

**Attachment C: Ecology Recommended Changes – Gig Harbor Shoreline Master Program, Resolution No. 921.** The following changes are recommended to clarify elements of the City’s SMP locally adopted 12/17/2012

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES ( <u>underline</u> = additions; <del>strikethrough</del> = deletions)	RATIONALE
1	Chapter 2, page 2-39	Definition of “substantial development”	"Substantial development" shall mean any development of which the total cost or fair market value exceeds <del>five six</del> thousand <del>seven four</del> hundred and <del>eighteen sixteen</del> dollars (\$6,416), or as adjusted by the State Office of Financial Management, or any development which materially interferes with the normal public use of the water or shorelines of the state.	Typographical error. The correct number is \$6, 416.
2	Chapter 5, Section 5.2.3.D, page 5-13	Urban conservancy environment management policies	6. Restoration and protection of stream mouths and associated wetlands for Crescent, Donkey, <u>and</u> McCormick, <del>Goodnough, and Purdy</del> Creeks is a high priority.	Typographical error. The City is not pre-designating the Urban Growth Area (UGA) on Henderson Bay and Burley Lagoon. Creek citations were inadvertently left in the text.
3	Chapter 6, Section 6.1, page 6-1	Goal statement	It is the goal of the City of Gig Harbor to give preference to water-dependent and other water-oriented uses...in Gig Harbor Bay <del>and Purdy</del> .	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon.
4	Chapter 6, Section 6.1.1, page 6-1	Preferred uses	Policy A: Give preference to shoreline uses that are water-oriented (water-dependent, water-related, or water-enjoyment); provide public access and recreational opportunity; or are <u>single-family residential uses</u> , consistent with state policy (RCW 90.58.020)....	In response to comment, the City suggested language to provide policy support for such uses. (Comment #26, Attachment D)
5	Chapter 6, Section 6.1.1, page 6-2	Protection of Rights	Policy E: Ensure that proposed shoreline uses do not unreasonably infringe upon the rights of others or the rights of private ownership, that uses do not create <u>undue</u> risk or harm to others (e.g., landslide and erosion hazards to adjacent properties), and that existing water-side access to properties is not impacted.	In response to comment, the City suggested the revised policy. (Comment #34, Attachment D)
6	Section 6.2.1 Marine Shorelines, Vegetation Conservation and Critical Areas, page 6-4	General Policies – Habitat	D. Preserve and protect habitat which provides the shoreline’s unique value, including the Crescent Creek and Donkey Creek estuaries, and McCormick, <del>Goodnough, and Purdy</del> Creeks, and...	Typographical error. The City has chosen to not pre-designate the UGA on Henderson Bay and Burley Lagoon. Creek citations were inadvertently left in the text.
7	6.6.2 Regulations – No Net Loss and Mitigation, page 6-6		1) Uses and development that cause a net loss of ecological functions and processes shall be prohibited. <del>Any use or development that causes the future ecological conditions to become worse than current condition shall be prohibited.</del> All uses and development shall provide a	City suggested revision in response to comment. (Comment #36, Attachment D)

