Attachment C:  
Kenmore Shoreline Master Program  
Ecology Suggested Changes – Revised December 2011  
Ecology proposed changes are in red. The City proposed alternatives are highlighted.  
The following changes are recommended to create a more effective SMP:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DRAFT SMP Provision (Cite)</th>
<th>TOPIC</th>
<th>BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)</th>
<th>RATIONALE</th>
<th>SUGGESTED ALTERNATIVE BY LOCAL GOVERNMENT</th>
<th>ECOLOGY RESPONSE</th>
</tr>
</thead>
</table>
| 1    | KMC 16.50.060              | Land Divisions | Modify Section 16.50.60 (first paragraph) to read:  
Public access, shall be required for public projects and development on public lands (KMC 16.45.010.B.16), commercial and manufacturing uses (KMC 16.50.030.B2), boating facilities and marinas (KMC 16.50.050), multifamily development (KMC16.50.090.A.1), and subdivisions (land divisions) of more than four lots (KMC16.50.090.A.2). For development on private property, public access shall be required when such development would either generate or increase demand for public access and/or would impair existing legal access opportunities or rights.  
This changes is to avoid confusion. Kenmore may have 9 lot short plats. This makes it clear that any land division of greater than 4 lots is subject to public access requirements. | The City accepted this proposed change. |
| 2    | KMC16.65.020.B.2.a         | Minimum building setback | Modify KMC16.65.020.B.2.a to read:  
2. Single family residential development shall provide buffers and setbacks as follows:  
a. On Lake Washington in Shoreline Residential areas:  
i. A minimum shoreline buffer of 25 feet from the ordinary high water mark shall be provided as a vegetation conservation area.  
ii. The minimum building setback of 25 feet from the shoreline buffer may • '*' be reduced to five (5) zero (0) feet if vegetation in the required buffer is reestablished or enhanced, according to the maintenance purposes.  
This would maintain a minimum separation between buildings and the shoreline buffer for maintenance purposes. | The City accepted this proposed change. |
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<tr>
<td>3</td>
<td><strong>Restoration Plan, Chapter 4</strong></td>
<td><strong>Identification of Restoration Priorities</strong></td>
<td>Identify the relative priority for restoration activities listed in Chapter 4, Restoration Actions. This can include applying the Restoration Plan priorities to activities listed in Table 3, beginning on page 25 and expansion of the discussion in the implementation section on pages 32 and 33.</td>
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<td>This is suggested by public comments.</td>
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<td>The City rejected this proposed change.</td>
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<td>4</td>
<td><strong>Restoration Plan Map No. 4</strong></td>
<td><strong>Identification of Swamp Creek Wetland #4 as high quality habitat</strong></td>
<td>Identify Swamp Creek Wetland No. 4 as high quality habitat on Map 4 of the Restoration plan</td>
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<td>The City rejected this proposed change.</td>
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<td>5</td>
<td><strong>KMC 18.55.120.B</strong></td>
<td><strong>Minor grammatical correction.</strong></td>
<td>Modify KMC 18.55.120.B to read: First sentence of subsection, the word &quot;association&quot; should be replaced with &quot;associated&quot;.</td>
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<td>6</td>
<td><strong>KMC 16.50.060</strong></td>
<td><strong>Public access</strong></td>
<td>Modify KMC 16.50.060 to read: 16.50.060 Public Access. Public access shall be required for public projects and development on public lands (KMC 16.45.010.B.16), commercial and manufacturing uses (KMC 16.50.030.B2), boating facilities and marinas (KMC 16.50.050), multifamily development (KMC16.50.090.A.1), and subdivisions of more than four lots (KMC16.50.090.A.2). For development on private property, public access shall be required when such development would either generate or increase demand for public access and/or would impair existing legal access opportunities or rights. A. Where public access is required, it shall: 1. Connect to other public and private public access and recreation facilities on adjacent parcels along Lake Washington and the Sammamish River shorelines whenever</td>
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<td>Vegetation management standards application to public access</td>
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<td>The City accepted this proposed change.</td>
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feasible;
2. Be sited to ensure public safety;
3. Be open to the general public and accessible directly from a public right-of-way or by an easement granted to the City for public access;
4. Enhance access and enjoyment of the shoreline and provide features in scale with the development such as, but not limited to:
   a. View points;
   b. Places to congregate in proportion to the scale of the development;
   c. Benches and picnic tables;
   d. Beach or water access for boats; and
   e. Pathways for pedestrians and bicycles.
B. Where public access is required, the area dedicated and improved for public access shall be roughly proportional to the scale and character of the proposed development and its impacts.
C. Where public access is required, the Director shall prepare written findings demonstrating that the conditions imposed are consistent with the principles of nexus and rough proportionality, the Act and all relevant constitutional and other legal limits on regulation of private property.
D. Public access improvements shall be designed to be compatible with the purpose and intent of the shoreline environment in which they are constructed.
E. Trails and other public access improvements are subject to the standards for recreational uses in section KMC 16.65.020 and the vegetation management standards in KMC 16.60.020.B.
F. The provisions of this section do not apply to the following:
1. Short plats of four or fewer lots;
2. Where public access is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment; or
3. Where constitutional or other legal limitations apply.

