical;
H. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area;
I. Water viewing, nature study, recording and viewing shall be accommodated by open space, platforms, benches or shelter, consistent with public safety and security;
J. Public recreation shall be provided on county-owned lands consistent with this chapter unless the director determines public recreation is not compatible with other uses on the site or will create a public safety risk; and
K. To the maximum extent practical, proposals for non water oriented active recreation facilities shall be located outside of the shoreline jurisdiction and shall not be permitted where the non water oriented active recreation facility would have an adverse impact on critical saltwater habitat. (Ord. 16985 § 38, 2010: Ord. 3688 § 415, 1978. Formerly K.C.C. 25.16.200).

21A.25.160  Shoreline modification.

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

1. If the cell is blank in the box at the intersection of the column and the row, the modification is prohibited in that shoreline environment;
2. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment;
3. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in K.C.C. 21A.44.100;
4. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated in this section and the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification. If more than one number appears at the intersection of the column and row, both numbers apply; and
5. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table.

(King County 12-2010)

21A—211
6. A shoreline modification may be allowed in the aquatic environment only if that shoreline modification is allowed in the adjacent shoreland environment.

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

B. Shoreline modifications.

<table>
<thead>
<tr>
<th>KEY</th>
<th>Shoreline modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted Modification.</td>
</tr>
<tr>
<td>C</td>
<td>Shoreline Conditional Use Required. <strong>Blank</strong> - Prohibited.</td>
</tr>
</tbody>
</table>

Shoreline modifications are allowed only if the underlying zoning allows the modification. Shoreline modifications are allowed in the aquatic environment only if the adjacent upland environment allows the modification.

<table>
<thead>
<tr>
<th>Shoreline stabilization</th>
<th>P1</th>
<th>P1</th>
<th>P1</th>
<th>C1</th>
<th>P1</th>
<th>C1</th>
<th>P1</th>
<th>C1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoreline stabilization, not including flood protection facilities</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
<td>P2</td>
</tr>
<tr>
<td>Flood protection facilities</td>
<td>P3</td>
<td>P3</td>
<td>P3</td>
<td>C3</td>
<td>C3</td>
<td>C3</td>
<td>P3</td>
<td>C3</td>
</tr>
<tr>
<td><strong>Piers and docks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Docks, piers, moorage, buoys, floats or launching facilities</td>
<td>P4</td>
<td>C4</td>
<td>P4</td>
<td>C4</td>
<td>P4</td>
<td>C4</td>
<td>P4</td>
<td>C4</td>
</tr>
<tr>
<td><strong>Fill</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filling</td>
<td>P5</td>
<td>C5</td>
<td>P5</td>
<td>C5</td>
<td>P5</td>
<td>C5</td>
<td>P5</td>
<td>C5</td>
</tr>
<tr>
<td><strong>Breakwaters, jetties, groins and weirs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Breakwaters, jetties, groins and weirs</td>
<td>P6</td>
<td>C6</td>
<td>P6</td>
<td>C6</td>
<td>P6</td>
<td>C6</td>
<td>P6</td>
<td>C6</td>
</tr>
<tr>
<td><strong>Beach and dunes management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not applicable in King County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dredging and dredge material disposal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Excavation, dredging, dredge material disposal</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
<td>P7</td>
</tr>
<tr>
<td><strong>Shoreline habitat and natural systems enhancement projects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Habitat and natural systems enhancement projects</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
<td>P8</td>
</tr>
<tr>
<td><strong>Vegetation management</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal of existing intact native vegetation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Development conditions.

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

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

   b. A shoreline conditional use permit is required to:
      (1) Place fill waterward of the ordinary high water mark for any use except ecological restoration or for the maintenance and repair of flood protection facilities; and
      (2) Dispose of dredged material within shorelands or wetlands within a channel migration zone;
   c. Fill shall not placed in critical saltwater habitats except when all of the following conditions are met:
      (1) The public’s need for the proposal is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
      (2) Avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
      (3) The project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and
      (4) The project is consistent with the state’s interest in resource protection and species recovery.
   d. In a channel migration zone, any filling shall protect shoreline ecological functions, including channel migration.

5. a. Breakwaters, jetties, groins and weirs:
      (1) are only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization or other public uses, as determined by the director;
      (2) are not allowed in the Maury Island Aquatic Reserve except as part of a habitat restoration project or as an alternative to construction of a shoreline stabilization structure;
      (3) shall not intrude into or over critical saltwater habitats except when all of the following conditions are met:
         (a) the public’s need for the structure is clearly demonstrated and the proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;
         (b) avoidance of impacts to critical saltwater habitats by an alternative alignment or location is not feasible or would result in unreasonable and disproportionate cost to accomplish the same general purpose;
         (c) the project including any required mitigation, will result in no net loss of ecological functions associated with critical saltwater habitat; and
         (d) the project is consistent with the state’s interest in resource protection and species recovery.
   b. Groins are only allowed as part of a restoration project sponsored or cosponsored by a public agency that has natural resource management as a primary function.
   c. A conditional shoreline use permit is required, except for structures installed to protect or restore shoreline ecological functions.

