

Attachment B:
King County Shoreline Master Program
Ecology Required Changes –

The Required change is in red.

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

September 4, 2012

King County responses dated December 19, 2012

ITEM	DRAFT SMP Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	SUGGESTED ALTERNATIVE OR ACCEPTANCE BY LOCAL GOVERNMENT	ECOLOGY RESPONSE																																																																								
1	KCC 21A.25.100.B	Use Matrix	<p>B. Shoreline uses</p> <p>KEY P - Permitted Use. C - Shoreline Conditional Use. Blank - Prohibited. Shoreline uses are allowed only if allowed by this Master Program and the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use</p> <table border="1"> <tr> <td></td> <td>H I G H I N T E N S I T Y</td> <td>R E S I D E N T I A L</td> <td>R U R A L</td> <td>C O N S E R V A N C Y</td> <td>R E S O U R C E</td> <td>F O R E S T R Y</td> <td>N A T U R A L</td> <td>A Q U A T I C</td> </tr> <tr> <td>Agriculture</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Agriculture (K.C.C. 21A.08.090)</td> <td></td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P1</td> <td></td> </tr> <tr> <td>Aquaculture</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Aquaculture (fish and wildlife management, K.C.C. 21A.08.090), except for commercial salmon net pens</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><u>Commercial Salmon Net Pens</u></td> <td><u>C2</u></td> <td><u>C2</u></td> <td><u>C2</u></td> <td><u>C2</u></td> <td><u>C2</u></td> <td><u>C2</u></td> <td></td> <td><u>C2</u></td> </tr> <tr> <td>Boating Facilities</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Marinas (K.C.C. 21A.08.040)</td> <td>C3</td> <td>C3</td> <td>C3</td> <td></td> <td></td> <td></td> <td></td> <td>C3</td> </tr> </table>		H I G H I N T E N S I T Y	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C	Agriculture									Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1		Aquaculture									Aquaculture (fish and wildlife management, K.C.C. 21A.08.090), except for commercial salmon net pens	P2	<u>Commercial Salmon Net Pens</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>		<u>C2</u>	Boating Facilities									Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3	Changes to Note 2 are required because RCW 90.58.020 and WAC 173-27-201(2)(d) require that SMPs make provision for water dependent uses.	Adopted. See page 91 of Ordinance 17485.								
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Commercial Development									
General services (K.C.C. 21A.08.050)	P4	P5	P5						
Business services, except SIC Industry No. 1611, automotive parking and off-street required parking lot (K.C.C. 21A.08.060)	P6								
Retail (K.C.C. 21A.08.070)	P7	P8							
Government Services									
Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060)	P9	C10							
Forest Practices									
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	P11	C11	
Industry									
Manufacturing (K.C.C. 21A.08.080)	P12								

In-stream structural uses									
Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13				C13		C13
In-stream utility facilities (K.C.C. 21A.08.060)	P14	C14							
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)									C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)									C16
Mining									
Mineral uses (K.C.C. 21A.08.090)					C17	C17			C17

ITEM	DRAFT SMP Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	SUGGESTED ALTERNATIVE OR ACCEPTANCE BY LOCAL GOVERNMENT	ECOLOGY RESPONSE
2	New Section	All Shorelines of the State in King county Listed	Add section listing all shorelines of the state within King County.	Required by WAC 173-18-044	Adopted. See page 89, line 1795 of Ordinance 17485 and Attachment K (included with these materials)	
3	KCC 21A.25.110	Aquaculture	Add KCC21A.25.110X to read: <u>Aquaculture shall not be approved where it will adversely impact eelgrass and macroalgae.</u>	Required by WAC 173-26-241(3)(b).	Adopted. See page 111, line 2202 of Ordinance 17485.	
4	KCC 21A.24.045.D.54 and KCC 21A.24.051	Agricultural encroachment into critical area buffer with farm plan	Modify section KCC 21A.24.051 to read: 21A.24.051 Agricultural activities development standards. A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30. B. This section does not modify any requirement that the property owner obtain permits for activities covered by the farm management plan. C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for dairy nutrient management, livestock management, horticulture management, site development and agricultural drainage. D. A property owner or applicant seeking to use the process to allow alterations in critical area buffers shall develop a farm management plan based on the following goals, which are listed in order of priority: 1. To maintain the productive agricultural land base and economic viability of agriculture on the site; 2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner; 3. To the maximum extent practical in accordance with the site specific goals of the landowner, maintain and enhance natural	Necessary to assure no net loss of ecological function.	Adopted. See page 66, lines 1363 – 1369 and page 67, line 1391 of Ordinance 17485.	

