

The following changes are required to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE
A		Cover	City Council Draft	<i>This change is required to clarify the final version is not a draft, per WAC 173-26-191 (2)(a)(ii)(A) which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i>
B		Document Header	REVIEW DRAFT	<i>This change is required to clarify the final version is not a draft. WAC 173-26-191 (2)(a)(ii)(A).</i>
C		Document Footer	November 20, 2012 and December 5, 2012 and City of Lakewood DRAFT SMP	<i>The first change is required to avoid multiple and inapplicable dates throughout the document. The second change is required to clarify the final version is not a draft. WAC 173-26-191 (2)(a)(ii)(A).</i>
D	Table of Contents Page iii	Appendices	<u>Appendices</u> <u>A. Critical Areas and Natural Resource Lands and Flood Hazard Overlay Ordinances (Lakewood Municipal Code Titles 14A.142, 14A.146, 14A.150, 14A.154, 14A.158, 14A.162, 14A.165, and 18A.40), Ordinance No. 362 3(part), 2004 and Ordinance No. 264 1(part), 2001.</u>	<i>This change is required so the critical areas and floodplain overlay ordinances being incorporated by reference are physically attached to and a part of the SMP. WAC 173-26-191 (2)(a)(ii)(A).</i>
E	Chapter 2 (E) Page 7	Shoreline Areas not Mapped or Designated	Any undesignated <u>or unmapped</u> shorelines in the City and its Urban Growth Area are assigned automatically a Conservancy shoreline environment designation until the shoreline is re-designated through an amendment to the SMP. This includes any areas that are annexed into the City and fall within the City's shoreline jurisdiction, such as Camp Murray. The only exception to this rule is that if the Camp Murray Beach Campground were annexed, it would be assigned the Urban Park shoreline environment designation.	<i>The first change (insertion) is required for consistency with WAC 173-26-211(2)(e). The second change (deletion) is required because the State can only approve pre-designations under WAC 173-26-150 "according to the procedures set forth in this chapter for amendment of a Shoreline Master Program". For those portions of Camp Murray outside of the City limits, the City did not follow all of the procedures applicable to a comprehensive update because these areas were not included in the defined study area in any of the background work. For example, the Shoreline Analysis states "The study area for this report includes all land currently within the City's existing shoreline jurisdiction (Figure 1, Appendix C)" and "American Lake shoreline areas outside Lakewood City limits are not included in this report". In order for the City to pre-designate areas with designations other than the default designation outlined in WAC 173-26-211(2)(e), such areas would have had to have been considered throughout the entire update process.</i>
F	Chapter 2 (F) (2) (c) (1) Page 10	Urban-Stream Protection Designated Areas	1) Description The Urban - Stream Protection environment designation is assigned to areas that include Clover Creek between Lake Steilacoom and the City of Lakewood city limits, <u>except for the shorelands in Springbrook Park adjacent to Clover Creek.</u>	<i>This change is required for internal consistency. Springbrook Park is shown as having the Urban Park designation on Figure 1 but was not excluded from the text in this section of the SMP. This change is required in accordance with WAC 173-26-191(2)(a)(ii)(A) and 173-26-211 (2).</i>
G	Chapter 2 (F) (3) (c) (1) Page 11	Urban Park Designated Areas	Urban Park environment areas include: a. Shorelands in all public parks and public street ends located on lakes within the shoreline jurisdiction;	<i>These changes are required for internal consistency. Lake Waughop and Springbrook Park are shown as having the Urban Park designation on Figure 1 but were left out of the text in this section of the SMP. This change is required in accordance with WAC 173-26-</i>

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			<p>b. Eagle Point (a private subdivision open space tract on American Lake, Parcel # 4001800540); and</p> <p>c. Lakewold Gardens (a private facility with public access on Gravelly Lake);</p> <p><u>d. Shorelands adjacent to Waughop Lake; and</u></p> <p><u>e. Shorelands in Springbrook Park adjacent to Clover Creek.</u></p>	<p>191(2)(a)(ii)(A) and 173-26-211 (2).</p>
H	Chapter 2 (F) (5) (d) (2) (e) Page 16	Natural Environment Management Policies	<p>2) The following new uses should be prohibited in the Natural environment:</p> <p>a. Commercial uses.</p> <p>b. Industrial uses.</p> <p>c. Non-water-oriented recreation, except the maintenance, repair, and limited expansion of existing facilities and uses.</p> <p>d. Roads, utility corridors, and parking areas that can be located outside of Natural environment designated shorelines.</p> <p>e. <u>Multi Family</u> Residential.</p> <p>f. Commercial forestry.</p> <p>g. Agricultural uses.</p>	<p><i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. This change is required for consistency between this management policy, residential development policies and regulations, and Table 1 (text pasted below, <u>emphasis added</u>). This management policy is the only part of the SMP that suggests single family residential development should be prohibited in the natural shoreline environment designation. The SMP Guidelines at WAC 173-26-211 (5)(a)(C) allow single family residential development as a conditional use in the natural environment if densities/intensities are limited appropriately.</i></p> <p><i>Residential Development: a) Residential development is preferred use under this SMP and is allowed where it can be accommodated without significant shoreline impacts. Residential development is prohibited in the Aquatic environment, and <u>single-family residential development is a conditional use in the Natural, Urban Park, and Conservancy environments.</u></i></p> <p><i>Table 1: Shoreline Use Table – residential single family uses/structures are a conditional use in the Natural designation, while multi-family is prohibited.</i></p>
