

Attachment C:

Ecology Recommended Changes

The following changes are recommended to clarify elements of the City's updated SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	2(2)	Definitions	"Adoption by rule" means an official action by the Washington State Department of Ecology to make a local government shoreline master program effective through rule consistent with the requirements of the Administrative Procedure Act, RCW Chapter 34.05, thereby incorporating the adopted shoreline master program or amendment into the state program.	This term is not used in this SMP and therefore does not need to be defined.
2	2(27)	Definitions	"Department" means the Washington State Department of Ecology.	This term is not used in this context throughout the SMP and therefore does not need to be defined as such.
3	2(30)	Definitions	"Document of record" means the most current shoreline master program officially approved or adopted by rule by the Washington State Department of Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190.	This term is not used in this SMP and therefore does not need to be defined.
4	2(49)	Definitions	"Guidelines" means those standards adopted by the Washington State Department of Ecology to implement the policy of RCW Chapter 90.58 for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the Washington State Department of Ecology in developing and amending master programs.	This term is not used in this context throughout the SMP and therefore does not need to be defined as such.
5	2(53)	Definitions	"Hydric soil" means a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The	This term is not used in this SMP and therefore does not need to be defined.

			presence of hydric soil shall be determined following the methods described in WAC 173-22-035.	
6	2(70)	Definitions	"Party of record" includes all persons, agencies, or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit; and who have provided an address for delivery of such notice by mail.	This term is not used in this SMP and therefore does not need to be defined.
7	3.7(A)(1)	Historical/cultural element	1. Identify, protect, preserve and restore sites <u>that may include buildings, structures, objects, and districts</u> that have historical, cultural, educational, and scientific value and/or significance.	Rewording of this goal recommended by Department of Archaeology and Historic Preservation letter comment letter received by Ecology during Ecology's public comment period.
8	3.7(B)(2), (3), (4)	Historical/cultural element	2. Encourage cooperation between public agencies and private parties in the identification, protection, and management of <u>historical and</u> cultural resources. 3. Where appropriate, restore unique educational, <u>historically</u> , or culturally significant features to further enhance the value of the shorelines. 4. Provide access to sites in a manner that does not degrade the cultural <u>or historical</u> resource or impact the quality of the environment.	Recommendation by DAHP in their comment letter to add historically or historic to these objectives that mention cultural and other resource types in these objectives.
9	4.4(B)(5)	Natural Environment	5. Allow uses developed and operated in a manner consistent with the purpose of this environment designation that will not result in significant ecological impacts, such as: a. Agriculture of a very low intensity in nature; b. Scientific, historical, cultural, and educational research uses <u>and protective actions</u> ; and c. Low intensity water-oriented recreational uses.	Recommendation by DAHP in their comment letter to add protective actions to this management policy.
10	5.1(A)(2)	Archaeological and historical resources	2. Prevent the destruction of or damage to any site, <u>building, structure, object, or district</u> having historic, cultural, scientific, or educational value as identified by the appropriate authorities, including affected Indian tribes, and the Department of Archaeology and Historic Preservation.	Recommendation in DAHP's comment letter to add language to this provision that provides more specificity.

11	5.1(B)(3)	Archaeological and historical resources	3. If a cultural resource site inspection or evaluation identifies the presence of significant historic or archaeological resources, a cultural management plan shall be prepared by a professional archaeologist or historic preservation professional. In addition, a permit or other requirements administered by the Washington State Department of Archaeology and Historic Preservation pursuant to RCW 27.44 and RCW 27.53 may apply.	According to DAHP's public comment letter precontact archaeological resources are protected in the State of Washington regardless of significance and historic archaeological resources must be determined significant by DAHP.
12	5.2(B)	Environmental protection and critical areas	B. Regulations – general regulations for environmental protection <u>The following regulations apply to all uses and developments in shorelines of the state unless stated otherwise.</u>	Include the statement regarding applicability to provide clarity for this section. Other regulation sections in this SMP have this type of clarifying statement.
13	5.2(I)(8)(c)	Environmental protection and critical areas	c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being <u>impacted</u> impacts .	Editorial change.
14	5.2(P)(5)	Environmental protection and critical areas	5. Hazard present (non-channel migration zone): If it is determined that a severe erosion hazard, mine hazard, seismic hazard, or landslide hazard other than a channel migration zone hazard, may be present on or adjacent to a proposed development site, the applicant shall submit a geologic hazard area risk assessment prepared by a professional engineer, engineering geologist, or geologist. The geologic hazard area risk assessment shall include: a description of the geology of the site and the proposed use and development; an assessment of the potential impact the project may have on the geologic hazard; an assessment of what potential impact the geologic hazard may have on the project; appropriate mitigation measures, if any; and a conclusion as to whether further analysis is necessary. a. <u>A description of the geology of the site and the proposed use or development;</u> b. <u>An assessment of the potential impact the project may have on the geologic hazard;</u>	It will be helpful for implementation and ease of interpretation for the requirements of the geologic hazard area risk assessment to be included as a list rather than buried in this paragraph.