		<p>hydrologic systems on the site;</p> <p>4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and</p> <p>5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.</p> <p>E. <u>If a part or all of the site is located within the shoreline jurisdiction, the farm management plan shall:</u></p> <p><u>1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program;</u></p> <p><u>2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and</u></p> <p><u>3. Ensure no net loss of shoreline ecological functions.</u></p> <p>F. The property owner or applicant may develop the farm management plan as part of a program offered or approved by King County. The plan shall include, but is not limited to, the following elements:</p> <p>1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;</p> <p>2. Site-specific performance standards and best management practices to maintain, restore or enhance critical areas and their buffers and maintain and enhance native vegetation on the site including the best management practices for the installation and maintenance of farm field access drives and agricultural drainages;</p> <p>3. A plan for future changes to any existing structures or for any changes to the landscape that involve clearing or grading;</p> <p>4. A plan for implementation of performance standards and best management practices;</p> <p>5. A plan for monitoring the effectiveness of measures taken to protect critical areas and their buffers and to modify the farm management plan if adverse impacts occur; and</p> <p>6. Documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.</p> <p>(F.) G. A farm management plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection D. <u>and is consistent with subsection E.</u> of this section.</p> <p>(G.) H. Once approved, activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of development and environmental services shall first inform the department of natural resources and</p>			
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			<p>parks of the activity. Prior to taking code enforcement action, the department of development and environmental services shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan. (Ord. 15051 § 138, 2004).</p>																													
5	KCC 21A.220	Minimum Lot Sizes	<p>Modify KCC 21A.25.220 as follows:</p> <p>21A.25.220 Shoreline dimensions and density.</p> <p>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:</p> <ol style="list-style-type: none"> 1. If the cell is blank in the box at the intersection of the column and the row, the standards are the same as for the underlying zoning. 2. If the cell has a number in the box at the intersection of the column and the row, that number is the density or dimension standard for that shoreline environment. 3. If the cell has a parenthetical number in the box at the intersection of the column and the row, that parenthetical number identifies specific conditions immediately following the table that are related to the density and dimension standard for that environment. <p>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.</p> <p>Shoreline dimensions.</p> <table border="1"> <thead> <tr> <th></th> <th>H I G H I N T E N S I T Y</th> <th>R E S I D E N T I A L</th> <th>R U R A L</th> <th>C O N S E R V A N C Y</th> <th>R E S O U R C E</th> <th>F O R E S T R Y</th> <th>N A T U R A L</th> <th>A Q U A T I C</th> </tr> </thead> <tbody> <tr> <td>Standards</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Base height</td> <td>35 feet (1)</td> <td>30 feet (1)</td> <td>35 feet (1)</td> </tr> </tbody> </table>		H I G H I N T E N S I T Y	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C	Standards									Base height	35 feet (1)	30 feet (1)	35 feet (1)	<p>Without memorializing the allowed development densities, the assumptions in the cumulative impacts analysis cannot be supported and consistency with WAC 173-26-241(3)(j) cannot be assured.</p>	<p>Adopted. See page 120, line 2355 – page 123, line 2396 of Ordinance 17485.</p>					
	H I G H I N T E N S I T Y	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C																								
Standards																																
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)																								

<u>Maximum density (units per acre)</u>	<u>6 (4)</u>	<u>6 (4)</u>										
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres					
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet					
Impervious surface				10% (3)								

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.