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			report to the Shoreline Administrator that addresses no net loss of ecological function associated with a development proposal in a format approved by the City.	
8	6.2.5.3 Critical Area Buffer Activity Allowance, page 6-29		Public access, pursuant to section 6.2.4, and water-dependent activities or development, pursuant to subsection 6.2.5, are allowed within the regulated vegetation conservation strip <del>pursuant to section 6.2.4 and water-dependent activities or development</del> and are also allowed in the regulated critical area buffer pursuant to subsection 6.2.5 provided <u>the mitigation sequence has been followed and any remaining impacts have been mitigated to ensure there is no net loss of shoreline ecological functions occurs.</u>	Suggested revision clarifies that water-dependent activities and public access can occur within the buffer and/or vegetation conservation strip.
9	6.2.5.23 Critical Fish and Wildlife Habitat Areas, page 6-62		4(c)(vi) Assessment of project impact or effect on water quality in Crescent, Donkey <del>[north]</del> , or McCormick, Creeks, and any proposed methods or practices....	Typographical errors
10	6.3 Flood Hazard Reduction, page 6-72	Reference to stormwater plan and stormwater manual	It is the goal of the City of Gig Harbor to limit development and shoreline modifications that may cause a significant flood hazard...it is recognized that municipal surface water management activities may be necessary to address the City's obligations pursuant to its <del>2009</del> <u>adopted</u> Stormwater Comprehensive Plan and <del>2010</del> Stormwater Management and Site Development Manual...	Neither document is intended to be part of the SMP. The suggested language revision would provide a more generalized reference which should help avoid any future conflicts when the city updates its stormwater documents.
11	6.5.1 Public Access	Policies – views and visual access	Policy I: Preserve views and vistas to and from the water, to enjoy the aesthetic qualities and character of Gig Harbor shorelines. Expand opportunities for visual public access to shorelines <u>commensurate with obligations for urban infilling under the Growth Management Act, and the rights of private property owners.</u>	City suggested language in response to comments. Strengthens consistency of the master program with state and federal law. (Comment #45, Attachment D)
12	6.5.2 Public Access, page 6-77 to 6-78	Regulations - Public Access Required	1) Shoreline substantial developments and/or conditional uses shall provide public access where any of the following conditions are present except as provided in Section 6.5.2 Item 2: ... b) Proposed <u>water enjoyment, water-related and non-water dependent</u> commercial or industrial shoreline developments. ... <u>e) Where a use or development will interfere with a public use of land or waters subject to the public trust doctrine.</u>  2) <u>The requirement for public access shall be determined based on a site specific analysis.</u>	Language suggested by Gig Harbor in response to comments. The proposed revision strengthens the draft SMP's consistency with WAC 173-26-221(4) and with state and federal case law regarding constitutionally protected property rights.  (Comment #44, Attachment D)

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			<u>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.</u> 23) 34) 45)	
13	Tables 7-1 and 7-2		Suggested revisions are individually listed below, with applicable rationale, but are also shown in exhibits C-1 and C-2 (attached)	
14	Table 7-1 Shoreline Modification Matrix Page 7-2	Clearing and grading	Under Natural revise as follows:  P – only for : 1)activities associated with shoreline restoration 2) public access improvement <del>with conditions</del> and 3) <del>allowed shoreline uses</del> <u>in association with an approved shoreline development</u>	Revision suggested to improve language consistency in the table
15	Table 7-1 Shoreline Modification Matrix Page 7-3	Fill and excavation	in each column, make the following change:  2) public access improvement <del>with conditions</del> and 3)	Deletion is suggested for clarity. The phrase “with conditions” is unnecessary.
16	Table 7-1 Shoreline Modification Matrix, page 7-3	Fill (waterward of OHWM)	In each column, make the following change:  P – for activities associated with shoreline restoration and City utility activities <sup>1</sup> <del>only</del>	Deletion is suggested to remove an unneeded word
17	Table 7-2 Shoreline Use Matrix, page 7-6 to 7-7	Aquaculture – Fish hatcheries & net pens/finfish	Make the following revision under Urban Conservancy, Low Intensity and Marine Deepwater:  X:net pens/finfish-Gig Harbor Bay, <del>including UGA,</del> & Henderson Bay	Deletion of all references to Urban Growth Area (UGA) is suggested for clarity. The standard is the same both within city limits and in the UGA so the distinction is not necessary. The SMP will only apply to those areas within the UGA upon annexation.
18	Table 7-2 Shoreline Use Matrix, page 7-6 and 7-7	Aquaculture Bottom Culture: on-bed and on-cultch	For the following Method Types: Bottom Culture: on-bed and on-cultch; Bag, Rack & Bag, Stake, and Long-line; Hydraulic Harvest Methods:  Under Urban Conservancy: C: Henderson Bay <u>&amp; Colvos Passage</u> X: Gig Harbor Bay, <del>including UGA, and Colvos Passage</del>	City suggested revisions for consistency across environment designations and with the established conditions of Gig Harbor shorelines (see Inventory & Characterization). Gig Harbor Bay is documented as well developed, with an