I	Chapter 2 (F) (6) (c) (1) Page 17	Aquatic Designated Areas	<p>1) Description</p> <p>Aquatic environment areas include all areas waterward of the OHWM as generally shown in Figure 1, <u>including areas waterward of the OHWM within Chambers Creek and Clover Creek,</u> as determined on a site-by-site basis.</p>	<p><i>This change is required for consistency with 173-26-211 (2) and 173-26-211 (5) (c). Figure 1 illustrates the Aquatic designation within the OHWM of SMA lakes but does not clearly illustrate the same for SMA streams.</i></p>
J	Chapter 2 (F) (6) (d) (5) Page 17	Aquatic Management Policies	<p>5) Uses that adversely impact the ecological functions of identified critical freshwater habitats, should not be allowed except where necessary to achieve the objectives of RCW 90.58.020, and then only when their impacts are mitigated according to the sequence described in Chapter 3, Section B(4)(<u>c</u>)(3) of this SMP as necessary to assure no net loss of ecological functions.</p>	<p><i>This change is required for internal consistency and to reference the correct, specific section of the SMP; WAC 173-26-191(2)(a)(ii)(A).</i></p>
K	Chapter 2 (F) (6) (e) Page 18	Aquatic Regulations	<p>e) Regulations</p> <p>1) Shoreline Use: Permitted, conditional, and prohibited uses for the <u>Aquatic Shoreline Residential</u> environment are listed in Chapter 4, Specific Shoreline Use Policies and Regulations, and summarized in Table I of that Chapter.</p> <p>2) Development Standards: Shoreline related development standards for the <u>Aquatic Shoreline Residential</u> environment are summarized in Table II of Chapter 4.</p>	<p><i>This change is required for internal consistency and to reference the correct environment designation section in which this text exists; WAC 173-26-191(2)(a)(ii)(A).</i></p>
L	Chapter 3 (B) (2) (c) (4)	Archaeology and Historic	<p>4) In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 <u>WAC 173-27-040 (2)(d)</u> necessitate rapid action to retrieve, preserve, or protect</p>	<p><i>This change is required in accordance with WAC 173-26-191(2)(a)(ii)(A), because the statute does not define emergency construction in this section. The definition of</i></p>

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	Page 22	Resources Regulations	property containing artifacts or data identified above from damage by the elements, the project may be exempted from the permit requirement. The City shall notify Ecology, the State Attorney General's Office, and the State Historic Preservation Office of such a waiver in a timely manner.	<i>emergency construction as it relates to exemptions is contained in the WAC.</i>
M	Chapter 3 (B) (3) Page 22	Critical Areas	Critical areas in shoreline jurisdiction are regulated by this SMP. As such , the Critical Areas and Natural Resource Lands Regulations, Ordinance No. 362 3(part), 2004, codified under Chapter 14A of the LMC, which is herein incorporated into this SMP with the exceptions and modifications as noted below.	<i>This change clarifies that in accordance with WAC 173-26-221 (2)(a) and RCW 90.58.610, upon Department of Ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW.</i>
N	Chapter 3 (B) (3) (a) (3) Page 23	Critical Areas Applicability	<p>c. Provisions that include a “reasonable use determination” shall not apply within shoreline jurisdiction. Specifically, LMC Sections 14A.142.080 and 14A.142.090 do not apply. Such uses and developments require a variance in accordance with Chapter 6 of this SMP.</p> <p>d. Provisions relating to variance procedures and criteria do not apply in the shoreline jurisdiction. Specifically, LMC Section 14A.142.110, which references variance procedures in the LMC, does not apply. Variance procedures and criteria within shoreline jurisdiction have been established in this SMP, Chapter 6 Section 6D and in WAC 173-27-170.4.</p> <p>e. Provisions relating to nonconforming uses in LMC Section 14A.142.180 shall not apply. Please see Chapter 6, Section F for nonconforming development standards within shoreline jurisdiction.</p> <p>f. Geologically Hazardous Areas. Provisions contained in LMC Section 14A.146.000 are hereby clarified and amended.</p> <p>i. New development and the creation of new lots through subdivision shall not be allowed when it would cause foreseeable risk from geological conditions to people or improvements during the life of the development.</p> <p>ii. New development that would require structural shoreline stabilization over the anticipated life of the development shall not be allowed, unless stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.</p> <p>iii. All shoreline stabilization shall comply with Chapter 5, Section C (1 and 2).</p> <p>g. Waughop Lake shall be subject to the setback requirements outlined in the SMP and not to the 35' buffer requirement in LMC Section 14A.154.060 (B).</p> <p>Renumber following sections accordingly.</p>	<p><i>These changes are required for internal consistency, clarity, and to reference correct, specific sections of the SMP; WAC 173-26-191(2)(a)(ii)(A).</i></p> <p><i>This change (addition of item (g)) reflects comments given to the City on 7/25/2011.</i></p>
O	Chapter 3 (B) (3) (a) (3) Page 24	Critical Areas Applicability	<p>i. Wetland Buffers. The following modifications to LMC Section 14A.162.080 shall apply.</p> <p>i. Buffer width averaging in LMC Section 14A.162.080(B)(1) shall be limited such that the buffer at its narrowest point is no less than 75% of the standard width.</p> <p>ii. Administrative buffer reductions allowed under LMC Section 14A.162.080(B)(2) shall be limited to 25% of the standard buffer width.</p>	<i>This change is required in accordance with WAC 173-26-221 (2)(i)(D), which states that SMP wetland buffers shall be adequate to ensure that wetland functions are protected and maintained in the long term. The wetland buffers in the City's CANRL regulations for Category I wetlands are not consistent with what the Department's scientific literature shows is necessary to protect wetland functions. The gap between what the SMP prescribes and what scientific literature supports was not discussed or justified in the City's Cumulative Impacts Assessment. Lacking any discussion or justification, which has been</i>