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

6	KCC 21A.24.045.D.2.f	Minimum buffers on developed lake fronts.	<p>KCC 21A.24.045.D.2.f shall be modified to read:</p> <p>f. the alteration is no closer than:</p> <ul style="list-style-type: none"> <u>i. on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet of or the average of the buffers on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;</u> <u>ii. on a site with a shoreline environment designation of rural, conservancy, resource, or forestry, the greater of fifty feet or the average of the buffers on adjacent lots on either side of the subject</u> 	Necessary to ensure no net loss of ecological function in a manner that is equitable in highly developed areas.	Adopted. See page 35, line 688 – page 36, line 698 of Ordinance 17485.
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			<p><u>property, as measured from the ordinary high water mark of the lake shoreline; and</u></p> <p><u>iii. on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the buffers on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline; and</u></p>			
7	<p>KCC 21A.24.045.D.7.e</p> <p>and</p> <p>KCC 21A.25.210</p>	<p>Expansion of Existing Structures</p> <p>and</p> <p>Conditional use permits for buffer reductions</p>	<p>Add KCC 21A.24.045.D.7.e to read:</p> <p><u>e. The expansion of a residential structure in the buffer of a Type S aquatic area that extends towards the ordinary high water mark requires a shoreline variance if:</u></p> <p><u>i. the expansion is within thirty five feet of the Ordinary High Water Mark; or</u></p> <p><u>ii. the expansion is between thirty-five and fifty feet of the ordinary high water mark and the area of the expansion extending towards the ordinary high water mark is greater than three hundred square feet.</u></p> <p><u>And</u></p> <p>KCC 21A.25.210 shall be modified as follows:</p> <p>21A.25.210 Expansion of a dwelling unit or residential accessory structure.</p> <p>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:</p> <p>A. In the Conservancy, Resource, Forestry or Natural shoreline environments, a shoreline conditional use permit is required;</p> <p>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</p> <p>C. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the expansion is not allowed.</p>	<p>Necessary to preserve no net loss of ecological function.</p>	<p>Adopted. See page 39, lines 774 – 779 of Ordinance 17485.</p> <p>Adopted. See page 120, lines 2348 – 2349 of Ordinance 17485.</p>	
8	<p>KCC 21A.24.045.D.56</p>	<p>Uses in severe channel migration zones</p>	<p>Modify KCC 21A.24.045.D.56:</p> <p>56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer if:</p> <p><u>a. located outside of the shoreline jurisdiction;</u></p> <p>a- <u>b. the facilities are designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051;</u></p> <p>((b-)) <u>c. there is not a feasible alternative location available on</u></p>	<p>WAC 173-26-221(3)(c)(i) requires, in part, that existing and ongoing agricultural practices can be appropriate</p>	<p>Adopted. See page 56, line 1144 of Ordinance 17485.</p>	

			the site; and ((c-)) <u>d.</u> the structure is located where it is least subject to risk from channel migration.	in the channel migration zones provided that no new restrictions to channel movement occur.		
9	KCC21A.25.160.C.2	Requirements for flood protection measures	Modify KCC21A.25.160.C.2 to read: Flood protection facilities must be consistent with the standards in K.C.C. chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16, 2007, and the Integrated Stream Protection Guidelines (Washington state departments of Fish and Wildlife, Ecology and Transportation, 2003). <u>New structural flood hazard protection measures are allowed in shoreline jurisdiction only when it can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development, that nonstructural measures are not feasible, that impact on ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.</u> New flood protection facilities designed as shoreline stabilization must meet the standards in K.C.C. 21A.25.170.	Required by WAC 173-26-221(3)(c)(ii)	Adopted. See page 116, lines 2274 – 2279 of Ordinance 17485.	
10	KCC 21A.25.100.C	Development Conditions	Modify KCC 21A.25.100.C.1 to read: Only low intensity agriculture is allowed <u>In the Natural environment, limited to low intensity agriculture, such as livestock use with an animal unit density in the shoreline jurisdiction of no more than one per two acres, seasonal hay mowing and related activities and horticulture not to exceed twenty percent of the site area located within the shoreline jurisdiction.</u>	Provides a definition for unique term used in the SMP.	Adopted. See page 95, lines 1837 – 1841 of Ordinance 17485.	
11	KCC 21A.25.100.C	Development Conditions	Modify KCC 21A.25.100.C.11 to read: 11. Only low intensity forestry is allowed <u>In the Natural environment, limited to low intensity forest practices that conserve or enhance the health and diversity of the forest ecosystem or ecological and hydrologic functions conducted for the purpose of accomplishing specific ecological enhancement objectives. and all forestry In all shoreline environments, forest practices must meet the standards in K.C.C. 21A.25.130 25.20.060, as recodified by this ordinance.</u>	Provides clarification of the substantive requirements and provides a clear reference to the applicable SMP forest practice requirements.	Adopted. See page 100, lines 1954 – 1958 of Ordinance 17485.	
12	Policy S-800	Flood	Modify Policy S-801 to read:	Required by	Adopted. See page 5-87of Chapter 5 of the King County	

