

Attachment C: King County Shoreline Master Program

Ecology Suggested Changes –

Ecology proposed changes are in **red**.

August 7, 2012

The following changes are recommended to create a more effective SMP:

King County Response – December 19, 2012

ITEM	DRAFT SMP Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	SUGGESTED ALTERNATIVE BY LOCAL GOVERNMENT New text in yellow highlighting.	ECOLOGY RESPONSE
1	King County Comprehensive Plan, Chapter 5, Section IX. Primary and Administrative Policies	Effective Date of SMP	<p>Delete Section IX.B.3:</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>	Publication of notice is now done by Ecology.	<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As an alternative, King County has repealed policies S-903 through S-906 and related text.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>	
2	KCC21A.25.100.C.5.c	Non-water dependent uses in shoreline jurisdiction	<p>Modify KCC21A.25.100.C.5.c to read:</p> <p>i. economic development for uses that are accessory to and supportive of the primary water-dependent use;</p> <p>ii. public access;</p> <p>iii. water-oriented recreation;</p>	Encourage water development uses and restoration projects.	Multimodal - As an alternative, the adopted ordinance deleted the reference to multimodal transportation. This is consistent with suggested	

			<p>iv. multimodal transportation circulation node with a water dependent element; v. conservation <u>and restoration</u> of critical areas, scenic vistas, aesthetics or fish and wildlife habitat; or <i>Note: Protection and “conservation” of these features is a default requirement for all development, and should not be used to justify approving a non-water-dependent use. Restoration is listed in the SMP Guidelines as an acceptable benefit.</i> vi. preservation of historic properties.</p>		<p>change # 5 on page 3 of this document. Restoration - Ordinance 17485 did not make this suggested change.</p>																																				
3	KCC 21A.44.085	Substantial Development Permit Criteria	<p>ADD KCC 21A.44.085 to read: <u>A Shoreline substantial development permit shall be granted by the department for permitted shoreline development and uses only if the applicant demonstrates the proposal is consistent with:</u> <u>(a) The policies and procedures of the act;</u> <u>(b) The provisions of this regulation.</u> <u>The burden of proving that a proposed substantial development permit meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.</u></p>	Adding Substantial Development Permit approval Criteria	King County believes this change is unnecessary and that the standards are already found elsewhere in its regulations.																																				
4	KCC 21A.25.220.B and C	Minimum Lot Width	<p>Modify KCC 21A.25.220.B and C to read: 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.</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> <tr> <td>Minimum lot area</td> <td></td> <td></td> <td>5 acres (2)</td> <td>5 acres (2)</td> <td>10 acres</td> <td>80 acres</td> <td>80 acres</td> <td></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)	Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres		Establish lot length to width ratios to minimize potential for irregularly shaped shoreline lots.	King County believes this change is unnecessary. The change was originally suggested by a public comment in order to avoid the possibility of a wall of houses along shorelines. King County requires a 165 foot buffer on shorelines in the rural area and 115 feet on those in the urban area. The buffer must be placed in a separate tract if lots are being created through a subdivision.					
	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																																	
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			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Minimum lot <u>length to width ratio</u></td> <td style="width: 10%; text-align: center;"><u>3:1</u></td> <td style="width: 10%; text-align: center;"><u>50 feet</u></td> <td style="width: 10%; text-align: center;"><u>100 feet</u></td> <td style="width: 10%; text-align: center;"><u>150 feet</u></td> <td style="width: 10%; text-align: center;"><u>150 feet</u></td> <td style="width: 10%; text-align: center;"><u>150 feet</u></td> <td style="width: 10%; text-align: center;"><u>330 feet</u></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;"><u>3:1</u></td> </tr> </table> <p>Impervious surface</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;">10% (3)</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> </table> <p>C. Development conditions.</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. c. <u>When lot clustering or averaging are used, lot layout shall be designed to provide separate tracts for shoreline buffers. Lots and plat infrastructure shall be located outside of shoreline jurisdiction, as much as feasible.</u> 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). 	Minimum lot <u>length to width ratio</u>	<u>3:1</u>	<u>50 feet</u>	<u>100 feet</u>	<u>150 feet</u>	<u>150 feet</u>	<u>150 feet</u>	<u>330 feet</u>			<u>3:1</u>	<u>3:1</u>	<u>3:1</u>	<u>3:1</u>	<u>3:1</u>	<u>3:1</u>					10% (3)						
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5	KCC 21A.25.100.C.5.c	Commercial Uses	<p>KCC 21A.25.100.C.5.c, KCC 21A.25.100.C.7.c, KCC 21A.25.100.C.8.c, shall be modified to read:</p> <p>KCC 21A.25.100.C.5.c:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. economic development for uses that are <u>accessory to and supportive of the primary water-dependent use</u>; 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. 	Clarifying significant public benefits for non-water dependent commercial uses.	<p>King County does not believe the suggested addition to the economic development benefit provision is needed.</p> <p>Ordinance 17485 removed the reference to “multimodal transportation circulation” as suggested. See page 97, line 1878, page 98, line 1899, and page 98, line 1911 of Ordinance 17485.</p> <p>Historic Properties - Ordinance 17485 modified the provision relating to</p>																									