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			<p>Under Low Intensity:  C: Henderson Bay, <u>Colvos Passage &amp; Tacoma Narrows</u>  X: Gig Harbor Bay, <del>including UGA, Colvos Passage &amp; Tacoma Narrows</del></p> <p>Under Marine Deepwater:  C: Henderson Bay, <u>Colvos Passage &amp; Tacoma Narrows</u>  X: Gig Harbor Bay, <del>including UGA, Colvos Passage &amp; Tacoma Narrows</del></p>	armored shoreline and other existing priority uses (commercial fishing and water-dependent recreational). It is also documented that there are navigational conflicts that currently exist.
19	Table 7-2 Shoreline Use Matrix, page 7-7	Aquaculture – Floating Culture: mussel rafts	<p>Under Urban Conservancy:  <del>N/A</del>: Henderson Bay &amp; Colvos Passage</p> <p>Under Low Intensity:  <del>N/A</del>: Henderson Bay, Colvos Passage &amp; Tacoma Narrows</p> <p>Under Marine Deepwater:  C: Henderson Bay, <u>Colvos Passage &amp; Tacoma Narrows</u>  X: <del>Prohibited in</del> Gig Harbor Bay, <del>Colvos Passage &amp; Tacoma Narrows</del></p>	City suggested revisions for consistency across environment designations and with the established conditions of Gig Harbor shorelines (see Inventory & Characterization). Gig Harbor Bay is documented as well developed, with an armored shoreline and other existing priority uses (commercial fishing and water-dependent recreational). It is also documented that there are navigational conflicts that currently exist.
20	Table 7-2 Shoreline Use Matrix, pages 7-8 and 7-9	Commercial Uses	<p>Under Urban Conservancy and Low Intensity, add footnote superscript '3' and a new footnote #3 on page 7-12 (see item 25 below):</p> <p>P-water-oriented and non-water oriented uses landward of OHWM<sup>3</sup></p> <p>Under City Waterfront add: <u>C-non-water oriented uses waterward of OHWM</u></p>	Suggested footnote cross-references additional regulations related to non-water oriented commercial uses
21	Table 7-2 Shoreline Use Matrix, page 7-9	Commercial Fishing Moorage	Delete footnote superscript '4' under Urban Conservancy and Low Intensity: P <sup>4</sup>	Deletion is needed because the footnote no longer applies and is also being deleted.
22	Table 7-2 Shoreline Use Matrix, page 7-10	Industrial Use types – Industrial, Levels 1 & 2	Under Urban Conservancy, delete footnote superscript '3': X <sup>3</sup>	Typographical error. Deletion is needed because footnote 3 was removed when the Henderson Bay UGA was removed from the SMP.