		Management	<p>S-800 King County shall allow fill waterward of the ordinary high-water mark allowed only when necessary to support:</p> <ol style="list-style-type: none"> 1. Water-dependent use; 2. Public access; 3. Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; 4. Disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources; 5. Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline and then only upon a demonstration that alternatives to fill are not feasible; or 6. Mitigation actions, environmental restoration, beach nourishment, <u>and</u> enhancement projects; or and 7. <u>Flood risk reduction projects- implemented consistent with the goals, policies and objectives of the King County Flood Hazard Management Plan where no reasonable alternative exists.</u> 	WAC 173-26-231(3)(c).	Comprehensive Plan adopted by Ordinance 17485. Also deleted an extra word – “allowed” – in the introductory provision. (shown in yellow highlight in the “Required Change Column.”)	
13	King County Comprehensive Plan, Chapter 5, Section IX. Primary and Administrative Policies	Effective Date of SMP	<p>Modify King County Comprehensive Plan, Chapter 5, Section IX.B to read:</p> <p>B. Effective Date of King County’s Shoreline Master Program and Shoreline Regulations</p> <ol style="list-style-type: none"> 1. Effective date of the King County Shoreline Master Program and associated regulations upon direct approval by the Department of Ecology <p>The King County SMP becomes effective on the date the SMP is approved by the Washington State Department of Ecology. The SMP regulations become effective <u>14 days after</u> on the date of the Department of Ecology letter to King County approving the SMP. Pursuant to SMA, this is the effective date of the SMP, regardless of any appeals filed by any individual or entity.</p> <p>S-903 King County’s Shoreline Master Program will become effective on the date of the letter from the Department of Ecology to King County approving the Shoreline Master Program.</p>	Since County adoption of the SMP, state law has changed. This change in necessary in order for the SMP to be consistent with the procedural requirements of the SMA.	<p>As an alternative, King County has repealed policies S-903 through S-906 and related text. These policies do nothing more than restate current state law, which could change in the future. In addition, Policy S-907 has been revised to require King County to post notice on its website when the SMP or amendments to the SMP are approved by Ecology and include the effective date of those actions.</p> <p>See page 5-91 of Chapter 5 of the King County Comprehensive Plan adopted by Ordinance 17485.</p>	

			<p>2. Effective date of Program if the Department of Ecology recommends changes or modifications to the SMP. If Ecology rejects or modifies elements of King County's SMP, the SMP will become effective as indicated in the following policies.</p> <p>S-904 If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County accepts those changes, the Shoreline Master Program becomes effective <u>14 days after</u> on the date the Department of Ecology receives written notice from King County of its agreement to accept the proposed changes.</p> <p>S-905 If the Department of Ecology recommends changes to King County's Shoreline Master Program and King County submits an alternate proposal in response and the Department of Ecology accepts the alternate proposal, the Shoreline Master Program will become effective <u>14 days after the department of Ecology's written notice of final action stating that the Department has accepted the alternate proposal on the date of the letter from the Department of Ecology to King County accepting the alternate proposal.</u></p> <p>S-906 If King County files an appeal with the Growth Management Hearings Board regarding a decision by the Department of Ecology to reject or modify part or all of the King County Shoreline Master Program, it will not become effective until the appeal is resolved and the Shoreline Master Program is approved by the Department of Ecology.</p> <p>3. Publication of notice of effective date of King County's SMP. King County will publish a general notice to inform the public of the effective date of the SMP.</p> <p>S-907 Upon receipt of the letter from the Department of Ecology approving the King County Shoreline Master Program, King County will promptly publish notice that the Department of Ecology has taken final action and approved the Shoreline Master Program. The notice will indicate the effective date.</p>			
14			<p>Modify KCC 21A.24.045.D.2 to read:</p> <p>2. <u>Only a</u>Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:</p>	Clarifies limit on use of this provision.	Adopted. See page 35, line 673 of Ordinance 17485.	