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			<p><u>iii. Within shoreline jurisdiction, wetland buffers as outlined in LMC Section 14A.162.080 (A) for Category I wetlands shall not apply. Wetland buffers within shoreline jurisdiction for Category I wetlands shall be 300 feet.</u></p>	<p><i>requested multiple times, this change is required.</i></p> <p><i>The numbering change reflects required change N above.</i></p> <p><i>These comments were given to the City in correspondence dated 7/20/2011, 9/15/2011, 11/9/2011 and 1/13/2012.</i></p>
P	Chapter 3 (B) (3) (a) (3) Page 24	Critical Areas Applicability	<p>o. Channel Migration Zones (CMZ). Within the shoreline jurisdiction surrounding Chambers Creek, the Shoreline Administrator shall require a channel migration study when the City determines that a <u>shoreline use</u>, development <u>or modification</u> proposal has the potential to interfere with the process of channel migration. <u>Potential CMZ reaches are shown on map 12 of the Shoreline Analysis Report dated October 1, 2010.</u> The study shall include recommended measures (consistent with mitigation sequencing) that demonstrate how no net loss of ecological functions associated with channel migration will be achieved. The proposal must demonstrate how it will avoid affecting the CMZ through utilization of nonstructural flood hazard measures and avoid the need for future shoreline modifications and structural flood hazard measures.</p>	<p><i>The changes to provision n are required in accordance with WAC 173-26-221 (3) (b) which requires that SMPs include provisions to limit development <u>and</u> modifications that would result in interference with the process of channel migration. Additionally, reference to the map showing potential CMZ reaches will enable users of the document to determine when this requirement applies.</i></p> <p><i>The numbering change reflects required change N above.</i></p>
Q	Chapter 3 (B) (3) (a) (3) Pages 24-26	Critical Areas Applicability	<p>o. Flood Hazard Overlay. LMC Section 14A.158.030 incorporates the Flood Hazard Overlay provisions of LMC Section 18A.40.100 by reference. In addition to the standards contained therein, the following shall apply:</p> <p>vi. Place a <u>New</u> structural flood hazard reduction measures <u>shall be placed</u> landward of the associated wetlands, and designated vegetation conservation areas, except for actions that increase ecological functions, such as wetland restoration, or as noted below. If s <u>Such</u> flood hazard reduction projects <u>may</u> be authorized if it is determined that no other alternative to reduce flood hazard to existing development is feasible. The need for, and analysis of feasible alternatives to, structural improvements shall be documented through a geotechnical analysis.</p> <p>vii. New structural public flood hazard reduction measures, such as dikes and levees, shall dedicate and improve public access pathways unless public access improvements would cause unavoidable health or safety hazards to the public, inherent and unavoidable security problems, unacceptable and immitigable significant ecological impacts, unavoidable conflict with the proposed use, or a cost that is disproportionate and unreasonable to the total long-term cost of the development.</p> <p>viii. The removal of gravel for flood management purposes shall be consistent with an adopted flood hazard reduction plan and with this SMP chapter and allowed only after a biological and geomorphological study shows that extraction has a long-term benefit to flood hazard reduction, does not result in a net loss of ecological functions, and is part of a comprehensive flood management solution.</p> <p>ix. Structural flood hazard reduction measures shall be consistent with an adopted comprehensive flood hazard management plan approved by the <u>State authority</u> that evaluates cumulative impacts to the watershed system.</p>	<p><i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i></p> <p><i>The revisions to provision (vi) are required to clarify that these statements are requirements, and to replace confusing text/grammatical errors.</i></p> <p><i>The revisions to provisions (viii) and (ix) correct errors resulting from cutting and pasting WAC language into the SMP without appropriate modification.</i></p> <p><i>The numbering change reflects required change N above.</i></p>

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R	Chapter 3 (B) (4) Page 26	Environmental Impacts and Mitigation Sequencing Applicability	A primary concern of the SMA is the environmental impact that <u>uses and</u> development may have on the fragile shorelines of the state. The following policies and regulations specify how environmental impacts should <u>shall</u> be addressed in project design, construction, and regulatory approval and apply to all uses, activities, and development, regardless of whether a permit is required.	<i>These changes are required in accordance with WAC 173-26-201 (2)(e)(i), which outlines that master programs shall include provisions that require proposed individual uses and developments to analyze and mitigate for environmental impacts.</i>
S	Chapter 3 (B) (5) (b) (13) Page 29	Public Access Policies	Public access facilities should provide auxiliary facilities, such as parking and sanitation facilities, when appropriate, and they should be designed for accessibility by handicapped and physically impaired persons. Auxiliary facilities should be located outside of the shoreline management area or near the outer edge of the shoreline management area if possible <u>feasible</u> .	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. "Possible" is not defined in the SMP, while "feasible" is.</i>
