

Attachment C: Recommended Changes

ITEM	SMP Submittal PROVISION	TOPIC	SMP CODE. Suggested changes shown in <u>underline</u> (additions), <del>striketrough</del> (deletions)	COMMENTS
1	Table of Contents		<p>Source:  <a href="https://fortress.wa.gov/ecy/coastalatlantlas/UICoastalAtlas/Tools/ShorePhotos.aspx">https://fortress.wa.gov/ecy/coastalatlantlas/UICoastalAtlas/Tools/ShorePhotos.aspx</a>                      Prepared for <del>1</del>                      Prepared with assistance from .....1                      Oneza &amp; Associates .....1</p>	Formatting error in Table of Contents
2	Historic, Cultural, Scientific, and Education Resources Element (pg 18)	Goals and Policies	<p>(c) Policies                      (3) Prevent public or private uses and activities from <del>destroying or</del> <u>altering, removing, or destroying</u> any site having historical, cultural, scientific or educational value without appropriate analysis and mitigation.</p>	Edit generated by County staff in response to a comment received during the state’s public comment period. See comment #22 in <i>Attachment D: Public Comment Summary</i> for additional detail.
3	24.12.070	Effective Date	<p>(a) The SMP is hereby adopted on the XX date of XX, 201X. This SMP and all amendments thereto shall become effective <del>immediately upon</del> <u>fourteen (14) days after</u> final approval and adoption by Ecology.</p>	Edit for consistency with RCW 90.58.090(7). The SMP effective date is 14 days from the date of Ecology’s written notice of final action. The locally adopted date can be the original date of local adoption.
4	24.12.120	Natural Environment	<p>(c) Management Policies                      (1)(B) Scientific, historical, cultural, educational research uses, and low-impact, passive recreational uses are allowed <del>provided</del> while keeping ecological function intact.</p>	Edit for clarity and in response to a comment received during the state’s public comment period. See comment #23 in <i>Attachment D: Public Comment Summary</i> for additional detail.
5	24.12.200	Shoreline Use and Modification	<p>(c) General:                      (8) None of the allowed uses <del>could</del> <u>shall</u> be conducted in the floodway in any environment designation, except as allowed by GCC 24.12.560, Frequently Flooded Areas.</p>	Edit for clarity.
6	Table 24.12.200(d)	Shoreline Use and Modification Matrix	Breakwater in the Aquatic Environment: <del>P</del> <u>C</u>	Edit for internal consistency. Breakwaters are expressly allowed in the Recreation and High Intensity – Public Facility environment designations in 24.12.360(a).

7	Table 24.12.210(d)	Shoreline Development Standards	<p>Riparian Buffer Width in feet <sup>1,2,3</sup></p> <p>Rural Conservancy: 75<sup>4</sup> or 130 for new agricultural development on slopes 15 percent or greater within shoreline jurisdiction</p> <p><u><sup>4</sup> 130 feet for new agricultural development on slopes 15 percent or greater within shoreline jurisdiction</u></p> <p>High Intensity – Public Facility: 25<sup>5</sup> or 75 for area south of Wanapum Dam lower boat launch where riparian vegetation begins on Columbia River</p> <p><u><sup>5</sup> or 75 for area south of Wanapum Dam lower boat launch where riparian vegetation begins on Columbia River</u></p>	Edit table for clarity.
8	24.12.230	Environmental Protection	<p><del>(d) The County shall require mitigation measures and/or permit conditions based on the provisions of this SMP, in order to mitigate adverse impacts. In order to determine acceptable mitigation or permit conditions, the Shoreline Administrative Official may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a mitigation plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.</del></p> <p><del>(f) In addition to any requirements for specific critical areas found in Critical Areas sections GCC 24.12.500 to 24.12.560, mitigation plans for any adverse impacts on ecological functions resulting from use, activity or development in shoreline jurisdiction, both inside and outside of critical areas, shall address the following:</del></p> <p><del>(1) Inventory existing shoreline environment including the physical, chemical and biological elements and provide an assessment of their condition;</del></p> <p><del>(2) A discussion of the project's compliance with mitigation sequencing requirements and remaining unavoidable adverse impacts on the ecological functions;</del></p> <p><del>(3) A discussion of any federal, state, or local special management recommendations which have been developed for critical areas or other species or</del></p>	These sections are duplicative of the information and requirements found in 24.12.230 (b) and (c) and 24.12.510, General Mitigation Requirements.