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

7. If the department determines the primary purpose is restoration of the natural character and ecological functions of the shoreline, a shoreline habitat and natural systems enhancement project may include shoreline modification of vegetation, removal of nonnative or invasive plants, shoreline stabilization, including the installation of large woody debris, dredging and filling. Mitigation actions identified through biological assessments required by the National Marine Fisheries Services and applied to flood hazard mitigation projects may include shoreline modifications of vegetation, removal of nonnative or invasive plants, shoreline stabilization, including the installation of large woody debris, dredging and filling.
8. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24.

9. Except for forest practices conducted under K.C.C. 21A.25.130, existing native vegetation located outside of the critical area and critical area buffer shall be retained to the maximum extent practical. Within the critical area and critical area buffer, vegetation removal is subject to K.C.C. chapter 21A.24. (Ord. 16985 § 39, 2010).

21A.25.170 Shoreline stabilization.
A. Shoreline stabilization shall not be considered an outright use and shall be permitted only when the department determines that shoreline protection is necessary for the protection of existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges. Vegetation, berms, bioengineering techniques and other nonstructural alternatives that preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and other structural stabilization. Lesser impacting measures should be used before more impacting measures.

B. Structural shoreline stabilization may be permitted subject to the standards in this chapter and as follows:
1. The applicant provides a geotechnical analysis that demonstrates that erosion from waves or currents is imminently threatening or that, unless the structural shoreline stabilization is constructed, damage is expected to occur within three years;
2. The erosion is not caused by upland conditions;
3. The proposed structural shoreline protection will provide greater protection than feasible, nonstructural alternatives such as slope drainage systems, vegetative growth stabilization, gravel berms and beach nourishment;
4. The proposal is the minimum necessary to protect existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges; and
5. Adequate mitigation measures will be provided to maintain existing shoreline processes and critical fish and wildlife habitat and ensure no net loss or function of intertidal or riparian habitat.
C. Shoreline stabilization to replace existing shoreline stabilization shall be placed landward of the existing shoreline stabilization, but may be placed waterward directly abutting the old structure only in cases where removal of the old structure would result in greater impact on ecological functions. In critical saltwater habitats, existing shoreline stabilization shall not be allowed to remain in place if the existing shoreline stabilization is resulting in the loss of ecological functions. Adequate mitigation measures that maintain existing shoreline processes and critical fish and wildlife habitat must be provided that ensures no net loss or function of intertidal or riparian habitat.
D. The maximum height of the proposed shoreline stabilization shall be no more than one foot above the elevation of extreme high water on tidal waters, as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration, or four feet in height on lakes.
E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater habitat, unless a geotechnical report demonstrates an imminent danger to a legally established structure or public improvement. If allowed, shoreline stabilization along feeder bluffs and critical saltwater habitat must be designed to have the least impact on these resources and on sediment conveyance systems.
F. Shoreline stabilization shall minimize the adverse impact on the property of others to the maximum extent practical.
G. Shoreline stabilization shall not be used to create new lands.
H. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body.
I. Automobile bodies or other junk or waste material that may release undesirable material shall not be used for shoreline stabilization.
J. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.
K. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.

(King County 12-2010)
L. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines (Washington state departments of Fish and Wildlife, Ecology and Transportation, 2003) and shall be designed to allow for appropriate public access to the shoreline.

M. The department shall provide a notice to an applicant for new development or redevelopment located within the shoreline jurisdiction on Vashon and Maury Island that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise. (Ord. 16985 § 41, 2010: Ord. 5734 § 5, 1981: Ord. 3688 § 4 13, 1978. Formerly K.C.C. 25.16.180).

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

A. Docks, piers, moorage piles or buoys, floats or launching facilities are allowed only for water dependent uses or for public access and shall be limited to the minimize size necessary to support the use. New private boat launch ramps are not allowed;

B. Any dock, pier, moorage pile or buoy, float or launching facility proposal on marine waters:
   1. Must include an evaluation of the nearshore environment and the potential impact of the facility on that environment; and
   2. Avoid impacts to critical saltwater habitats unless an alternative alignment or location is not feasible;

C. In the High Intensity, Residential, Rural and Conservancy environments, the following standards apply:
   1. Only one dock, pier, moorage pile or buoy, float or launching facility may be allowed for a single detached residential lot and only if the applicant demonstrates there is no feasible practical alternative;
   2. For subdivisions or short subdivisions or for multiunit dwelling unit development proposals:
      a. Only one joint use dock, pier, float or launching facility is allowed; and
      b. One moorage pile or buoy if a dock, pier, float or launching facility is allowed or two moorage piles or buoys if a dock, pier, float or launching facility is not allowed;
   3. Only one dock, pier, moorage pile or buoy, float or launching facility is allowed for each commercial or industrial use;
   4. Multiuse recreational boating facilities serving more than four single detached residences shall comply with K.C.C. 21A.25.120.