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23	Table 7-2 Shoreline Use Matrix, page 7-11	Signs and Outdoor Advertising	Under Marine Deepwater, add a footnote reference '6' and a new footnote #6 on page 7-12 (see item 25 below): X <sup>6</sup>	Add footnote to clarify that there is one exception to the prohibition.
24	Table 7-2 Shoreline Use Matrix, page 7-12	Utilities	Add to Low Intensity, City Waterfront, Historic Working Waterfront and Marine Deepwater: <u>P – if accessory to primary permitted use</u>	Suggested addition for consistency with 7.21.2, regulation 6 on page 7-81
25	Table 7-2 Shoreline Use Matrix, page 7-12	Footnotes	Add two footnotes, delete one footnote and renumber:  <sup>1</sup> Any method involving vehicles... <sup>2</sup> Hydraulic harvest... <sup>3</sup> <u>Refer to subsection 7.12.2 for limitations on non-water oriented commercial uses within the Urban Conservancy and Low Intensity SED's</u>  <del><sup>4</sup>See subsection 7.11.11 for limitations on commercial fishing moorage within the Urban Conservancy and Low Intensity Environmental Designations.</del> <del><sup>5</sup>See section 7.16 for additional requirements that apply to historic net sheds.</del> <del><sup>6</sup>Uses not specifically permitted or conditionally permitted are prohibited.</del> <sup>6</sup> <u>See subsection 7.19.2.5 for allowable signs in the Marine Deepwater SED</u>	Typographical corrections and additions for clarity and consistency within the SMP
26	7.3 Clearing and Grading, page 7-17	Stormwater requirements	1) Clearing and grading activities shall only be allowed in association with an allowed shoreline development, use or restoration activity and in accordance with GHMC <u>14.20 Stormwater Management</u> , 14.40 Grading and 17.94 Land Clearing.  2) Clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan pursuant to GHMC 17.78 and 17.99.240. <del>If the area of clearing or grading totals one acre or greater (43,560 square feet), located on site, in or outside of shoreline jurisdiction, then water quality and erosion control measures shall be established through the NPDES Construction Stormwater General Permit and associated Stormwater Pollution Prevention Plan (SWPPP). If the area of clearing or grading is less than one acre, but includes disturbance in shoreline jurisdiction, a Temporary Erosion and Sediment Control (TESC) Plan shall be required. The TESC Plan shall employ best management practices (BMPs) consistent with the City's Stormwater Management and Site Development Manual.</del>	Revision is suggested to "loosely reference" the City's stormwater regulations. More specific language is deleted to avoid the need for an SMP revision in the future resulting from NPDES (National Pollutant Discharge Elimination System) permit revisions.
27	7.4.3 Dredging		4. when consistent with this Program, disposal of dredged materials in water areas other than	Suggested language replaces an

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	<b>Disposal, page 7-22</b>		PSDDA sites <u>authorized under the DMMP</u> may only be allowed in approved locations for the following...	outdated reference
<b>28</b>	<b>7.5 Fill &amp; Excavation, pages 7-23 to 24</b>	Global change	Replace “stormwater shoreline pipe” with “stormwater pipe outfalls”	Revision suggested for consistency.
<b>29</b>	<b>7.7 Pedestrian Beach Access Structures, Page 7-26</b>		Regulation 1: Private beach access structures are prohibited in the Natural shoreline environment designation. Publicly owned structures are allowed subject to consistency with the regulations set forth in this section and subsection 6.2.4.98.	Typographical error – incorrect citation.
<b>30</b>	<b>7.9.2 Regulations/Demonstration of Need – New, Expanded or Replaced Shoreline Stabilization Structures, pages 7-31 to 7-32</b>		1) New bulkheads and expansions of existing bulkheads shall incorporate features... <del>Replacement of one hundred (100) percent of the lineal feet of an existing bulkhead within any five (5) year period shall be regulated as “new, expanded, or replaced” structures and subject to consistency with Best Management Practices.</del> 2)	Gig Harbor requested revision because the provision went beyond requirements of WAC 173-26 and would have been difficult to administer. Replacement of shoreline stabilization structures is addressed in regulation #3 of the same section.
<b>31</b>	<b>7.9.5 Jetties, Breakwaters, Groin Systems, page 7-36</b>		1. Jetties and breakwaters are prohibited in all environment designations. Groin systems are conditionally allowed when they are an integral component of a professionally designed harbor, marina, or port. Where permitted, <del>floating, portable or submerged groin structures, or smaller discontinuous structures are preferred where physical conditions make such alternatives with less impact feasible.</del> <u>shall be designed in a manner to allow fish passage and minimize impacts to the aquatic environment.</u> Defense works that substantially reduce or block littoral drift and cause erosion of downdrift shores, shall not be allowed unless an adequate long-term professionally engineered beach nourishment program is established and maintained.	Revised language is suggested by the City to clarify what is allowed.
<b>32</b>	<b>7.10.3 Regulations – Geoduck Harvesting</b>		Revise section title to read: 7.10.3 Regulations – Geoduck <del>Harvesting</del>	The regulations are not limited to harvesting but address planting, harvesting and operational activities related to geoduck aquaculture.
<b>33</b>	<b>7.11.1 Boating and Marinas: Piers, Docks, and</b>	Policies	Policy A: New or expanded boating facilities and accessory uses should be clustered with similar facilities along the waterfront, to avoid impacts to critical saltwater habitat, the Donkey and Crescent Creek estuaries, and the stream mouths of <del>Purdy,</del>	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon. Creek citations