T	Chapter 3 (B) (5) (c) (1) Page 30	Public Access Regulations	1) Where the City has shown that a project would have an adverse impact on <u>existing</u> public access to the waters of the state <u>or create a new demand for public access</u> , provisions shall be made to mitigate the impact/ <u>meet the projected demand</u> and ensure that there is no net loss to public access resources or opportunities. Examples of impacts to shoreline access resources <u>or new demand</u> include, but are not limited to:	<i>This change is required in accordance with WAC 173-26-221 (4)(d)(i), which requires that SMPs establish policies and regulations that <u>protect and enhance</u> both physical and public access. This provision currently mixes protection from impacts to existing access with situations under which the Guidelines require consideration of appropriate new access. These changes clarify that this regulation applies to both situations. This comment was given to the City in correspondence dated 1/13/2012 and 5/15/2013.</i>
U	Chapter 3 (B) (5) (c) (2) Page 30	Public Access Regulations	2) The Community Development Director may authorize reasonable adjustments to development standards such as lot coverage, minimum lot width, setbacks, etc. in order to accommodate public access. <u>Such adjustments may require a variance in accordance with Chapter 6 (D)(1).</u>	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(iii)(B) and WAC 173-27-170.</i>
V	Chapter 3 (B) (5) (c) Page 31	Public Access Regulations	<u>15) The Administrator may waive the requirement for public access where it is demonstrated to be infeasible due to reasons of incompatible uses, safety, security, or impact to the shoreline environment or due to constitutional or other applicable legal limitations. In determining infeasibility, the Administrator shall consider alternate methods of providing public access such as offsite improvements, viewing platforms, separation of uses and restricting hours for public access.</u>	<i>This change is required for clarity surrounding the circumstances under which the Shoreline Administrator can determine public access is infeasible (WAC 173-26-221 (4)(d)(iii)(B)). This comment was given to the City in correspondence dated 1/13/2012 and 5/15/2013.</i>
W	Chapter 3 (B) (6) (c) Page 34	Restoration SMA Restoration Policies	<u>14) Restoration projects may include shoreline modification actions such as vegetation modification, shoreline stabilization, dredging or filling in accordance with all applicable provisions in this SMP and provided the primary purpose of such actions is clearly restoration of natural character and ecological functions of the shoreline.</u>	<i>This change is required in accordance with WAC 173-26-231 (3)(g).</i>
X	Chapter 3 (B) (8) (b) (3) Page 36	Shoreline Vegetation Conservation Policies	3) Adverse environmental and shoreline impacts of clearing and grading should be avoided wherever possible <u>feasible</u> through proper site planning, construction timing and practices, bank stabilization, soil bioengineering and use of erosion and drainage control methods. Maintenance of drainage controls should be a high priority to ensure continuing, effective protection of habitat and water quality.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. "Possible" is not defined in the SMP, while "feasible" is.</i>
Y	Chapter 3 (B) (8) (b) (10) (b) Page 37	Shoreline Vegetation Conservation	b. Limit the amount of lawn and garden watering to avoid no surface runoff.	<i>This change is required to correct a typographical error in accordance with WAC 173-26-191 (2)(a)(ii)(A). This portion of the Guidelines requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master</i>

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		Policies		<i>program policies.</i>
Z	Chapter 3 (B) (8) (c) (5) Page 38	Shoreline Vegetation Conservation Regulations	5) Properties within the <u>setbacks and</u> buffers of Chambers Creek, Clover Creek, and Waughop Lake shall maintain native vegetation in an undisturbed state.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. According to Table II of the SMP, streams (Chambers/Clover Creek) are assigned buffers, while Urban Park-designated portions of lakes (Waughop) are assigned setbacks. This change recognizes that nuance and results in language that is more consistent with later provisions in this same subsection (#'s 6 and 8).</i>
AA	Chapter 3 (B) (8) (c) (8) Page 38	Shoreline Vegetation Conservation Regulations	8) Within all other shoreline areas, outside of setbacks and buffers, tree removal shall be limited to the minimum necessary to accommodate proposed structures and uses or to mitigate a hazard to life or property. Significant trees, <u>as defined in LMC Section 18A.50.320</u> , shall be replaced according to a tree replacement plan prepared by a qualified professional that demonstrates how no net loss will be achieved.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. Significant tree is not defined in the SMP; this reference points the reader to the City municipal code where this term is defined.</i>
BB	Chapter 3 (B) (8) (c) (8) Page 38	Shoreline Vegetation Conservation Regulations	9) The City shall require a shoreline vegetation management plan (SVMP) prepared by a qualified professional as part of any Substantial Development Permit that includes tree removal and land clearing. The City may require a SVMP for exempt activities or other permits involving tree removal and land clearing where necessary if project plans or other information does not clearly demonstrate compliance with this section. The SVMP shall <u>document compliance with the mitigation sequence and</u> identify appropriate <u>compensatory</u> mitigation, performance assurances, and maintenance and monitoring requirements necessary to assure no net loss of ecological functions. See Chapter 4, Section C(3)(a)(64 and 5) for additional SVMP requirements when the proposal involves an administrative setback reduction. The Citywide tree standards contained in LMC Section 18A.50.300 (Ordinance #264, 2001) shall be the minimum <u>compensatory</u> mitigation standards and the Shoreline Administrator may require additional <u>compensatory</u> mitigation to meet the no net loss standard. All development, including, but not limited to, development on lots that are less than seventeen thousand (17,000) square feet that would otherwise be exempt under the Citywide tree regulations, shall be required to comply with the standards contained in this SMP as well as those in Title 18A LMC.	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which require that Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. These changes differentiate between the mitigation sequence and compensatory mitigation and correct reference errors.</i>