			<p>habitats located on the site;</p> <p><del>(4) A discussion of measures to preserve existing habitats and opportunities to restore habitats that were degraded prior to the proposed land use activity;</del></p> <p><del>(5) A discussion of proposed measures which mitigate the adverse impacts of the project to ensure no net loss of shoreline ecological functions;</del></p> <p><del>(6) Scaled drawings of existing and proposed conditions, materials specifications, and a five-year maintenance and monitoring plan, including performance standards;</del></p> <p><del>(7) A discussion of proposed management practices which will protect fish and wildlife habitat both during construction, and after the project site has been fully developed;</del></p> <p><del>(8) Contingency plan if the mitigation fails to meet established success criteria;</del></p> <p><del>(9) Any additional information necessary to determine the adverse impacts of a proposal and mitigation of the impacts.</del></p>	
9	24.12.240	Shoreline Vegetation Conservation	<p><del>(d) Vegetation clearing outside of wetlands and wetland and stream buffers shall be limited to the minimum necessary to accommodate approved shoreline development that is consistent with all other provisions of this SMP. Mitigation sequencing shall be applied so that the design and location of the structure or development minimizes native vegetation removal. Development or uses that require vegetation clearing shall be designed to avoid the removal of native and non-native vegetation, except as part of an effort to remove invasive, non-native vegetation species and replace these with native species.</del></p>	<p>Edit for clarity. The last sentence states developments that “<i>require</i> vegetation clearing” “shall <i>avoid removal</i> of native and non-native vegetation” – those two statements appear to be diametrically opposed.</p>
10	24.12.250	Water Quality, Stormwater, and Nonpoint Pollution	<p><del>(b) When applicable, All shoreline development shall should comply with the applicable requirements of the latest version of the Washington State Department of Ecology’s (Ecology) Stormwater Management Manual for Eastern Washington.</del></p> <p><del>(e) Within twenty-five (25) of a water body, hHerbicides, fungicides, fertilizers, and pesticides shall not only be applied in strict conformance to the manufacturer’s recommendations and twenty five (25) feet of a water body, except by a qualified professional in accordance with relevant state and federal laws. Further, pesticides</del></p>	<p>Edit for clarity. Not all shoreline developments would meet the thresholds in the Stormwater Manual. The Manual is guidance, not a regulatory document, so the term “should” is more appropriate in this context.</p> <p>Edit allows homeowners to maintain their landscaping responsibly without engaging a professional.</p>