KMC 16.60.020.B and KMC 16.65.020.B.4 Vegetation management

Modify KMC 16.60.020.B to read:

B. Vegetation management standards established in KMC 18.55.420 for streams and their buffers shall apply within Sammamish River and Swamp Creek shorelines. In addition to provisions for recreational uses in KMC 16.60.020 allowing limited modifications to critical area buffers for the purposes of public access improvements, the following standards shall apply in shorelines:

1. In Swamp Creek Park, public access trails may be located within critical areas and required buffers, when planned along with a habitat restoration project and it is demonstrated that the ecological functions of the overall standard stream buffer area would be substantially improved. Trails in Swamp Creek Park roughly paralleling the shoreline of the Sammamish River or Swamp Creek shall generally be located at least 50 feet from the ordinary high water mark, but trails may extend closer to the water if necessary to reduce impacts on critical areas or adjacent properties, or access a pedestrian bridge across Swamp Creek. Spur trails may be extended to the water’s edge but such access areas should be limited in order to protect ecological functions of the stream buffer and wetlands.

B2. When public access is being provided as a part of mixed use development allowed in the Urban Conservancy environment

Vegetation management standards application to public access

The City accepted this proposed change.
under KMC 16.50.030.B.2.a.ii, the director may allow public access trail development within the buffer in order to link with adjacent shoreline access, provided any new trail is farther from the shoreline than the waterward extent of existing development on the site and the proposed trail plan is accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved.

Modify KMC 16.65.020.B.4 to read:

4. New public access improvements shall comply with the requirements of KMC 18.55, provided that new public access improvements may be allowed within critical areas, or shoreline or critical area buffers if impacts are mitigated consistent with the requirements in KMC 18.55.190-220, 18.55.330 and 18.55.430 such that there is no net loss of shoreline ecological processes or functions, and the public access improvements meet the following standards:

   a. In order to encourage public access improvements and improved shoreline habitat in the Downtown Waterfront shoreline, a public access trail may be located within the stream buffer required in KMC 18.55.420, when accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved. Trails paralleling the shoreline of the Sammamish River in the Downtown Waterfront environment shall be located at least 50 feet from the ordinary high water mark. Spur trails may be extended to the water’s edge but such access areas should be limited in order to protect ecological
functions of the buffer.

b. In order to allow for a waterfront promenade area along the inner harbor area of the Downtown Waterfront environment, public access improvements may extend to the water’s edge when accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved.

c. In Swamp Creek Park, public access trails may be located within critical areas and required buffers, when planned along with a habitat restoration project and it is demonstrated that the ecological functions of the overall standard stream buffer area would be substantially improved. Trails in Swamp Creek Park roughly paralleling the shoreline of the Sammamish River or Swamp Creek shall generally be located at least 50 feet from the ordinary high water mark, but trails may extend closer to the water if necessary to reduce impacts on critical areas or adjacent properties, or access a pedestrian bridge across Swamp Creek. Spur trails may be extended to the water’s edge but such access areas should be limited in order to protect ecological functions of the stream buffer and wetlands.

d. When public access is being provided as a part mixed-use development allowed in the Urban Conservancy environment under KMC 16.50.030.B.2.a.ii, the director may allow public access trail development within the buffer in order to link with adjacent shoreline access, provided any new trail is farther from the shoreline than the waterward extent of existing development on the site and...
the proposed trail plan is accompanied by a plan demonstrating that the ecological functions of the overall required buffer area on a project site would be substantially improved.