		<p>KCC 21A.25.100.C.7.c:</p> <p>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 <u>accessory to and supportive of the primary water-dependent use</u>; 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.</p> <p>KCC 21A.25.100.C.8.c:</p> <p>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 <u>accessory to and supportive of the primary water-dependent use</u>; 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.</p>		<p>“historic properties” to allow non-water-dependent accessory uses that “protect and restore” historic properties. The former provision only allowed for the “preservation” of historic properties. The amendment was adopted in response to a comment from Futurewise and is consistent with RCW 90.58.100(2)(g). The amendments appear on page 97, line 1881, page 98, line 1902, and page 98, line 1914 of Ordinance 17485.</p>	
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6	New Section	CMZ mapping	<p>ADD new Section KCC 21A.25.205 to read:</p> <p><u>Channel Migration Zone Designation and Mapping.</u></p> <p><u>A. The Department of Development and Environmental Services and the Department of Natural Resources and Parks, by public rule, shall adopt:</u></p> <ol style="list-style-type: none"> <u>1. criteria for channel migration designation, classification and mapping, taking into consideration, at a minimum, Washington state department of ecology channel migration zone mapping guidelines; and</u> <u>2. channel migration zone studies and channel migration zone maps.</u> <p><u>B. The channel migration zone and its component channel migration hazard areas shall be delineated in a channel migration zone study that is the basis for each channel migration zone map.</u></p> <p><u>C. The channel migration zone study:</u></p> <ol style="list-style-type: none"> <u>1. shall evaluate evidence of historical channel locations and movement, basin-scale physical characteristics, current channel conditions and other relevant factors in order to delineate the channel migration zone;</u> <u>2. shall include the present channel within the channel migration zone;</u> <u>3. shall determine the extent of channel migration hazard areas within the channel migration zone; and</u> <u>4. may exclude areas from the channel migration zone that lie behind a lawfully established flood protection structure that is maintained by existing programs for public maintenance, transportation infrastructure, or other constructed feature if it is built above the elevation of the one hundred-year flood or if scientific or technical information otherwise demonstrate that the flood protection structure is not within the channel migration zone.</u> 	Addition of channel migration zone criteria.	Adopted, but added to K.C.C. Chapter 21A.24 (Critical Areas). See page 28, line 616 – page 29, line 639 of Ordinance 17485.	
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King County Suggested Changes						
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7	20.18.050 21A.24.051 21A.24.055	Rename department to permitting and environmental review	<p>K.C.C. 20.18.050</p> <p>A. Site-specific land use map and shoreline master program map amendments are legislative actions that may only be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.</p> <p>1. If initiated by council motion, the motion shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of ((development and environmental services)) <u>permitting and environmental review</u> for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-generated amendments. An analysis of the motion's fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds;</p> <p>2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of ((development and environmental services)) <u>permitting and environmental review</u> for preparation of a recommendation to the hearing examiner; and</p> <p>3. If initiated by property owner application, the property owner shall submit a docketed request for a site-specific land use map or shoreline master program map amendment. Upon receipt of a docketed request for a site-specific land use map or shoreline master program map amendment, the request shall be referred to the department of ((development and environmental services)) <u>permitting and environmental review</u> for preparation of a recommendation to the hearing examiner.</p> <p>B. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:</p> <ol style="list-style-type: none"> 1. Name and address of the owner or owners of record; 2. Description of the proposed amendment; 3. Property description, including parcel number, property street address and nearest cross street; 4. County assessor's map outlining the subject property; and 5. Related or previous permit activity. <p>C. Upon initiation of a site specific land use map or shoreline master program map amendment, an initial review conference will be scheduled by the department of ((development and environmental services)) <u>permitting and environmental review</u>. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department will review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to comprehensive plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and this information either will be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review</p>	Ordinance 17420 renamed the "department of development and environmental services" to the "department of permitting and environmental review"		