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	<b>Moorage, page 7-44</b>		<del>Goodnough, and McCormick Creeks.</del>	were inadvertently left in the text.
<b>34</b>	<b>7.11.5 – Regulations – Mooring Buoys, page 7-48</b>		1. Mooring buoys and buoy fields shall not be allowed <del>waterward of the outer harbor line or</del> within designated navigation channels where established by Washington Department of Natural Resources or the U.S. Coast Guard. <u>A minimum 50-foot wide navigation channel shall be maintained between the Outer Harbor Line and any mooring buoy or buoy field located on the water ward side of the Outer Harbor line.</u>	City requested revision. Removes conflict on allowed location of buoy and buoy fields created by city annexation of Gig Harbor Bay-developed consistent with DNR requirement for maintaining navigation channel waterward of outer harbor line.
<b>35</b>	<b>7.12.1 Commercial Uses, page 7-57</b>		Policy A: Give preference to water-dependent commercial uses, then to water-related and water-enjoyment commercial uses in shoreline locations. Non-water-oriented commercial uses should be allowed in the <del>Purdy Commercial and City Waterfront</del> shoreline environment designations. Non-water oriented commercial uses in other shoreline environment designations may be allowed if they are combined with public benefits, such as historic preservation, public access, education and shoreline ecological restoration.	Typographical error. The City is not pre-designating the UGA on Henderson Bay and Burley Lagoon. Citations were inadvertently left in the text.
<b>36</b>	<b>7.12.1 Commercial Uses, page 7-57</b>	Adjacent uses and views	<del>C. Adjacent uses and views</del> Ensure that the design of commercial development is visually compatible with adjacent and upland properties and that the height, bulk, and scale do not impair views.	City suggested deletion in response to comment and because Policy C contains policy support that is addressed by other policies of the master program. (Comment #55, Attachment D)
<b>37</b>	<b>7.12.2 Regulations, page 7-58</b>	Commercial uses	6) <u>In the Historic Working Waterfront Shoreline Environment Designation, N</u> non-water oriented commercial uses are allowed as a conditional use within existing overwater structures for those properties listed on the City's Register of Historic Places pursuant to GHMC Section 17.97.040 Register of historic places.	City requested change to align the use provision with the intent of the Historic Working Waterfront SED
<b>38</b>	<b>Section 7.18, page 7-71</b>		Policy A: Give preference to single-family residences as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the shoreline environment. <del>New over-water residences shall not be allowed.</del>	Suggested deletion of a repetitive sentence. The issue is addressed in Policy B.
<b>39</b>	<b>Section 7.18.2 Page 7-72</b>	Residential regulations	1) New and expanded overwater residential development including garages, accessory buildings, boathouses, house boats, floating homes and house barges shall be prohibited unless otherwise specified in this chapter. <del>Existing overwater residences, including those located within the overwater residential community of Nesika Beach may be maintained consistent with</del>	Suggested language and organizational revisions for clarity and internal consistency.