			<p>subject to the final ruling in <i>Washington Toxics Coalition, et al., v. EPA</i> shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.</p> <p><del>(f) All shoreline development, both during and after construction, shall avoid or minimize significant adverse ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, levees, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.</del></p> <p><del>(h) BMPs for control of erosion and sedimentation shall be implemented for all development in shoreline jurisdiction through a county approved temporary erosion and sediment control (TESC) plan, in accordance with the latest version of the Ecology's Stormwater Management Manual for Eastern Washington, as adopted by the county.</del></p>	<p>Duplicative of 24.12.250(c) and (g).</p> <p>Duplicative of 24.12.250(c).</p>
11	24.12.320	Boating Facilities (a) General Requirements.	<p>(4) Boating facilities shall not be located:</p> <p><del>(D) In areas with important bank margin habitat for aquatic species or where wave action caused by boating use would increase bank erosion rates, <u>unless "no wake" zones are implemented at the facility.</u></del></p>	<p>"Important bank margin habitats" do not appear to be mapped or identified under WDFW PHS nor are they defined in section 24.12.860, Definitions. Bank erosion caused by boat traffic can be minimized by the implementation of "no-wake" zones.</p>
12	24.12.260(e)	Public Access	<p>(e) <u>For any development where public access is not required,</u> <del>shared</del> access may be allowed...</p>	<p>Clarification generated by County staff in response to a comment received during the state's public comment period. See comment #5 in <i>Attachment D: Public Comment Summary</i> for additional detail.</p>
13	24.12.270	Flood Hazard Reduction	<p>(2) (A) New development in the channel migration zone is allowed subject to:</p> <p>(i) Structures are located on an existing legal lot created prior to <del>XXXX (adoption of SMP)</del> <u>the effective date of this program;</u></p>	<p>Perhaps replace a fixed date with a generic description? The final date cannot be known until Ecology approval.</p>
14	24.12.310	Aquaculture	<p>(a) Non-commercial aquaculture undertaken for conservation or native species recovery purposes is a preferred use within Grant County's shorelines.</p> <p><del>(b) Aquaculture for non-native species or for commercial or other purposes is prohibited in shoreline jurisdiction</del> <u>shall require a Conditional Use Permit.</u></p>	<p>Edit for internal consistency. Use Table 24.12.200(d) shows all Aquaculture as requiring a CUP in the Aquatic Environment.</p>

15	24.12.320	Boating Facilities (b) Boat Launch Facilities.	(1) Private boat launch facilities <u>designed to accommodate the launching of motorized watercraft</u> are not allowed.	Edit separates launches for motorized craft from launches for non-motorized craft which is consistent with the language in Table 24.12.200(d), Shoreline Use and Modification Matrix.
16	24.12.350	Fill and Excavation	(a)(4) Disposal of Dredged material considered suitable under, and conducted in accordance with, the <u>Washington State Dredged Material Management Program</u> of the Washington Department of Natural Resources; or	Clarification generated by County staff in response to a comment received during the state's public comment period. See comment #16 in <i>Attachment D: Public Comment Summary</i> for additional detail.
17	24.12.410	Residential Development	(b) Residential development shall be located and constructed to result in no net loss of shoreline ecological function. No net loss of shoreline ecological functions shall be assured through <del>application of shoreline buffers specified in GCC 24.12.530, Fish and Wildlife Habitat Conservation Areas,</del> <u>the implementation of buffers specified in Article V, Critical Areas, to avoid future stabilization</u> and other provisions of this SMP related to shoreline stabilization, vegetation management, and on-site sewage disposal.  (d) Accessory uses and structures shall be located outside of the riparian buffers specified in Table 24.12.210(d), unless the structure is or supports a water-dependent use.  (f) <del>Applications for a</del> New shoreline residences and appurtenant structures shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other <del>that</del> shoreline stabilization and flood control structures are not necessary to protect proposed residences and associated uses.	Edit broadens the requirement to include applicable buffers in all critical areas, not just Fish and Wildlife habitat areas.  Edit for clarity.  Suggested edits for clarity, and consistency with companion regulations. It seemed the regulation was not intended to be about applications. There also seemed to be an extra "that."
18	24.12.430	Shoreline Stabilization	(b) Except for Columbia Basin Project and Irrigation District facilities, new shoreline stabilization for new development is prohibited unless it can be demonstrated that reasonable use of a lot or parcel legally created prior to <del>(date of amendment)</del>	Consider replacing a fixed date with a generic description. This date won't be known until Ecology approval.