		<p>conference.</p> <p>D. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of ((development and environmental services)) <u>permitting and environmental review</u> to proceed with review of the proposed amendment.</p> <p>E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by council motion, following the initial review conference, the council shall submit an environmental checklist to the department of ((development and environmental services)) <u>permitting and environmental review</u> to proceed with review of the proposed amendment.</p> <p>F. If a proposed site-specific land use map or shoreline master program map amendment is initiated by executive proposal, following the initial review conference, the executive shall submit an environmental checklist to the department of ((development and environmental services)) <u>permitting and environmental review</u> to proceed with review of the proposed amendment.</p> <p>G. Following the submittal of the information required by subsections D., E. or F. of this section, the department of ((development and environmental services)) <u>permitting and environmental review</u> shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of ((development and environmental services)) <u>permitting and environmental review</u> shall provide notice of a public hearing and notice of threshold determination in accordance with K.C.C. 20.20.060.F., G., and H. The hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment in accordance with K.C.C. 20.24.400. A compilation of all completed reports will be considered by the council in accordance with K.C.C. 20.18.070.</p> <p>H. A property-owner-initiated for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with Ordinance 13147 and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision which will be determined before and separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 will be required in order to implement the potential zoning.</p> <p>I. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the comprehensive plan. Site specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 will be included in the next appropriate review cycle following issuance of the examiner's recommendation.</p> <p>J.1. No amendment to a land use designation or shoreline environment designation for a property may be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.</p>			
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2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

K. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

K.C.C. 21A.24.051

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 hydrologic systems on the site;
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
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.

E. 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:

1. A site inventory identifying critical areas, structures, cleared and forested areas, and other significant features on the site;
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>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. 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. of this section.</p> <p>G. 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)) <u>permitting and environmental review</u> shall first inform the department of natural resources and parks of the activity. Prior to taking code enforcement action, the department of ((development and environmental services)) <u>permitting and environmental review</u> 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.</p> <p>K.C.C. 21A.24.055</p> <p>A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section.</p> <p>B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan.</p> <p>C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall consider the following factors:</p> <ol style="list-style-type: none">1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map;2. The existing condition of wetland and aquatic area buffers;3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state department of ecology publication number 04-06-025, published August 2004;4. The location of the site in the drainage basin;5. The percentage of impervious surfaces and clearing on the site; and6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred. <p>D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan.</p> <p>E. Modifications of critical area buffers shall be based on the following prioritized goals:</p>			
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		<p>1. To the maximum extent practical, to avoid impacts to critical areas and, if applicable, to the shoreline jurisdiction;</p> <p>2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;</p> <p>3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;</p> <p>4. To maintain, restore or enhance native vegetation;</p> <p>5. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site;</p> <p>6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;</p> <p>7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and</p> <p>8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.</p> <p>F. If a part or all of the site is located within the shoreline jurisdiction, the rural stewardship plan shall:</p> <p>1. Consider and be consistent with the goals of the Shoreline Management Act and the policies of the King County Shoreline Master Program;</p> <p>2. Consider the priorities of the King County Shoreline Protection and Restoration Plan; and</p> <p>3. Ensure no net loss of shoreline ecological functions.</p> <p>G. A rural stewardship plan may include, but is not limited to, the following elements:</p> <p>1. Critical areas designation under K.C.C. 21A.24.500;</p> <p>2. Identification of structures, cleared and forested areas and other significant features on the site;</p> <p>3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;</p> <p>4. Analysis of impacts of planned changes to any existing structures, for other changes to the site that involve clearing or grading or for new development;</p> <p>5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site;</p> <p>6. A schedule for implementation of the elements of the rural stewardship plan; and</p> <p>7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur.</p> <p>H. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section.</p> <p>I. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100.</p> <p>J. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply:</p> <p>1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and</p>			
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8	21A.24.070C 21A.24.045	Hydroelectric facilities	<p>21A.24.070C Amend 21A.24.070C as follows:</p> <p>C. For the purpose of this section, "linear" alteration means infrastructure that supports development, that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, <u>hydroelectric generating facilities</u>, utility corridors and utility facilities.</p> <p>21A.24.045</p> <p>Add a new row under the heading "Utilities and other infrastructure"</p> <table border="1" data-bbox="758 1008 1961 1114"> <tr> <td><u>Construction or maintenance of a hydroelectric generating facility</u></td> <td><u>A 66</u></td> <td><u>A 66</u></td> <td><u>A 65</u></td> <td><u>A 65</u></td> <td><u>A 4, 65</u></td> </tr> </table> <p>Add new conditions 65 and 66 as follows:</p> <p><u>65. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100B.14., and only as follows:</u></p> <p><u>a. there is not another feasible location within the aquatic area with less adverse impact on the critical area and its buffer;</u></p> <p><u>b. the facility and corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;</u></p> <p><u>c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score 30 points or greater</u></p> <p><u>d. the corridor width is minimized to the maximum extent practical;</u></p> <p><u>e. paralleling the channel or following a down-valley route within an aquatic area buffer is avoided to the maximum extent practical;</u></p> <p><u>f. the construction occurs during approved periods for instream work;</u></p> <p><u>g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;</u></p> <p><u>h. The facility and corridor is not located within a severe channel migration hazard area;</u></p> <p><u>h. To the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;</u></p>	<u>Construction or maintenance of a hydroelectric generating facility</u>	<u>A 66</u>	<u>A 66</u>	<u>A 65</u>	<u>A 65</u>	<u>A 4, 65</u>	The changes are necessary to allow construction of new hydroelectric generating facilities within critical areas. These structures are allowed under the King County's shoreline regulations. See, K.C.C. 21A.25.100.		
<u>Construction or maintenance of a hydroelectric generating facility</u>	<u>A 66</u>	<u>A 66</u>	<u>A 65</u>	<u>A 65</u>	<u>A 4, 65</u>							