D. In the Conservancy environment, a dock, pier, moorage pile or buoy, float or launching facility for a commercial or manufacturing use must be located at least two hundred fifty feet from another dock or pier;

E. In the Resource and Forestry Shoreline environments, only one dock, pier, moorage pile or buoy, float or launching facility is permitted and only as an accessory use to a residential use or to support a resource or forestry use;

F. In the Natural environment, a dock, pier, moorage pile or buoy, float or launching facility is prohibited;

(King County 12-2010)
G. In freshwater lakes:

1. A new pier, dock or moorage pile for residential uses shall meet the following requirements:

<table>
<thead>
<tr>
<th>New Pier, Dock or Moorage Piles</th>
<th>Dimensional and Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Maximum Area: surface coverage, including all attached float decking, ramps, ells and fingers</td>
<td>(1) 480 square feet for single dwelling unit;</td>
</tr>
<tr>
<td></td>
<td>(2) 700 square feet for joint-use facility used by 2 dwelling units;</td>
</tr>
<tr>
<td></td>
<td>(3) 1000 square feet for joint-use facility used by 3 or more dwelling units;</td>
</tr>
<tr>
<td></td>
<td>(4) These area limitations shall include platform lifts;</td>
</tr>
<tr>
<td></td>
<td>(5) 150 square feet for float for a single dwelling unit; and</td>
</tr>
<tr>
<td></td>
<td>(6) Where a pier cannot reasonably be constructed under the area limitation above to obtain a moorage depth of 10 feet measured below ordinary high water, an additional 4 square feet of area may be added for each additional foot of pier length needed to reach 10 feet of water depth at the landward end of the pier, provided that all other area dimensions, such as maximum width and length, have been minimized.</td>
</tr>
<tr>
<td>b. Maximum Length for piers, docks, ells, fingers and attached floats</td>
<td>(1) (A) On Lake Washington and Lake Sammamish, 150 ft, but piers or docks extending further waterward than adjacent piers or docks must demonstrate that they will not have an adverse impact on navigation; and</td>
</tr>
<tr>
<td></td>
<td>(B) On all other freshwater lakes, the shorter of: 80 feet or the point where the water depth is 13 feet below ordinary high water</td>
</tr>
<tr>
<td></td>
<td>(2) 26 feet for ells; and</td>
</tr>
<tr>
<td></td>
<td>(3) 20 feet for fingers and float decking attached to a pier</td>
</tr>
<tr>
<td>c. Maximum Width</td>
<td>(1) 4 feet for pier or dock walkway or ramp;</td>
</tr>
<tr>
<td></td>
<td>(2) 6 feet for ells;</td>
</tr>
<tr>
<td></td>
<td>(3) 2 feet for fingers;</td>
</tr>
<tr>
<td></td>
<td>(4) 6 feet for float decking attached to a pier, must contain a minimum of 2 feet of grating down the center of the entire float; and</td>
</tr>
<tr>
<td></td>
<td>(5) For piers or docks with no ells or fingers, the most waterward 26-foot section of the walkway may be 6 feet wide.</td>
</tr>
<tr>
<td>d. Height of piers and diving boards</td>
<td>(1) Minimum of 1.5 feet above ordinary high water to bottom of pier stringers, except the floating section of a dock and float decking attached to a pier;</td>
</tr>
<tr>
<td></td>
<td>(2) Maximum of 3 feet above deck surface for diving boards or similar features;</td>
</tr>
<tr>
<td></td>
<td>(3) Maximum of 3 feet above deck for safety railing, which shall be an open framework.</td>
</tr>
<tr>
<td>e. Minimum Water Depth for ells and float decking attached to a pier</td>
<td>(1) Must be in water with depths of 10 feet or greater at the landward end of the float</td>
</tr>
<tr>
<td></td>
<td>(2) Must be in water with depths of 9 feet or greater at the landward end of the ell or finger</td>
</tr>
</tbody>
</table>

(King County 12-2010)
### SHORELINES 21A.25.180

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

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

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

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

<table>
<thead>
<tr>
<th>Replacement of Existing Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Replacement of entire existing pier or dock, including piles OR more than fifty percent of the pier-support piles and more than fifty percent of the decking or decking substructure (e.g. stringers)</td>
<td>Must meet the dimensional decking and design standards for new piers as described in subsection G.1. of this section, except the department may approve an alternative design described in subsection G.3.b. of this section.</td>
</tr>
<tr>
<td>(2) Mitigation</td>
<td>(a) Existing skirting shall be removed and may not be replaced.</td>
</tr>
<tr>
<td></td>
<td>(b) Existing in-water and overwater structures other than existing pier or dock located within 30 feet of the OHWM, except for existing or authorized shoreline stabilization measures, shall be removed.</td>
</tr>
</tbody>
</table>
b. On Lake Washington and Lake Sammamish, the department may approve the following modifications to a pier replacement proposal that deviates from the dimensional standards of subsection G.1. of this section, if both the U.S. Army Corps of Engineers and Washington state Department of Fish and Wildlife have approved an alternate project design. With submittal of a building permit, the applicant shall provide documentation that the U.S. Army Corps of Engineers, and the Washington state Department of Fish and Wildlife have approved the alternative proposal design. In addition, the following requirements and all other applicable provisions in this chapter shall be met:

<table>
<thead>
<tr>
<th>Administrative Approval for Alternative Design of Replacement Pier or Dock</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) State and Federal Agency Approval</td>
<td>U.S. Army Corps of Engineers and the Washington state Department of Fish and Wildlife have approved proposal</td>
</tr>
<tr>
<td>(2) Maximum Area</td>
<td>No larger than existing pier or that allowed under subsection G.1. of this section, whichever is greater</td>
</tr>
<tr>
<td>(3) Maximum Length</td>
<td>26 feet for fingers and float decking attached to a pier. Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</td>
</tr>
<tr>
<td>(4) Maximum Width</td>
<td>(a) 4 feet for walkway or ramp located within 30 feet of the OHWM; otherwise, 6 feet for walkways</td>
</tr>
<tr>
<td></td>
<td>(b) 8 feet for ells and float decking attached to a pier</td>
</tr>
<tr>
<td></td>
<td>(c) For piers with no ells or fingers, the most waterward 26 feet section of the walkway may be 8 feet wide</td>
</tr>
<tr>
<td></td>
<td>(d) Otherwise, the pier and all components shall meet the standards noted in subsection G.1. of this section</td>
</tr>
<tr>
<td>(5) Minimum Water Depth</td>
<td>No shallower than authorized through state and federal approval</td>
</tr>
</tbody>
</table>

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

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

(King County 12-2010)
5.a. Repair proposals that replace only decking or decking substructure and less than fifty percent of the existing pier-support piles must comply with the following regulations:

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

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

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

<table>
<thead>
<tr>
<th>Boatlift, Personal Watercraft Lift, Boat Canopy and Moorage Piles</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Location</td>
<td>a. Boat lifts shall be placed as far waterward of the OHWM as feasible and safe, but not more than sixty feet from OHWM</td>
</tr>
<tr>
<td></td>
<td>b. Boat lifts are not permitted within the Maury Island Environmental Aquatic Reserve</td>
</tr>
<tr>
<td></td>
<td>c. The bottom of a boatlift canopy shall be elevated above the boatlift to the maximum extent practical, the lowest edge of the canopy must be at least 4 feet above the ordinary high water, and the top of the canopy must not extend more than 7 feet above an associated pier</td>
</tr>
<tr>
<td></td>
<td>d. Moorage piles shall not be closer than 30 feet from OHWM or any farther waterward than the end of the pier or dock</td>
</tr>
<tr>
<td>2. Maximum Number</td>
<td>a. 1 free-standing or deck-mounted boatlift per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>b. 1 personal watercraft lift or 1 fully grated platform lift per dwelling unit</td>
</tr>
<tr>
<td></td>
<td>c. 1 boatlift canopy per dwelling unit, including joint use piers</td>
</tr>
<tr>
<td></td>
<td>b. Must not be constructed of permanent structural material.</td>
</tr>
<tr>
<td>4. Fill for Boatlift</td>
<td>a. Maximum of 2 cubic yards of fill are permitted to anchor a boatlift, subject to the following requirements:</td>
</tr>
<tr>
<td></td>
<td>b. May only be used if the substrate prevents the use of anchoring devices that can be embedded into the substrate</td>
</tr>
<tr>
<td></td>
<td>c. Must be clean</td>
</tr>
<tr>
<td></td>
<td>d. Must consist of rock or precast concrete blocks</td>
</tr>
<tr>
<td></td>
<td>e. Must only be used to anchor the boatlift</td>
</tr>
<tr>
<td></td>
<td>f. Minimum amount of fill is used to anchor the boatlift</td>
</tr>
</tbody>
</table>

I. Moorage buoys shall meet the following conditions:
   1. Buoys shall not impede navigation;
   2. The use of buoys for moorage of recreational and commercial vessels is preferred over pilings or float structures;

(King County 12-2010)
3. Buoys shall be located and managed in a manner that minimizes impacts to eelgrass and other aquatic vegetation;
4. Preference should be given mid-line float or all-rope line systems that have the least impact on marine vegetation;
5. New buoys that would result in a closure of local shellfish beds for future harvest shall be prohibited; and
6. No more than four buoys per acre are allowed.

J.1. A boat lift, dock, pier, moorage pile or buoy, float, launching facility or other overwater structure or device shall meet the following setback requirements:
a. All piers, docks, boatlifts and moorage piles for detached dwelling unit use shall comply with the following location standards:

<table>
<thead>
<tr>
<th>New Pier, Dock, Boatlift and Moorage Pile or Buoy</th>
<th>Minimum Setback Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Side property lines</td>
<td>15 feet</td>
</tr>
<tr>
<td>(2) Another moorage structure not on the subject property, excluding adjacent moorage structure that does not comply with required side property line setback</td>
<td>25 feet, except that this standard shall not apply to moorage piles</td>
</tr>
<tr>
<td>(3) Outlet of an aquatic area, including piped streams</td>
<td>Maximum distance feasible while meeting other required setback standards established under this section</td>
</tr>
<tr>
<td>(4) Public park</td>
<td>Outside of the urban growth area, 25 feet</td>
</tr>
</tbody>
</table>

b. Joint-use structures may abut property lines when the property owners sharing the moorage facility have mutually agreed to the structure location in a contract recorded with the King County division of records and elections to run with the properties. A copy of the contract must accompany an application for a building permit or a shoreline permit.