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			<p><del>the regulations set forth in Section 8.11 – Nonconforming Uses and Structures.</del></p> <p><u>2) Existing overwater residences, including those located within the overwater residential community of Nesika Beach may be maintained consistent with the regulations set forth in Section 8.11 – Nonconforming Uses and Structures.</u></p> <p><del>23.</del></p> <p><del>34.</del> A primary residence shall be allowed on each lot provided none of the following are necessary:  a) New <u>structural</u> shoreline stabilization measures that would cause significant impacts to other properties or public improvements or a net loss of ecological functions; ...</p>	
40	7.18.2, page 7-73		5) Prior to the granting of a Shoreline Permit Exemption, Substantial Development Permit, Shoreline Conditional Use Permit, <u>Shoreline Variance Permit</u> , or Building Permit, the City shall....	Typographical error
41	7.20.4 Parking Regulations, page 7-78		4. Parking areas shall be located no closer to the site’s OHWM than allowed for structures on the site. Where feasible, parking areas shall be located on the landward side of proposed structures. <u>Parking and loading areas shall be allowed pursuant to subsections 7.11.9.7.b and 7.11.11.1.a.</u>	Added language references minor exceptions to the standard.
42	8.1.2 Administrator Page 8-2	Permit forms	5) Determining that all applications and necessary information and materials are provided to the public. The Joint Aquatic Resource Application (JARPA) <u>or other application forms deemed appropriate by the Administrator, may</u> <del>shall</del> be used for making application for the required shoreline permits...	Suggested language allows the City flexibility in what application forms to use.
43	8.1.2 Administrator Page 8-2	Summary report	15) Providing a summary report of the decisions on shoreline permits, <u>including shoreline exemptions and enforcement actions,</u> during the past calendar year to the City Council....	Suggested language clarifies that activities exempt from permits should also be included in the assessment of how implementation of the SMP is working.
44	8.2.1 Shoreline Substantial Development Permit, page 8-5		A. A permit is required for any development with a total cost or fair market value exceeding <del>five</del> <u>six thousand seven hundred and eighteen sixteen</u> dollars (\$ <del>5,7186,416</del> ) (or the value as amended or adjusted for inflation per RCW 90.58.030 [3] [e]) or any development which materially interferes with the normal public use of the water...	Updated threshold dollar figure effective September 2012

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45	8.2.3 – Statement of Exemption, page 8-14	No net loss	Add the following subsection and renumber those that follow:  <b><u>B. No Net Loss Analysis</u></b> <u>In all instances involving a formal shoreline permit exemption as addressed pursuant to Subsection 8.2.3.A above, or, in the alternative, an informal determination that a development proposal is exempt from the formal exemption process, a no net loss analysis shall be provided to the city for review in a format approved by the Planning Department. Exempt developments that cause a net loss of ecological functions and processes shall be subject to the requirements of Section 6.2.2 and shall mitigate project impacts consistently with the requirements of Subsection 6.2.2.3-6.</u>	City requested revision to improve consistency with WAC 173-26
46	8.2.5 Shoreline Variance Permit page 8-19	Hearing Examiner review criteria	5) Variances from the permitted use regulations <del>of the modification and use matrices set forth in Tables 7-1 and 7-2</del> of the Master Program are prohibited.	Suggested language is more consistent with WAC 173-27-170 review criteria.
47	8.7 Appeals Page 8-24		Revise the last sentence to read: All appeals of any final permit decision must be made to the Shorelines Hearing Board within twenty-one (21) days of the date of filing <del>of Ecology's final decision</del> concerning the shoreline permit approval or formal approval to revisions of the permit.	Suggested language clarifies that appeal periods are triggered by the date of filing in all instances, regardless of who makes the final decision.
48	8.8.1 Construction Timing, page 8-24		Construction pursuant to a Substantial Development Permit shall not begin and is not authorized until twenty-one (21) days after the "date of filing"; provided no appeals have been initiated during this twenty-one (21) day period. "Date of filing" is the date of actual receipt by Ecology of the <del>permit</del> <u>local government's decision</u> .  ... <u>When a local government simultaneously transmits to the department its decision on a shoreline substantial development with its approval of either a shoreline conditional use permit or variance, or both, "date of filing" means the date the decision of the department is transmitted by the department to the local government.</u>	Suggested revisions improve consistency with RCW 90.58.140(6)(c)
49	8.8.3 Permit Revision, page 8-26		A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from that which was approved in the permit. When a revision of a permit is sought, the applicant shall submit detailed plans and text describing the proposed changes in the permit and demonstrating compliance with the following minimum standards, consistent with WAC 173-27-100.  <u>1) If local government determines that the proposed changes are within the scope and intent of</u>	Suggested revisions improve consistency with WAC 173-27-100