CC	Chapter 4 (A) Page 43	Shoreline Use Provisions Applicability	As required by the SMA, this SMP sets forth policies and regulations governing specific categories of uses and activities typically found in shoreline areas. The policies and regulations cover the following uses and activities: Agriculture, Aquaculture, Boating Facilities, Commercial Development (Primary and Accessory), Forest Practices, Industrial Development, Mining, Parking (as a primary use), Recreational Facilities, Residential Development, Scientific, Historical, Cultural, or Educational Uses, Signage, Transportation, and Utilities (Primary and Accessory). The policies and regulations provide the basic criteria for evaluating shoreline permit applications <u>and exemptions</u> and are used to implement the broader goals, policies and intent of the SMA and this Program.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(iii)(A), which states that the SMA's provisions are intended to provide for the management of <u>all</u> development and uses within its jurisdiction whether or not a shoreline permit is required, and that local governments have the authority and responsibility to enforce master program regulations on <u>all</u> uses and development in the shoreline area.</i>

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DD	Chapter 4 (C) (1) Page 45	Table 1. Shoreline Use Table	<table border="1"> <thead> <tr> <th data-bbox="628 191 795 289">SHORELINE USE</th> <th data-bbox="795 191 962 289">Shoreline Residential</th> <th data-bbox="962 191 1112 289">Urban-Stream Protection</th> <th data-bbox="1112 191 1214 289">Urban Park</th> <th data-bbox="1214 191 1397 289">Conservancy</th> <th data-bbox="1397 191 1516 289">Natural</th> <th data-bbox="1516 191 1636 289">Aquatic</th> </tr> </thead> <tbody> <tr> <td data-bbox="628 289 795 354">Boating Facilities¹</td> <td data-bbox="795 289 962 354"></td> <td data-bbox="962 289 1112 354"></td> <td data-bbox="1112 289 1214 354"></td> <td data-bbox="1214 289 1397 354"></td> <td data-bbox="1397 289 1516 354"></td> <td data-bbox="1516 289 1636 354"></td> </tr> <tr> <td data-bbox="628 354 795 423">Boat Launch⁴</td> <td data-bbox="795 354 962 423">C</td> <td data-bbox="962 354 1112 423">X</td> <td data-bbox="1112 354 1214 423">C</td> <td data-bbox="1214 354 1397 423">X</td> <td data-bbox="1397 354 1516 423">X</td> <td data-bbox="1516 354 1636 423">C</td> </tr> </tbody> </table> <p data-bbox="628 451 1636 553">⁴ <u>Launching rails are not considered boating facilities for purposes of this Section. Launching rails are not intended to serve more than four (4) residences. For launching rail provisions, see Chapter 5.</u></p>	SHORELINE USE	Shoreline Residential	Urban-Stream Protection	Urban Park	Conservancy	Natural	Aquatic	Boating Facilities ¹							Boat Launch ⁴	C	X	C	X	X	C	<p data-bbox="1645 159 2642 289"><i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which require that Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i></p> <p data-bbox="1645 337 2642 695"><i>As currently written, launching rails are lumped into the definition of “Boat Launch or Ramp”. According to Table I, that would mean launching rails are allowed as conditional uses in the Shoreline Residential, Urban Park, and Aquatic designations because they are not addressed as a separate boating facility use like marinas and boat launches are. Allowing launch rails as a CUP in all of those designations would conflict with Table IV, which states they are permitted in the Shoreline Residential designation, and with the text in Chapter 5, Section (C)(5)(g)(1), which states they are conditional uses only in the Shoreline Residential designation in lieu of a moorage pier. This change clarifies that for purposes of the SMP launching rails are not boating facilities and are addressed in Chapter 5. The conflict between Table IV and the text in Chapter 5 has been addressed in required change XX below.</i></p>							
SHORELINE USE	Shoreline Residential	Urban-Stream Protection	Urban Park	Conservancy	Natural	Aquatic																										
Boating Facilities ¹																																
Boat Launch ⁴	C	X	C	X	X	C																										
EE	Chapter 4 (C) (1) Page 45	Table 1. Shoreline Use Table	<table border="1"> <thead> <tr> <th data-bbox="628 743 795 841">SHORELINE USE</th> <th data-bbox="795 743 962 841">Shoreline Residential</th> <th data-bbox="962 743 1112 841">Urban-Stream Protection</th> <th data-bbox="1112 743 1214 841">Urban Park</th> <th data-bbox="1214 743 1397 841">Conservancy</th> <th data-bbox="1397 743 1516 841">Natural</th> <th data-bbox="1516 743 1636 841">Aquatic</th> </tr> </thead> <tbody> <tr> <td data-bbox="628 841 795 873">Recreation³</td> <td data-bbox="795 841 962 873"></td> <td data-bbox="962 841 1112 873"></td> <td data-bbox="1112 841 1214 873"></td> <td data-bbox="1214 841 1397 873"></td> <td data-bbox="1397 841 1516 873"></td> <td data-bbox="1516 841 1636 873"></td> </tr> <tr> <td data-bbox="628 873 795 1003">Non-water oriented (as an accessory use)</td> <td data-bbox="795 873 962 1003">P</td> <td data-bbox="962 873 1112 1003">P</td> <td data-bbox="1112 873 1214 1003">P</td> <td data-bbox="1214 873 1397 1003">P</td> <td data-bbox="1397 873 1516 1003">C</td> <td data-bbox="1516 873 1636 1003">X</td> </tr> <tr> <td data-bbox="628 1003 795 1133">Non-water oriented (as a primary use)</td> <td data-bbox="795 1003 962 1133">X</td> <td data-bbox="962 1003 1112 1133">C</td> <td data-bbox="1112 1003 1214 1133">X</td> <td data-bbox="1214 1003 1397 1133">X</td> <td data-bbox="1397 1003 1516 1133">X</td> <td data-bbox="1516 1003 1636 1133">X</td> </tr> </tbody> </table>	SHORELINE USE	Shoreline Residential	Urban-Stream Protection	Urban Park	Conservancy	Natural	Aquatic	Recreation ³							Non-water oriented (as an accessory use)	P	P	P	P	C	X	Non-water oriented (as a primary use)	X	C	X	X	X	X	<p data-bbox="1645 711 2642 938"><i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which require that Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. These changes are required for consistency between this Table, the management policies for these three environment designations, and recreation policies and regulations (text pasted below, <u>emphasis added</u>).