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

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

<table>
<thead>
<tr>
<th>Pier, Dock or Float on Marine Waters</th>
<th>Dimensional and Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Maximum Area:</td>
<td>a. 480 square feet for single dwelling unit;</td>
</tr>
<tr>
<td>surface coverage,</td>
<td>b. 700 square feet for joint-use facility used by 2 dwelling units;</td>
</tr>
<tr>
<td>including all attached float</td>
<td>c. 1000 square feet for joint-use facility used by 3 or more dwelling units;</td>
</tr>
<tr>
<td>decking and ramps</td>
<td>d. These area limitations shall include platform lifts; and</td>
</tr>
<tr>
<td></td>
<td>e. 240 square feet for float for a single dwelling unit.</td>
</tr>
<tr>
<td>2. Maximum Width</td>
<td>a. 4 feet for pier or dock for single dwelling unit;</td>
</tr>
<tr>
<td></td>
<td>b. 6 feet for pier or dock for joint use facility; and</td>
</tr>
<tr>
<td></td>
<td>c. 4 feet for ramp connecting to a pier or float</td>
</tr>
</tbody>
</table>

(King County 12-2010)
| 3. | Floats | a. For a single-use structure, the float width must not exceed 8 feet and the float length must not exceed 30 feet. Functional grating must be installed on at least 50% of the surface area of the float; |
|     |       | b. For a joint-use structure, the float width must not exceed 8 feet and the float length must not exceed 60 feet. Functional grating must be installed on at least 50% of the surface area of the float; |
|     |       | c. To the maximum extent practical, floats must be installed with the length in the north-south direction; |
|     |       | d. If the float is removed seasonally, the floats shall be stored above mean high/higher water/ordinary high water line at a department approved location; |
|     |       | e. Flotation for the float shall be fully enclosed and contained in a shell, such as polystyrene tubes not shrink wrapped or sprayed coatings, that prevents breakup or loss of the flotation material into the water and is not readily subject to damage by ultraviolet radiation or abrasion caused by rubbing against piling or waterborne debris; |
|     |       | f. Flotation components shall be installed under the solid portions of the float, not under the grating; and |
|     |       | g. If the float is positioned perpendicular to the ramp, a small float may be installed to accommodate the movement of the ramp due to tidal fluctuations. The dimensions of the small float cannot exceed 6 feet in width and 10 feet in length. |
| 4. | Float stops | a. To suspend the float above the substrate, the preferred and least impacting option is to suspend the float above the substrate by installing float stops (stoppers) on piling anchoring new floats. The stops must be able to fully support the entire float during all tidal elevations; |
|     |       | b. If float stops attached to pilings are not feasible (this must be explained in the application), then up to four 10 inch diameter stub pilings can be installed instead; |
|     |       | c. Float feet attached to the float may be considered an option only under these circumstances: (1) in coarse substrate with 25% of the grains are at least 25 mm in size for a grain size sample taken from the upper one foot of substrate; and (2) for elevations of 3 feet below mean high high water and lower, if 25% of the grains are at least 4 mm in size for a grain size sample taken from the upper one foot of substrate; |
|     |       | d. For repair or replacement of existing float feet if: (1) substrate contains mostly gravel; and (2) proposed replacement or repair includes other improvements of the environmental baseline, such as the removal of creosote-treated piling and increased amounts of grating; and |
|     |       | e. Floats can be held in place with lines anchored with a helical screw or "duckbill" anchor, piling with stoppers or float support/stub pilings as follows: (1) For a single-use float, a maximum of 4 piling (not including stub piling) or helical screw or "duckbill" anchors can be installed to hold the float in place. (2) For a joint-use float, a maximum of 8 piling or helical screw or "duckbill" anchors can be installed to hold the float in place. (3) If anchors and anchor lines need to be used, the anchor lines shall not rest on the substrate at any time. (4) In rocky substrates where a helical screw or "duckbill" anchor cannot be used, if the applicant submits a rationale why these types of anchors cannot be used and the department concurs with this rationale, a department approved anchor of another type, such as a concrete block, may be permitted. |

(King County 12-2010)
5. Decking for piers, docks walkways, platform lifts, ells and fingers

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

6. Pier or dock configuration

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Only straight line piers or docks are allowed.  Eells, fingers or &quot;T&quot; shaped docks and piers are not allowed.</td>
<td></td>
</tr>
</tbody>
</table>