			adoption) the effective date of this program is precluded without shore protection or is necessary to restore ecological functions or hazardous substance remediation.	
19	24.12.430	Shoreline Stabilization	(k) New stabilization structures, when found to be necessary, will implement the following standards: c. use biotechnical bank stabilization techniques unless those are demonstrated to be infeasible or ineffective before implementing “hard” structural stabilization measures.	Edit: this sentence concludes with a colon.
20	24.12.500	General Provisions	(f) Land segregation. Subdivisions, short subdivisions, boundary line adjustments, and planned residential developments of land in critical areas and associated buffers are subject to the following:  (3) Accessory roads and utilities serving the proposed subdivision may be permitted within the wetland or stream critical area and associated buffer only if the <del>city</del> <u>county</u> determines that no other feasible alternative exists and the impacts can be mitigated.	Edit: change “city” to “county.”
21	24.12.510	General mitigation Requirements – (c) Mitigation	(4) Restoration/rehabilitation is required when a critical area or its buffers have been altered on a site in violation of <del>city</del> <u>county</u> regulations prior to development approval, and as a consequence its functions and values have been degraded. Restoration is also required when the alteration occurs in violation of <del>city</del> <u>county</u> regulations during the construction of an approved development proposal.	Edit: change “city” to “county.”
22	24.12.510	General mitigation Requirements – (d) Buffers	<del>(4) Further, if the applicant seeks a variance to reduce these buffers or to alter the critical area or its required buffer, then the applicant shall demonstrate, based on the most current, accurate, and complete scientific or technical information available, why such buffer and/or critical area modification, together with such alternative mitigation proposed in the critical areas assessment, is sufficient to provide equal or better protection of the critical area function</del>	This language is confusing and expands upon the Variance criteria of GCC 24.12.770(b) without a clear rationale. It appears to suggest that if an applicant met the Variance criteria, the county may still require mitigation off site. That is inconsistent with the implementation of WAC 173-27-170.
23	24.12.520	Wetlands	(b) Maps and References  (1) In addition to the Critical Areas Checklist prepared by the applicant...  (E) Washington State Wetlands Rating System for Eastern Washington (Annotated	Edits bring reference into conformance with the 2014 Washington State Wetland Rating System For Eastern Washington (Publication #14-06-018).

			Version), Publication #04-06-0158, <del>August 2004 June 2014, Annotated March 2007,</del> as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System);	
24	24.12.520	Wetlands	(c) Classification  (1) Wetland Rating Classes shall be as follows:  (A) Category I Wetlands: Those wetlands scoring a “Category I” rating under the Washington State Department of Ecology (Ecology) Washington State Wetlands Rating System for Eastern Washington (Annotated Version), Publication #04-06-0158, <del>August 2004 June 2014, Annotated March 2007,</del> as may be amended in the future (hereinafter referred to as the Ecology Wetlands Rating System);	Edits bring reference into conformance with the 2014 Washington State Wetland Rating System For Eastern Washington (Publication #14-06-018).
25	Table 24.12.520(f)(1)(D)	Buffer Widths	<i>Category IV Wetlands (for wetlands scoring less than <del>30</del> <u>15</u> points or more for all functions)</i>  <i>Category III Wetlands (for wetlands scoring <del>30-50</del> <u>16-18</u> points or more for all functions)</i>  <i>Category II Wetlands (for wetlands that score <del>51-69</del> <u>19-21</u> points or more for all functions or having “Special Characteristics” identified in the rating system)</i>  <i>Category I Wetlands (for wetlands that score <del>70</del> <u>22</u> points or more for all functions or having “Special Characteristics” identified in the rating system)</i>	Revisions bring buffer scores into conformance with the 2014 Washington State Wetland Rating System For Eastern Washington (Publication #14-06-018).
26	24.12.530	FWHCA (c) Site Assessment Requirements	(4) The site assessment report at a minimum shall cover the subject parcel and all area within 300 feet of a proposed development activity. If the applicant cannot obtain permission for access to properties within 300 feet of the proposed development activity then an approximation of the extent of off-site <del>wetlands</del> <u>HCA</u> s within 300 feet of the proposed development activity may be completed based on aerial interpretation and/or visual observation from nearby vantage points.	Does this regulation inadvertently reference wetlands? The text is identical to the Wetlands section, except for the distance.