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			<p><u>the original permit, and are consistent with the master program and the act, local government may approve a revision.</u></p> <p>2) <u>Within the scope and intent of the original permit means all of the following:</u></p> <p>1) <del>a.</del> <u>No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10) percent from the provisions of the original permit, whichever is less;</u></p> <p>2) <del>b.</del> <u>Ground area coverage and height may be increased a maximum of ten (10) percent from the provisions of the original permit;</u></p> <p>3) <del>c.</del> <u>The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the Program except as authorized under a variance granted as the original permit or a part thereof;</u></p> <p>4) <del>d.</del> <u>Additional or revised landscaping is consistent with any conditions attached to the original permit and with the Program;</u></p> <p>5) <del>e.</del> <u>The use authorized pursuant to the original permit is not changed; and</u></p> <p><u>f. No adverse environmental impact will be caused by the project revision.</u></p> <p><u>3) Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.</u></p> <p><u>4) If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall</u></p>	

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			<p><u>require that the applicant apply for a new permit.</u></p> <p><u>5) The revision approval, including the revised site plans and text consistent with the provisions of WAC <b>173-27-180</b> as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed by the city with the Department of Ecology. In addition, local government shall notify parties of record of their action.</u></p> <p><u>6) If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the Department of Ecology for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.</u></p> <p><u>7) The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the Department of Ecology.</u></p> <p><u>8) Appeals shall be in accordance with RCW <b>90.58.180</b> and shall be filed within twenty-one days from the date of receipt of the local government's action by the Department of Ecology or, when appropriate under subsection (6) of this section, the date the Department of Ecology's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.</u></p> <p><del>6)</del></p> <p><del>If the proposed changes are determined by the Administrator to be within the scope and intent of the original permit, and are consistent with the SMA, the Guidelines, and this SMP, the revision shall be approved. The detailed plans and text describing the proposed changes and</del></p>	

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			<p><del>the City's final ruling shall be filed with Ecology. The Administrator shall also notify parties of record.</del></p> <p><del>If the proposed revisions do not meet the criteria listed above, an application for a new shoreline permit must be submitted. If the revisions involves a Conditional Use or Variance Permit, the revision must also be reviewed and approved by Ecology.</del></p>	
50	8.11.8 Nonconforming Structures, page 8-34	Intentional removal	<p>c) Any such nonconforming structure or nonconforming portion of a structure that is intentionally damaged, intentionally altered, <u>or intentionally removed</u> may be reconstructed to the same or smaller configuration existing immediately prior to the time the structure was damaged or altered provided the following standards are met:</p> <p>i) The subject property is not located in a Natural shoreline environment designation.</p> <p>ii) Reconstruction shall occur within one (1) year of the time of intentional damage or alteration or not at all. <u>The Administrator may grant not more than two (2) one-year extensions based on good cause.</u></p>	City requested revision. The proposed approach is consistent with the two (2) one-year extensions that can be authorized to allow reconstruction for a nonconforming structure destroyed by fire, act of nature or other causes beyond the control of the owner (see subsection 8.11.8.1.b.i). The additional time allowed also provides a reasonable length of time to obtain required permits and build the project.
51	Global correction	Name of responsible official	Replace all instances of "community development director" or "Director" with "Administrator"	Typographical errors