			<p><u>i. To the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:</u></p> <p><u>1. to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and</u></p> <p><u>2. the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;</u></p> <p><u>j. the facility does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and</u></p> <p><u>k. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility; and</u></p> <p><u>66. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100B.14, and only as follows:</u></p> <p><u>a. there is not another feasible location with less adverse impact on the critical area and its buffer;</u></p> <p><u>b. the alterations will not subject the critical area to an increased risk of landslide or erosion;</u></p> <p><u>c. the corridor width is minimized to the maximum extent practical;</u></p> <p><u>d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;</u></p> <p><u>e. the facility and corridor do not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury is eliminated or minimized in the landslide hazard area; and</u></p> <p><u>f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.</u></p>									
9	21A.24.045	commercial fish farms in aquatic areas.	<p>Add a new row in the table under the “agriculture” heading as follows:</p> <table border="1" style="margin-left: 20px;"> <tr> <td><u>Construction or maintenance of a commercial fish farm</u></td> <td></td> <td></td> <td><u>A 53, 54</u></td> <td><u>A 53, 54</u></td> <td><u>A 53, 54</u></td> </tr> </table>	<u>Construction or maintenance of a commercial fish farm</u>			<u>A 53, 54</u>	<u>A 53, 54</u>	<u>A 53, 54</u>	The change is necessary to allow aquaculture facilities in aquatic areas. This is an allowed use under King County’s shoreline regulations. See K.C.C. 21A.25.100.		
<u>Construction or maintenance of a commercial fish farm</u>			<u>A 53, 54</u>	<u>A 53, 54</u>	<u>A 53, 54</u>							
10	21A.24.045D.7.b. and 21A.24.045D.8	Expansions in critical area buffers	<p>7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:</p> <p>a. the expansion or replacement does not increase the footprint of a nonresidential structure;</p> <p>b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure ((or impervious surfaces)) allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of ((structures)) <u>the dwelling unit</u>. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and its buffer; ...</p>	Clarification of provisions allowing expansion of existing dwelling unit in a critical area buffer. Limits the expansion to the dwelling unit and excludes other structures and impervious surfaces.								

			<p>8. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if:</p> <p>a. <u>except as otherwise allowed under subsection D.7. of this section</u>, the structure is not located closer to the critical area;</p> <p>b. <u>except as otherwise allowed under subsection D.7. of this section</u>, the existing impervious surface within the critical area or buffer is not expanded; and</p> <p>c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation in accordance with an approved landscaping plan.</p>	Clarification of existing provision allowing relocation of structures in critical area buffers.		
11	21A.24.133D	Off-site in-lieu fee mitigation	<p>E. The department ((may)) <u>and the department of natural resources and parks have</u> developed a program to allow the payment of a fee in lieu of providing mitigation on a development site. The program ((should)) <u>addresses</u>:</p>	Recognizes that responsibility for an in-lieu fee mitigation program approved by Ecology and the USACOE is jointly administered by two county departments		
12	21A.24.382K - M	Development standards wildlife	<p>K. ((For a red-tailed hawk:</p> <p>1. The wildlife habitat conservation area is an area with a radius of three hundred twenty-five feet from an active nest located outside of the urban growth area; and</p> <p>2. Between March 1 and July 31, clearing and grading is not allowed within six hundred sixty feet of an active nest located outside of the urban growth area;</p> <p>L.)) The department shall require protection of an active breeding site of any ((species)) <u>federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections B. through ((K.)) J. of this section ((whose habitat is identified as requiring protection in the King County Comprehensive Plan))</u>. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science((; and</p> <p>M. In the area designated rural in the King County Comprehensive Plan, the department shall require an applicant to protect the active breeding site of any species whose habitat the king County Comprehensive Plan directs that the county should protect. The applicant shall protect the breeding site from destruction or other direct disturbance while it is occupied. If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science)).</p>	<p>Necessary to comply with the 2012 King County Comprehensive Plan as follows:</p> <ul style="list-style-type: none"> • The red-tailed hawk was removed from the list of species of local importance • Listed species are required to be protected in urban and rural areas. 		