27	24.12.530	FWHCA (d) Protection Standards (6)	<p>(B) A riparian habitat shall be the buffer width identified in Table 12 24.12.210 (d) Shoreline Development Standards, unless modified per provisions provided in GCC.24.12.530(d)(7), <u>Administrative Buffer Width Averaging</u>, (8), Shoreline Buffer Reductions, or (9), <u>In Fill Development</u>.</p> <p>(D) The required buffer shall be extended to include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across roads or other lawfully established structures or hardened surfaces that are functionally and effectively disconnected from the stream.</p>	<p>Edit to internal reference.</p> <p>Edit to clarify that the County has opted not to extend shoreline jurisdiction to buffers necessary to protect critical areas.</p>
28	24.12.530	FWHCA (d) Protection Standards (7)	<p>(7) <del>Buffers shall be accompanied by stormwater management measures consistent with the Stormwater Management Manual for Eastern Washington (September 2004), or as revised.</del> Administrative Buffer Width Averaging. The required buffer widths established in this SMP may be modified by the Shoreline Administrator for a development on existing legal lots of record in place at the time of adoption of this Program, in accordance with the provisions of this section only where the applicant demonstrates all of the following:</p>	<p>It appears that “Administrative Buffer Width Averaging” was intended to be a separate regulation but was accidentally blended with a reference to stormwater requirements. Stormwater is covered extensively in section 24.12.250 Water quality, Stormwater, and Nonpoint Pollution, so we suggest simply deleting the first sentence to remedy the situation.</p>
29	24.12.530	FWHCA (d) Protection Standards (25)	<p>(25) Existing Developments and Uses.</p> <p>(B) Landward of Standard Buffer. Existing developments and uses located landward of the standard buffer may redevelop or expand to the edge of the standard buffer consistent with the following: <u>GCC 24.12.240(d)</u>.</p> <p><del>(i) Where such redevelopment results in removal of native vegetation, removal of native vegetation must be compensated at a 1:1 ratio with supplemental native shrub and groundcover plantings in the buffer waterward of the removal area.</del></p> <p><del>(ii) If compensation is inside the buffer and the buffer would not benefit from enhancement, compensatory plantings may be installed in a corridor perpendicular to the OHWM and extending upland of the buffer outside of the development footprint.</del></p> <p><del>(C) Waterward of Standard Buffer. Existing developments and uses located waterward of the standard buffer may expand vertically or landward of the</del></p>	<p>Edit for clarity. The code as written would have required more strict mitigation for expansions outside of the buffer than expansions within the buffer.</p>

			<p>development.</p> <p>(E) <u>Within the Standard Buffer: Vertical expansions may be allowed provided they do not exceed the height limitations established in Table 24.12.210(d), Shoreline Development Standards, for the applicable environment designation.</u> Expansions within the standard buffer laterally toward the side lot lines may be allowed, provided that <del>there is no increase in</del> runoff and stormwater <del>is</del> are handled consistent with the Eastern Washington Stormwater Management Manual, as amended, <u>and consistent with the following:</u></p> <p><u>(i) Where such redevelopment results in removal of native vegetation, it shall be the minimum necessary to allow for the permitted expansion.</u></p> <p><u>(ii) Removal of native vegetation area must be compensated at a 1:1 ratio through enhancement of the remaining buffer waterward of the removal area with native tree, shrub and/or groundcover plantings. Replacement vegetation providing equivalent habitat function and structure is required unless physical constraints of the remaining buffer preclude successful revegetation.</u></p>	
30	24.12.530	FWHCA (d) Protection Standards (26)	<p>(26) New Structures and Development</p> <p>(A) New structures or developments prohibited. New structures or developments, including, but not limited to, pools, decks, patios, additions, sheds, fences, or other appurtenances, are not permitted in shoreline buffers except as specifically allowed in GCC.24.12.530<del>(d)(7)</del> <u>(11)</u> above, and GCC 24.12.610 and 620, nonconforming uses and structures.</p>	Edit to internal reference. This incorrectly referenced the buffer averaging section instead of allowable uses.
31	24.12.530	FWHCA (f) Habitat Management Plan (2)	<p>(2)(C)(ii) The relationship of the site to surrounding topographic, <u>cultural</u>, and historic features;</p>	Edit developed by County staff in response to a comment received during the state's public comment period. See comment #25 in <i>Attachment D: Public Comment Summary</i> for additional detail.
32	24.12.550	Geologically Hazardous Areas	<p>(a) Identification and Designation</p> <p>(5)(C) <u>Seismic hazards shall be identified in Washington State Department of Natural Resources seismic hazard susceptibility maps for Eastern Washington and other geologic resources.</u></p> <p>(c) Maps and References</p>	<p>Edit generated by County staff in response to a comment received during the state's public comment period. See comment #7 in <i>Attachment D: Public Comment Summary</i> for additional detail.</p> <p>Edit generated by County staff in response to a comment received during the state's</p>