</i></p> <p data-bbox="1645 987 2642 1117"><i>Shoreline Residential: 2) Limited non-residential uses, such as <u>water-oriented recreation facilities, parks, day care facilities, and home occupation businesses should be allowed, provided they are consistent with the residential character and the requirements of the underlying zone.</u></i></p> <p data-bbox="1645 1133 2642 1222"><i>Urban Park: 4) <u>Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use;</u></i></p> <p data-bbox="1645 1239 2642 1328"><i>Conservancy: 2) <u>Water oriented recreation uses, such as viewing trails, benches and shelters, should be emphasized and non-water oriented uses should be minimized and allowed only as an accessory use;</u></i></p> <p data-bbox="1645 1377 2642 1502"><i>Recreational Development: Policy 1) <u>Primary recreational uses in the shoreline jurisdiction should be limited to water-oriented uses. Non-water-oriented recreational facilities may be allowed as an accessory use and in limited circumstances where they do not displace water oriented uses, for example, where visual access is incorporated if feasible and physical</u></i></p>
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				<p>access is not possible; and Regulation 3) <u>Water-dependent or water-related activities</u> such as swimming, boating, and fishing, and activities that benefit from waterfront scenery, such as picnicking, hiking and bicycling, <u>shall be emphasized in planning public and private (excluding residential) noncommercial recreation sites in the shoreline corridor.</u></p>																												
FF	Chapter 4 (C) (1) Page 46	Table 1. Shoreline Use Table	<table border="1"> <thead> <tr> <th data-bbox="634 326 841 418">SHORELINE USE</th> <th data-bbox="841 326 986 418">Shoreline Residential</th> <th data-bbox="986 326 1131 418">Urban-Stream Protection</th> <th data-bbox="1131 326 1231 418">Urban Park</th> <th data-bbox="1231 326 1392 418">Conservancy</th> <th data-bbox="1392 326 1516 418">Natural</th> <th data-bbox="1516 326 1623 418">Aquatic</th> </tr> </thead> <tbody> <tr> <td data-bbox="634 418 841 480">Transportation Facilities</td> <td data-bbox="841 418 986 480"></td> <td data-bbox="986 418 1131 480"></td> <td data-bbox="1131 418 1231 480"></td> <td data-bbox="1231 418 1392 480"></td> <td data-bbox="1392 418 1516 480"></td> <td data-bbox="1516 418 1623 480"></td> </tr> <tr> <td data-bbox="634 480 841 511">New Public Roads</td> <td data-bbox="841 480 986 511">P</td> <td data-bbox="986 480 1131 511">C</td> <td data-bbox="1131 480 1231 511">C</td> <td data-bbox="1231 480 1392 511">C/X</td> <td data-bbox="1392 480 1516 511">C</td> <td data-bbox="1516 480 1623 511">C</td> </tr> <tr> <td data-bbox="634 511 841 626">Expansion of Existing Roads and New Driveways</td> <td data-bbox="841 511 986 626">P</td> <td data-bbox="986 511 1131 626">P</td> <td data-bbox="1131 511 1231 626">P</td> <td data-bbox="1231 511 1392 626">P/X</td> <td data-bbox="1392 511 1516 626">C</td> <td data-bbox="1516 511 1623 626">C</td> </tr> </tbody> </table>	SHORELINE USE	Shoreline Residential	Urban-Stream Protection	Urban Park	Conservancy	Natural	Aquatic	Transportation Facilities							New Public Roads	P	C	C	C /X	C	C	Expansion of Existing Roads and New Driveways	P	P	P	P /X	C	C	<p>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. These changes are required for consistency between this Table and Transportation Facilities policies and regulations (text pasted below, <u>emphasis added</u>). Additionally, there is no description in the SMP as to how a combined Conditional Use/Prohibition or a Permitted Use/Prohibition in accordance with this table would be administered.</p> <p>Transportation Facilities: Policies 2) New road construction in the shoreline jurisdiction should be <u>allowed by conditional use</u> only when related to and necessary for the support of permitted shoreline activities; and 3) Expansion of existing roadways in the shoreline jurisdiction <u>should be allowed</u> if such facilities are found to be in the public interest, as determined jointly by the City Engineer and Shoreline Administrator.</p> <p>Regulation 4) New roads and expansion of existing roadways within the shoreline jurisdiction <u>shall be allowed</u> only when the proponent demonstrates that: a. No alternative route is feasible; and b. The roadway is constructed and maintained to cause the least possible adverse impact on the land and water environment.</p> <p>This comment was given to the City in correspondence dated 5/15/2013.</p>