			<p>a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;</p> <p>b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;</p> <p>c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;</p> <p>d. access is located to have the least adverse impact on the critical area and critical area buffer;</p> <p>e. the alteration is the minimum necessary to accommodate the development proposal and in no case in excess of a development footprint of five thousand square feet;</p> <p>f. the alteration is no closer than twenty-five feet of the ordinary high water mark of the lake shoreline; and</p> <p>g. to the maximum extent practical, alterations are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.</p>			
15	King County Comprehensive Plan, Policy S-754	Public Access	<p>Modify King County Comprehensive Plan, Policy S-754 to read:</p> <p>King County should require multi-family residential development and subdivisions within the shoreline jurisdiction creating more than four lots to provide community or public access.</p>	Necessary to meet the requirements of WAC 173-26-221(4) and to be internally consistent with KCC 21A.25.140.	Adopted. See page 5-75 of Chapter 5 of the King County Comprehensive Plan adopted by Ordinance 17485.	
16	KCC 21A.25.110	Commercial Salmon Net Pens	<p>Modify KCC 21A.25.110.H to read:</p> <p>H. Commercial salmon net pen facilities shall not be located in King County waters. These do not include Non-commercial, subsistence salmon net pen facilities <u>may be located in King County waters if</u> 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.</p> <p>And</p> <p>Add KCC 21A.25.110.W to read:</p>	Changes are required because RCW 90.58.020 and WAC 173-27-201(2)(d) require that SMPs make provision for water dependent uses.	Adopted. See page 106, line 2096 – page 107, line 2107 of Ordinance 17485. The adopted ordinance made some minor changes in the proposed amendment to clarify meaning.	

			<p><u>W. Commercial salmon net pens shall meet the following criteria and requirements:</u></p> <p><u>1. Each commercial salmon net pen application shall provide a current peer-reviewed science review of environmental issues related to salmon net pen aquaculture.</u></p> <p><u>2. Commercial salmon net pens shall only be approved if the scientific review demonstrates that the project construction and activities will achieve no net loss of ecological function in a manner that has have no significant adverse short-term impact or any documented adverse long-term impact to applicable elements of the environment, including, but not limited to, habitat for native salmonids, water quality, eel grass beds, other aquaculture, other native species, the benthic community below the net pen or other environmental attributes.</u></p> <p><u>3. Include an assessment of the risk to endangered species, non-endangered species, and other biota that could be affected by the net pen:</u></p> <p><u>4. The application review shall evaluate and model water quality impacts utilizing current information, technology, and assessment models. The project proponent shall be financially responsible for this water quality assessment.</u></p> <p><u>5. Commercial salmon net pens shall not be located in a designated Department of Natural Resources aquatic reserve.</u></p> <p><u>6. Commercial salmon net pens shall be designed, constructed, and maintained to prevent escapement of fish in all foreseeable circumstances including the tide, wind, and wave events of record, floating and submerged debris, and tidal action.</u></p> <p><u>7. Commercial salmon net pens shall not be located within 300 feet of an area containing eelgrass or a kelp bed.</u></p> <p><u>8. Commercial salmon net pens shall not be located within 1,500 feet of an ordinary high water mark.</u></p> <p><u>9. A commercial salmon net pen may not be used to mitigate the impact of a development proposal.</u></p> <p><u>10. Conditional Use Permits for commercial salmon net pens must be updated every five years. An updated scientific review shall be conducted as part of the renewal and shall include a new risk assessment and evaluation of the impact of the operation during the previous five years.</u></p>		<p>Adopted. See page 111, line 2204 – page 112, line 2234 of Ordinance 17485. The adopted ordinance reorganized some of the recommended provisions in order to improve readability.</p>	
17	Shoreline Environment Maps	Scalable Shoreline Environment Maps	<p><u>Shoreline environment maps shall be provided in either a commonly accessible electronic format or a paper format where individual parcels can be identified and their shoreline environment be determined.</u></p> <p><u>The shoreline environment maps shall be modified to designate the Puget Sound within King County as Aquatic.</u></p>	Required by WAC 173-26-201(3)(f).	<p>OK. The data has been provided to Ecology.</p> <p>OK. The data has been revised as required.</p>	