7. Pilings and Moorage Piles

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

8. Mitigation

<table>
<thead>
<tr>
<th></th>
<th>Plantings or other mitigation as provided in subsection L. of this section.</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.</td>
<td>New, expanded, replacement or repaired piers, docks, floats, boatlifts, boat canopies and moorage piles or buoys shall comply with the following:</td>
</tr>
<tr>
<td>1.</td>
<td>Existing habitat features, such as large and small woody debris and substrate material, shall be retained and new or expanded moorage facilities placed to avoid disturbance of such features;</td>
</tr>
<tr>
<td>2.</td>
<td>Invasive weeds, such as milfoil, may be removed as provided in K.C.C. chapter 21A.24;</td>
</tr>
</tbody>
</table>
3. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant site-appropriate emergent vegetation and a buffer of vegetation a minimum of ten feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots, such as willow species. Such planting shall be monitored for a period of five years consistent with a monitoring plan approved in accordance with K.C.C. chapter 21A.24. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area;

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

N. No dwelling unit may be constructed on a dock or pier. A water related or water enjoyment use may be allowed on a dock, pier or other over-water structure only as part of a mixed-use development and only if accessory to and in support of a water-dependent use. (Ord. 16985 § 43, 2010: Ord. 15971 § 107, 2007: Ord. 12763 § 1, 1997: Ord. 3688 § 409(4), 1978. Formerly K.C.C. 25.16.120).

21A.25.190 Excavation, dredging, dredge material disposal and filling. Excavation, dredging, dredge material disposal and filling may be permitted only as follows:

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

B. Fill may be permitted below the ordinary high water mark only:
   1. When necessary to support a water dependent use;
   2. To provide for public access;
   3. When necessary to mitigate conditions that endanger public safety, including flood risk reduction projects;

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

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

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

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

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

D. Dredging and dredge material disposal below the ordinary high water mark shall be permitted only:
   1. When necessary for the operation of a water dependent use;
   2. When necessary to mitigate conditions that endanger public safety or fisheries resources;
   3. As part of and necessary to roadside or agricultural ditch maintenance that is performed consistent with best management practices promulgated through administrative rules under the critical areas provisions of K.C.C. chapter 21A.24 and if:
      a. the maintenance does not involve any expansion of the ditch beyond its previously excavated size. This limitation shall not restrict the county's ability to require mitigation, under K.C.C. chapter 21A.24, or other applicable laws;
      b. the ditch was not constructed or created in violation of law;
      c. the maintenance is accomplished with the least amount of disturbance to the stream or ditch as possible;
      d. the maintenance occurs during the summer low flow period and is timed to avoid disturbance to the stream or ditch during periods critical to salmonids; and

(King County 12-2010)
e. the maintenance complies with standards designed to protect salmonids and salmonid habitat, consistent with K.C.C. chapter 21A.24, though this subsection D.3.e. shall not be construed to permit the mining or quarrying of any substance below the ordinary high water mark;

4. For establishing, maintaining, expanding, relocating or reconfiguring navigation channels and basins when necessary to ensure safe and efficient accommodation of existing navigation uses when:
   a. significant ecological impacts are minimized;
   b. mitigation is provided;
   c. maintained to the existing authorized location, depth and width;

5. For restoration projects when:
   a. the site where the fill is placed is located waterward of the ordinary high water mark; and
   b. the project is associated with a habitat project under the Model Toxics Control Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or
   c. any habitat enhancement or restoration project; and

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

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

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

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

H. In order to insure that operations involving dredged material disposal and maintenance dredging are consistent with the King County shoreline master program as required by RCW 90.58.140(1), no dredging may commence in any shoreline environment without the responsible person having first obtained either a substantial development permit or a statement of exemption when required under K.C.C. 21A.25.290. A statement of exemption or shoreline permit is not required before emergency dredging needed to protect property from imminent damage by the elements, if statement of exemption or substantial development permit is subsequently obtained following the procedures in K.C.C. 16.82.065.


21A.25.200 Channel migration zone - new development to avoid future shoreline stabilization. In the channel migration zone in the shoreline jurisdiction, to the maximum extent practical, new development shall be located and designed to avoid the need for future shoreline stabilization. (Ord. 16985 § 131, 2010).

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

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

A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a shoreline conditional use permit is required;

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

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

21A.25.220 Shoreline dimensions and density.

A. The shoreline dimensions table in subsections B. and C. of this section establishes the shoreline standards within each of the shoreline environments. The shoreline environment is located on the vertical column and the density and dimensions standard is located on the horizontal row of the table. The table should be interpreted as follows:
   1. If the cell is blank in the box at the intersection of the column and the row, the standards are the same as for the underlying zoning.
   2. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that shoreline environment.

(King County 12-2010)

21A—224
3. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions immediately following the table that are related to the density and dimension standard for that environment.