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GG	Chapter 4 (C) (1) Page 46	Table 1. Shoreline Use Table, Footnotes	<p>KEY P^{3,4} = Permitted Use C = Conditional Use X = Prohibited</p> <p>¹ See Chapter 5 (Shoreline Modifications) for specific types of in-water <u>or over water structures/facilities recreational development</u> allowed in each environment (e.g. piers, docks and floats). Please note, boat ramps and overwater structures are not allowed in the Urban - Stream Protection, Conservancy, and Natural environments.</p> <p>² In the Shoreline Residential, <u>Conservancy</u> and Urban Park environments, only water-oriented commercial activities and <u>or</u> limited accessory commercial uses are allowed, e.g. day care in Shoreline Residential and concessions in the Urban Park, per the use standards in Commercial Uses in this SMP and in the underlying zoning.</p> <p>³ See permit requirements and exemptions in Chapter 5 and Chapter 6.</p>	<p>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires that Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. The first change (to the key) is required because there was no footnote 4*, and the language in footnote 3 appears to be applicable to the text in the key (permitted uses) that it is assigned to.</p> <p>The change to footnote 1 is required for consistency, because the footnote has not been applied to or used in the context only of recreational development.</p> <p>The change to footnote 2 is required because Table 1 outlines that water oriented commercial uses or limited accessory commercial uses are also allowed in the Conservancy designation. "And" has been changed to "or" because it was unclear if the 'water-oriented' language from first part of the sentence applied (meaning limited accessory uses would have to be water oriented). It is clear from other sections of the SMP (environment designation policies, use-related policies and regulations, and table 1) that this was not the intent; "or" clarifies this. This comment was also given to the City in correspondence dated 5/15/2013.</p> <p>*A new footnote 4 has been added per required change DD above.</p>																												

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			<p style="text-align: center;"><u>stream</u></p>	
JJ	Chapter 4 (C) (3) (a) (4 and 5) Page 50	Flexible Shoreline Setback and Buffer Regulations	4) All property owners who obtain approval for a setback or buffer reduction must <u>have</u> prepared and agree to adhere to a SVMP approved by the Shoreline Administrator and record the final approved setback or buffer and corresponding conditions in a Notice on Title. The Notice on Title shall include a statement regarding the existence of the SVMP and it shall be provided to the Shoreline Administrator.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. Page 38 of the SMP requires that these plans be prepared by a qualified professional; this change makes that clear. See also required change MMMM below.</i>
KK	Chapter 4 (C) (3) (a) (9) Page 50	Flexible Shoreline Setback and Buffer Regulations	9) Impervious surface coverage within the approved lake setback shall be limited to ten percent (10%) within twenty-five (25) feet of the OHWM and <u>twenty</u> thirty percent (<u>20%</u> 30%) within the remaining portion of the applied setback. All development within buffers, including impervious surface, is subject to the requirements for Critical Areas contained in this SMP.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. According to Table II, impervious surface limitations within shoreline setbacks or buffers are 10% within 25 ft. of the OHWM, and 20% within the remaining portion of the setback. This change is required for consistency with that table.</i>
LL	Chapter 4 (C) Table III Page 52	Shoreline Setback and Buffer Reduction Mechanisms	Existing hard structural stabilization at or near the OHWM is removed and new hard structural shoreline stabilization measures are setback from the OHWM between two (2) ft. to four (4) ft. based on feasibility and existing conditions and are sloped a maximum angle of 3 vertical: 1 horizontal to provide dissipation of wave energy and increase the quality or quantity of nearshore shallow-water habitat. See Chapter 6 for stabilization measure types and additional standards. <u>For purposes of this reduction mechanism only, need for the replacement structure is not required to be demonstrated as outlined in Chapter 5, Section (C)(2)(c), Shoreline Stabilization – Replacement and Repair.</u>	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. This change ensures there are no conflicts between this chapter and the incentives therein with provisions relating to replacement of shoreline stabilization in Chapter 5.</i>
MM	Chapter 4 (C) Table III Pages 52 & 53	Shoreline Setback and Buffer Reduction Mechanisms	<p>5) Restoration or retention of native vegetation (and preservation of existing trees and native vegetation) in at least 75% of the reduced (i.e. that portion remaining after reductions are applied) setback area. The remaining 25% of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 20 ft. of frontage may be used for improved shoreline access. Access areas shall be counted as part of the 25% non-native area and located to avoid areas of greater sensitivity and habitat value.</p> <p>6) Restoration or retention of native vegetation (and preservation of existing trees and native vegetation) in at least 25% of the reduced setback area. Up to 20 ft. of frontage may be used for improved shoreline access. Access areas shall be counted as part of the 75% non-native area and located to avoid areas of greater sensitivity and habitat value.</p>	<p><i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. Retention and preservation of native vegetation and existing trees is already required by the SMP (see Chapter 3, section B(8)). It is not appropriate to give setback reductions for activities that are already required by the SMP. Focus on the restoration component is necessary for this action to be a viable reduction mechanism.</i></p> <p><i>This comment was given to the City in correspondence dated 9/15/2011 and 5/15/2013.</i></p>
NN	Chapter 4 (D) (1) Page 54	Aquaculture	Aquaculture is the <u>culture or</u> farming of fish, shellfish, or other aquatic plants and animals. This activity is of statewide interest.	<i>This change is required in accordance with WAC 173-26-241 (3)(b)(i)(A), the definition of aquaculture.</i>
OO	Chapter 4 (D) (2) (c) (3) (h) Page 57	Boating Facilities Regulations	Covered moorage is allowed only <u>in the Shoreline Residential environment</u> by a CUP. Boat lift canopies are a permitted use <u>in the Shoreline Residential environment. See Chapter 5, Section (C)(5)(d)(8) and (9) for applicable standards.</u>	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A). According to Chapter 5, these structures can be authorized only in the Shoreline Residential environment designation. This section of the SMP (Chapter 4, Section D (2)) is specific to boating facilities as outlined in 2a (Applicability) on page 54, and is silent regarding this topic.</i>