18	Addition to incorporated ordinances	Channel Migration Zones	<p>Incorporate KCC 21A.06.181, KCC 21A.06.181E, KCC 21A.06.181G, KCC 21A.06.182, and KCC 21A.24.230 by reference.</p>	Required by WAC 173-26-221(3).	<p>Adopted. See page 8, line 174 – page 12, line 252 of Ordinance 17485.</p> <p>The adopted ordinance also modifies the effective date of code sections that have been incorporated by reference in order to include the amendments adopted by Ordinance 17485 to comply with Ecology’s required and suggested changes. In the period between December 10, 2010 and the effective date of Ordinance 17485, King County has amended some of the code sections that are included by reference into the Shoreline Master Program. A copy of each ordinance adopting amendments to these sections is attached this response. For ease of reference, the amendatory sections have been extracted from the individual ordinances and have been grouped by type of amendment with a comment on the reason for the change.</p>
19	K.C.C. 21A.06	CMZ definition	<p>Modify K.C.C. 21A.06.182 to read:</p> <p>21A.06.182 Channel migration zone. Channel migration zone: those areas within the lateral extent of likely stream channel movement that are subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion and shifts in the location of stream channels, as follows: the area along a river channel within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.</p> <p>A. In areas located outside King County's shoreline jurisdiction, channel migration zones are as shown on King County's Channel Migration Zone maps. In those areas, "channel migration zone" means the corridor that includes the present channel, the severe channel migration hazard area and the moderate channel migration hazard area;</p> <p>B. In areas located in King County's shoreline jurisdiction, channel migration zones include:</p> <ol style="list-style-type: none"> 1. Areas shown on King County's Channel Migration Zone maps, including both the severe channel migration hazard area and the moderate channel migration hazard area; and 2. Areas not shown on King County's Channel Migration Zone maps but located within the floodplain.; <p>C. "Channel migration zone" does not include areas that lie behind an arterial road, a public road serving as a sole access route, a state or federal highway or a railroad((.)); and</p>	Clarifying Channel Migration Zone definition.	Adopted. See page 26, line 581 – page 27, line 608 of Ordinance 17485.

			———— D. "Channel migration zone" may exclude areas that lie behind a lawfully established flood protection facility that is likely to be maintained by existing programs for public maintenance consistent with designation and classification criteria specified by public rule. When a natural geologic feature affects channel migration, the channel migration zone width will consider such natural constraints.			
20	K.C.C. 21A.06	Severe CMZ definition	<p>Modify KCC 21A.06.181G to read:</p> <p>21A.06.181G Channel migration hazard area, severe. Channel migration hazard area, severe: a portion of the channel migration zone, as shown on King County's Channel Migration Zone maps, that includes the present channel. The total width of the severe channel migration hazard area equals one hundred years times the average annual channel migration rate, plus the present channel width. The average annual channel migration rate as determined in the technical report, is the basis for each Channel Migration Zone map in which there is a <u>higher level of channel migration hazard due to a high likelihood of continued, progressive bank erosion, rapid shifting of channel location, or other imminent channel changes.</u></p>	Clarifying Channel Migration Zone definition.	Adopted. See page 26, lines 571 – 580 of Ordinance 17485.	
21	21A.06.1385 and 21A.06.1385A	Water dependent use	<p>Repeal K.C.C. 21A.06.1385.</p> <p>Amend K.C.C. 21A.06.1385A water dependent use, as follows:</p> <p>Water dependent use: a principal use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations.</p>	There are two definitions of "water dependent use" in the King County Zoning code. K.C.C. 21A.06.1385A is the correct definition for purposes of the Shoreline Management Act. The inconsistency between the two should be corrected.	As an alternative, Ordinance 17485 amended K.C.C. 21A.06.1385 (page 27, line 609 – page 28, line 615) to be identical to the Ecology's proposed amendment to 21A.06.1385A. K.C.C. 21A.06.1385A was repealed. See page 152, lines 3064 – 3065.	
22	New Policy	Mapping Channel Migration Zones	<p>New Policy S-638a is added:</p> <p><u>King County shall continue mapping channel migration zones on all of its rivers and streams within shoreline jurisdiction where channel migration zones have not already been mapped.</u></p>	WAC 173-26-221(3).	Adopted. See page 5-59 in Chapter 5 of the King County Comprehensive Plan adopted by Ordinance 17485. Policy was renumbered to S-639.	

23	GPP, Chapter 5, Page 5-40	Definition of Critical Salt Water Habitats	a. Critical saltwater habitat Critical saltwater habitats include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sand lance; subsistence, commercial and recreational shellfish beds; <u>mud</u> flats, spits, intertidal habitats with vascular plants, and areas with which priority species have a primary association. Critical saltwater habitats include both the shorelines and the adjacent submerged areas.	Definition consistent with WAC 173-26- 221(2)(c)(iii).	Adopted. See page 5-55 in Chapter 5 of the King County Comprehensive Plan adopted by Ordinance 17485.	
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