			<p>(1)(D) <u>Seismic hazards shall be identified in Washington State Department of Natural Resources seismic hazard susceptibility maps for Eastern Washington and other geologic resources.</u></p> <p>(d) Site Assessment Requirements</p> <p>(5) Qualifications of assessment reports prepared pursuant to <del>GCC 24.08.530</del> <u>GCC 24.12.550(d)</u> shall be prepared by a Professional Engineer registered in the State of Washington, trained and qualified to...</p>	<p>public comment period. See comment #7 in <i>Attachment D: Public Comment Summary</i> for additional detail.</p> <p>For internal consistency, change to correct reference within the Grant County SMP. (<i>GCC 24.08.530 is a citation to the Grant County CAO, rather than the internally incorporated CAO.</i>)</p>
33	24.12.570	Cultural Resource Areas	<p>(c) Site Assessment Requirements</p> <p>(5) <u>(G) A description of applicable federal and state laws for protection of cultural and historic resources, along with associated requirements and processes to follow.</u></p> <p>(d) Protection Standards</p> <p>(1) All development within cultural resources areas shall comply with the conditions included n the site assessment report as approved by the Shoreline Administrative Official, <u>and comply with applicable state and federal laws for the protection of archeological and historic resources.</u></p>	<p>Edits for clarity and in response to a comment received during the state’s public comment period. See comment #27 in <i>Attachment D: Public Comment Summary</i> for additional detail.</p>
34	24.12.740	Exemptions from Shoreline Substantial Development Permits	<p>2) The Shoreline Administrative Official is authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in Section <del>40.460.230(B)</del> <u>24.12.740(d)</u>.</p> <p>(4) A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The Shoreline Administrative Official’s decision <del>on a statement of exemption is not subject to administrative appeal.</del> <u>may be appealed pursuant to chapter 24.12.810.</u></p> <p>(5) Exempt activities <u>requiring a JARPA</u> shall not be conducted until a statement of exemption has been obtained from the Shoreline Administrative Official.</p>	<p>For internal consistency, change to the correct reference within the Grant County SMP. (<i>Section 40.640.230 is a citation to the Clark County SMP.</i>)</p> <p>Edit for internal consistency.</p> <p>Edit achieves consistency with current County planning practice. Permit-exempt activities that require a Written Exemption include many activities that would never involve a trip to the county permit counter, such as normal maintenance and repair of an existing structure, ongoing farming; and forest practices.</p>
35	24.12.860	Definitions	<p>Add a new definition <u>Cultural and Historic Resources: Building, sites and areas having archeological, historical, cultural or scientific value or significance.</u></p>	<p>Edit for clarity and in response to a comment received during the state’s public comment period. See comment #26 in <i>Attachment D: Public Comment Summary</i> for additional detail.</p>

36	24.12.860	Definitions	<u>(108)(F) A person qualified for addressing cultural and historical resources protection and preservation, with a degree in archeology, anthropology, history, classics or other germane disciplines with a specialization in archeology and/or historic preservation and with a minimum of two years' experience in preparing cultural resources site assessment reports.</u>	Edit developed in response to a comment received during the state's public comment period. See comment #26 in <i>Attachment D: Public Comment Summary</i> for additional detail.