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

**Shoreline dimensions.**

<table>
<thead>
<tr>
<th>Standards</th>
<th>H</th>
<th>I</th>
<th>R</th>
<th>C</th>
<th>F</th>
<th>N</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base height</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
<td>35 feet (1)</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>5 acres (2)</td>
<td>5 acres (2)</td>
<td>10 acres</td>
<td>80 acres</td>
<td>80 acres</td>
<td>80 acres</td>
<td>80 acres</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>50 feet</td>
<td>100 feet</td>
<td>150 feet</td>
<td>150 feet</td>
<td>150 feet</td>
<td>150 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Impervious surface</td>
<td>10% (3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

C. Development conditions.

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

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

3. For lots created before the effective date of this section, if achieving the ten percent maximum impervious surface limit is not feasible, the amount of impervious surface shall be limited to the maximum extent practical but not to exceed the amount of impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040. (Ord. 16985 § 47, 2010).
21A.25.230 Subdivisions.
A. Any existing lot that does not comply with the density and dimensions standards of K.C.C. chapter 21A.12 or K.C.C. 21A.25.220 and that is located wholly or partially within the shoreline jurisdiction shall be subject to the following provisions:
   1. If the adjoining property is not under the same ownership as such lot, then the lot shall be considered a separate building site; and
   2. If the adjoining property is under the same ownership as such lot, then the lot shall not be considered a separate building site until the lot is combined with adjoining property under the same ownership in such a way as to comply with the density and dimensions standards of K.C.C. chapter 21A.12.
B. Submerged land within the boundaries of any waterfront parcel shall not be used to compute lot area, lot dimensions, yards, recreation space or other similar required conditions of land subdivision or development, except, where specifically authorized by ordinance, such lands may be used in area computations as an incentive to encourage common open space waterfront areas.
C. All newly created lots wholly or partially within the shoreline shall be of uniform size and dimension, whenever possible.
D. Subdivision of more than four lots shall provide an improved and maintained pedestrian easement to the shoreline that is of sufficient width to ensure usable access for all residents. Public access to the shoreline shall be in conformance with the standards in K.C.C. 21A.25.140.
E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction whenever feasible. When lots are located within the shoreline jurisdiction, the size and shape of the lots should allow for the construction of residential units that do not require shoreline stabilization.

21A.25.240 Historic resources. Historic resources include historic buildings, sites, objects, districts and landscapes, prehistoric and historic archaeological resources and traditional cultural places. Development within shoreline environments shall protect historic resources as follows:
A.1. Known historic resources are inventoried by the historic preservation program and are subject to the procedures in K.C.C. 20.62.150. As required by K.C.C. 20.62.150, the department shall inform the historic preservation officer regarding the impacts of development proposals on inventoried resources. Disturbance of known archaeological sites is also subject to state regulations, including chapters 27.44, 27.53 and 68.80 RCW.
   1. If a known archaeological site or traditional cultural place is affected by a development proposal, the historic preservation officer shall inform and consult with the Washington state Department of Archaeology and Historic Preservation and any concerned Native American tribes. To the extent feasible, the historic preservation officer shall coordinate county and state required permitting and compliance procedures and requirements to avoid substantial duplication of effort by permit applicants. The department shall require a site inspection or evaluation by a professional archaeologist in coordination with any concerned Native American tribes.
   2. In considering shoreline permits or shoreline exemptions with regard to known historic resources, the department may attach conditions to provide sufficient time for the Historic Preservation Officer to consult with the Washington State Department of Archaeology and Historic Preservation and any concerned Native American tribes, and to ensure that historic resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term stewardship and protection arrangements. Provision for the protection and preservation of historic resources shall be incorporated in permits and exemptions to the maximum extent practical;
   B.1. Consistent with the definitions and requirements in chapters 27.44, 27.53 and 68.80 RCW, and with the intent of K.C.C. chapter 20.62, whenever potentially significant historic resources, or archaeological artifacts, are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the department.

(King County 12-2010)
21A.25.240 - 21A.25.250

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

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

C.1. If a private or publicly owned historic resource is identified, public access shall be encouraged as appropriate for purposes of public education, but only if:
   a. the type or level of public access is consistent with the long term protection of both historic resource values and shoreline ecological functions; and
   b. an access management plan is developed in accordance with development site- and resource-specific conditions in consultation with the historic preservation officer and, if an archaeological site, archaeological artifacts or a traditional cultural place have been discovered, the Washington state Department of Archaeology and Historic Preservation, any concerned Native American tribes or other agencies, as appropriate, to address physical protection of the resource, hours of operation, interpretive or directional signage, lighting, pedestrian access or traffic and parking, as appropriate.

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

21A.25.250 Parking facilities. Parking facilities, except parking facilities associated with single detached dwelling units, shall meet the following standards:
A. Parking areas serving a water-related, water-enjoyment or a non-water-oriented use must be located beneath or upland of the development that the parking area serves, except for utility facilities;
B. The design of parking facilities must use low-impact designs, such as porous concrete and vegetated swales;
C. Lighting shall be the minimum necessary and shall be shielded and directed away from the water and critical areas and critical area buffers; and
D. In the Natural environment, parking areas shall be located at least two hundred feet from the ordinary high water mark. (Ord. 16985 § 51, 2010).
ZONING

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

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

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

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

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

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

F. Utility production and processing facilities, such as power plants and sewage treatment plants, are not allowed within the shoreline jurisdiction. (Ord. 16985 § 53, 2010: Ord. 3688 § 411, 1978. Formerly K.C.C. 25.16.160).