			<p>c. <u>An assessment of what potential impact the geologic hazard may have on the project;</u></p> <p>d. <u>Appropriate mitigation measures, if any; and</u></p> <p>e. <u>A conclusion as to whether further analysis is necessary.</u></p> <p>The assessment shall be signed and bear the seal of the engineer or geologist that prepared it. No further analysis shall be required if the geologic hazard area risk assessment concludes that there is no geologic hazard present on the site, nor will the project affect or be affected by any potential geologic hazards that may be nearby. If the professional preparing the geologic hazard area risk assessment concludes that further analysis is necessary, the applicant shall submit a geotechnical report consistent with the provisions of this Section.</p>	
15	5.2(T)(1)(e)	Environmental protection and critical areas	<p>e. The Administrator may approve equivalent compensatory storage off the site if <u>acceptable</u> legal arrangements, acceptable to the department, are made to assure that the effective compensatory storage volume will be preserved over time.</p>	Proposed change for clarity. In this instance it is unclear which department this is referencing.
16	6.1(A)(4)	General shoreline use policies	<p>3. Avoid and reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e) <u>Section 5.2(B)(2)</u>.</p>	Recommendation to change the citation so that it is to the corresponding section of the SMP document rather than the specific WAC citation that is currently proposed. This will eliminate the need to cross reference upon implementation.
17	6.11(B)(6)	In-stream structures	<p>6. A professionally engineered design is required for any proposed in-stream structure, <u>except for structures that are exempt under Section 7.3.2.o and that have been designed and implemented by a qualified professional following the Washington State Stream Habitat Restoration Guidelines (2012)</u>.</p>	Additional information regarding exceptions to the engineering design for in-stream structures.
18	6.20(B)(9)	Shoreline bulk and dimensional standards	<p>9. Density of development: Residential density standards for urban and rural areas are provided in Table 6.21-1. Additional standards which apply to</p>	Table 6.21-1 refers to the underlying zoning code and does not specify residential density

			impervious surface area and water quality review in Section 5.6, Water quality, stormwater and nonpoint pollution.	standards; this is stated in provision 10 below this provision and does not need to be repeated in provision 9.
19	6.20(B)(10)	Shoreline bulk and dimensional standards	10. When calculating density Density for subdivisions, short plats, and multi-family and duplex development shall be calculated based on the total area of the parent parcel including those areas located outside of shoreline jurisdiction. Submerged lands within the boundaries of any waterfront parcel that are located waterward of the OHWM shall not be used in density calculations. The density of that portion of the parent parcel located outside of the shoreline jurisdiction shall be limited to the density permitted by the underlying zoning district.	Editorial; to add clarity
20	6.20(B)(11)	Shoreline bulk and dimensional standards	11. Lot frontage. Lot frontage standards are provided in Table 6.21-1 below . Lot frontage standards of underlying zoning districts and/or development standards of each jurisdiction may be more restrictive. The most restrictive lot frontage standard shall apply. Lot frontage refers to the minimum lot frontage for any division or exempt parcel transfer, or parcel boundary modification permitted by a local jurisdiction on the shoreline. Lot frontage shall be measured at right angles along a horizontal distance, between the side lot lines, at the most landward point of the OHWM. Lot frontage requirements are measured in feet.	Editorial; Table 6.21-1 is not directly below this provision so it is a little confusing to refer to it as if it was directly below.
21	7.3(4)(c)	Permit Exemptions	c. Revisions. The programmatic statement of exemption may be modified or withdrawn if the <u>Shoreline Administrator</u> department determines that:	Clarify language, 'department' is vague and does not provide enough clarity. Specify that this is the Shoreline Administrator.