8 KMC 16.65.020.B.1 Standards for water dependent uses

Modify KMC 16.65.020.B.1 to read:

Development conditions (Footnotes to Shoreline Density And Dimensions Table KMC 16.65.020.A).

1. New water-dependent uses may be allowed within a shoreline buffer only if impacts are mitigated consistent with the requirements in KMC 18.55.190-220, 18.55.330 and 18.55.430 such that there is no net loss of shoreline ecological processes or functions. The director may allow non-water-dependent uses within the shoreline buffer along the inner harbor portion of the Downtown Waterfront area at the northeast end of Lake Washington, only if:
   a. The uses are developed in conjunction with a public access promenade adjacent to the water;
   b. The uses do not interfere with public access or preclude the use of the shoreline for water dependent uses;
   c. Mitigation is provided consistent with the requirements in KMC 18.55.190-220, 18.55.330 and 18.55.430 such that there is no net loss of shoreline ecological processes or functions.

Clarifying that all parts of subsection are applicable

The City accepted this proposed change.

9 KMC 16.65.020.B.3 Standards for water dependent uses

Modify KMC 16.65.020.B.3 to read:

3. Outdoor storage for water-dependent manufacturing and industrial uses must be at least 20 feet from the ordinary high water mark in the Downtown Waterfront environment and is prohibited in all other environments.

Clarifying location of outdoor storage

The City accepted this proposed change.
<table>
<thead>
<tr>
<th></th>
<th>KMC 16.75.050.C</th>
<th>Nonconforming uses and structures</th>
<th>Modify KMC 16.75.050.C to read:</th>
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</table>
| 10| KMC 16.75.050.C | Nonconforming uses and structures | C. Expansion of a nonconforming use or structure may be approved through the provisions of KMC 16.75.040 when the applicant demonstrates the following.  
1. The project would substantially reduce the impacts of the existing use or structure on shoreline ecological functions, and  
2. The proposed expansion would not cause adverse impacts on adjacent shoreline uses.  
3. A nonconforming structure shall not be expanded closer to the shoreline. |
|   |     | Clarifying the limits on expansion of nonconforming structures. | The City proposes alternative language. If the City alternative is not acceptable to Ecology, then the City will reject the suggested change.  
Modify KMC 16.75.050.C to read:  
C. Expansion of a nonconforming use or structure may be approved through the provisions of KMC 16.75.040 when the applicant demonstrates the following.  
1. The project would substantially reduce the impacts of the existing use or structure on shoreline ecological functions, and  
2. The proposed expansion would not cause adverse impacts on adjacent shoreline uses.  
3. A nonconforming structure shall not be expanded closer to the shoreline. |
|   |     | Ecology accepts the City's proposed alternative language. | Ecology accepts the City's proposed alternative language. |
|   | Shoreline Environment Designations Map | Mapping of H-4 Special Height Area to exclude wetlands | The H-4 area on the Shoreline Environment Designations Map shall be revised to exclude mapped wetlands.  
Removing areas from the H-4 Special Height Area where increased building heights are inappropriate. | The City accepted this proposed change. |
|   |     | The City proposes the following additional change: Amend KMC 18.55.530.A.1 as follows:  
18.55.530 Performance standards -- Specific habitats.  
A. Endangered, Threatened, and Sensitive Species.  
1. No development shall be allowed within a fish and wildlife habitat of importance or buffer with which state or federally endangered, threatened, or sensitive species have a primary association except as otherwise approved through this chapter. For fish habitat of importance on lands regulated under the Kenmore | Ecology accepts the City's proposed alternative language. |
| Shoreline Master Program, development that also must meet the use and development requirements of the Kenmore Shoreline Master Program may be allowed. |