21A.25.270 Signs. Signs may be permitted subject to K.C.C. chapter 21A.20, but only as follows:

A. Signs waterward of the ordinary high water mark shall be permitted only to the extent necessary for the operation of a permitted overwater development. No such a sign shall be larger than five square feet;

B. In the Rural environment, signs may not exceed fifty square feet;

C. In the Resource, Natural and Conservancy environments, signs are not allowed except for:
   1. Signs of not more than twenty-five square feet within public parks or trails; and
   2. Signs permitted under K.C.C. chapter 21A.20 for residential uses;

D. Signs to protect public safety or prevent trespass may be allowed and should be limited in size and number to the maximum extent practical. (Ord. 16985 § 55, 2010: Ord. 3688 § 408, 1978. Formerly K.C.C. 25.16.080).

(King County 12-2010)
21A.25.280  Transportation facilities.
A. Transportation facilities, including, but not limited to, streets, alleys, highways, railroads and regional light rail transit may be located in all shoreline environments.
B. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.
C. Within railroad and regional light rail transit rights-of-way, allowed uses shall be limited to: tracks, signals or other operating devices; movement of rolling stock; utility lines and equipment; and facilities accessory to and used directly for the delivery and distribution of services to abutting property.
D. New transportation facilities shall, to the maximum extent practical:
   1. Be located outside of the shoreline jurisdiction;
   2. Avoid disturbance of unique and fragile areas;
   3. Avoid disturbance of wildlife spawning, nesting and rearing areas;
   4. Avoid changing groundwater patterns and hyporheic flows that support streams and wetlands;
   5. Not create a need for shoreline protection; and
   6. Use natural screening. (Ord. 16985 § 56, 2010).

21A.25.290  Development limitations - mitigation - substantial development - record of review - conditions of approval - programmatic statement of exemption - exception to statement of exemption.
A. Development within the shoreline jurisdiction, including preferred uses and uses that are exempt from permit requirements, shall be undertaken only if that development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County shoreline master program and will not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.
B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:
   1. WAC 173-27-050 applies; or
   2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur at or below the ordinary high water mark.
C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations.
D. As necessary to ensure consistency of the project with the shoreline master program and this chapter, the department may attach conditions of approval to a substantial development permit or a statement of exemption or to the approval of a development proposal that does not require either.
E. The department may issue a programmatic statement of exemption as follows:
   1. For an activity for which a statement of exemption is required, the activity shall:
      a. be repetitive and part of a maintenance program or other similar program;
      b. have the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the programmatic statement of exemption; and
      c. be suitable to having standard conditions that will apply to any and all sites;
   2. The department shall uniformly apply conditions to each activity authorized under the programmatic statement of exemption at all locations covered by the statement of exemption. The department may require that the applicant develop and propose the uniformly applicable conditions as part of the statement of exemption application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic statement of exemption until applicable conditions are developed and approved;

(King County 12-2010)
3. Activities authorized under a programmatic statement of exemption shall be subject to inspection by the department. The applicant may be required to notify the department each time work subject to the programmatic statement of exemption is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions in the programmatic statement of exemption;

4. The department may require revisions, impose new conditions or otherwise modify the programmatic statement of exemption or withdraw the programmatic statement of exemption and require that the applicant apply for a standard statement of exemption, if the department determines that:
   a. The programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
   b. The programmatic statement of exemption does not provide adequate regulation of the activity;
   c. The programmatic statement of exemption conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
   d. A site requires site-specific regulation; and

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

F. A statement of exemption is not required for maintenance of agricultural drainage used by salmonids if:
   1. The agricultural drainage is located within an agricultural production district;
   2. The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to RCW 77.55;
   3. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife, the Washington Department of Ecology, the department of development and environmental services and the department of natural resources and parks;
   4. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and

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

21A.25.320 Appeals.
A. Appeals from the final decision of the county with regard to shoreline management shall be governed solely by RCW 90.58.180.
B. The effective date of King County's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.
C. When a hearing and decision has occurred under K.C.C. 25.32.080, as recodified by Ordinance 16985*, and the examiner's recommendation with regard to disposition of a proposed development under K.C.C. Titles 20 and 21A requires King County council action, the final decision of the county shall be effective on the date of filing as defined in RCW 90.58.140 for the purposes of appeal as provided in RCW 90.50.140. However, development may not occur until the King County council has taken final action on the examiner's recommendation required by K.C.C. Titles 20 and 21A. (Ord. 16985 § 64, 2010: Ord. 12196 § 62, 1996: Ord. 3688 § 810, 1978. Formerly K.C.C. 25.32.100).

*Reviser's note: K.C.C. 25.32.080 was repealed by Ordinance 16985, Section 137.