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				<p><i>These changes clarify where such structures can be authorized when associated with "boating facilities" as defined in the SMP, and ensure there are no conflicts between Chapters 4 and 5.</i></p>
PP	Chapter 4 (D) (3) (c) (1) (g) Page 59	Commercial Development Regulations	<p>g. The use is non-water oriented and replaces an existing non-water oriented use in an existing commercial building. <u>For purposes of this regulation, replace means the footprint and general intensity of the commercial uses are the same.</u></p>	<p><i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i></p> <p><i>This comment was given to the City in correspondence dated 1/13/2012.</i></p>
QQ	Chapter 4 (D) (3) (c) (3) Page 59	Commercial Development Regulations	<p>3) Water dependent and water related Commercial uses shall provide public access as required in Chapter 3, Section B(5) and ecological restoration where feasible and shall not negatively impact existing navigation, recreation or public access.</p>	<p><i>This change is required for compliance with the Guidelines at WAC 173-26-221 (4)(d)(iii), which require that SMPs provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and <u>non water-dependent uses</u> and subdivisions of land into more than four parcels. WAC 173-26-241 (3)(d) requires that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water related or water dependent commercial development unless infeasible or inappropriate.</i></p> <p><i>Chapter 3 Section B(5) and regulations in this section address public access in all of these situations with the exception of non-water oriented uses. This change clarifies that consideration of public access as outlined by the provisions in Chapter 3 applies to all commercial uses, so as to capture non-water oriented uses.</i></p>
RR	Chapter 4 (D) (6) (c) (11) Page 65	Residential Development Regulations	<p>For the purposes of this section and WAC 173-27-040(2)(g), the following shall be considered a "normal appurtenance" to a single-family residence. <u>Not all normal appurtenances are considered water oriented:</u></p> <ul style="list-style-type: none"> a. Garages b. Decks c. Driveways and parking areas d. Utilities e. Fences f. Landscaping g. Pathways, walkways and stairways h. Swimming pools and spas i. Flagpoles j. Sheds up to two hundred (200) square feet k. Children's play equipment l. Fire Pits m. Sports courts n. Installation of a septic tank, drain field and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve the placement of fill in any wetland or waterward of the OHWM (when permitted by Tacoma Pierce County Health Department, Pierce County Sewer Utility, and City policies and regulations). 	<p><i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i></p> <p><i>The Master Program outlines that water oriented activities, improvements, uses and structures may be authorized in setbacks, but does not provide an exhaustive list of what that entails. The Department of Ecology does not consider things like flagpoles, sheds or sport courts to be water oriented. Because the list of appurtenances that may be water oriented is left open ended, the first change specifies that not every appurtenance recognized in the City's list for the purpose of defining exemptions (WAC 173-27-040 (2)(g)) is considered water oriented or will be allowed in setbacks.</i></p> <p><i>The second change is required to recognize that an exempt appurtenance is intended to be something that "is necessarily connected to the use and enjoyment of a single-family residence ". Because the changes refer to items that are not considered necessary for use and enjoyment of a single family home, there is no reason for them to be and in fact it is inappropriate for them to be plural.</i></p> <p><i>This comment was given to the City in correspondence dated 1/13/2012 and 5/15/2013.</i></p>
SS	Chapter 4 (D)	Trails	<p>Normal operation and <u>normal</u> maintenance <u>and repair</u> of all trails in shoreline jurisdiction</p>	<p><i>This change is required because maintenance and repair are used in various contexts</i></p>

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	(8) (b) (1) Page 68	Policies	should be exempt from the Substantial Development Permit requirements, subject to the specific provisions identified in Chapter 6 Section C(1) .	<i>throughout the document. Specifying that the intention is for normal maintenance and repair to be an SDP exemption, as authorized by WAC 173-27-040 (2)(b), is necessary. Additionally, there are few specific provisions for exemptions contained in Chapter 6; therefore, the definitions of normal maintenance and normal repair have also been added to the SMP (see also required changes GGGG and HHHH). These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>																								
TT	Chapter 4 (D) (9) (b) (1) Page 69	Transportation Facilities Policies	Normal operation, <u>and normal</u> maintenance, and repair of all transportation facilities in the shoreline jurisdiction should be exempt from Substantial Development Permit requirements, subject to the specific provisions identified in Chapter 6 Section C(1) .	<i>This change is required because maintenance and repair are used in various contexts throughout the document. Specifying that the intention is for normal maintenance and repair to be an SDP exemption, as authorized by WAC 173-27-040 (2)(b), is necessary. Additionally, there are few specific provisions for exemptions contained in Chapter 6; therefore, the definitions of normal maintenance and normal repair have also been added to the SMP (see also required changes GGGG and HHHH). These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>																								
UU	Chapter 4 (D) (10) (a) Page 70	Utilities (Primary) Applicability	Utilities are services and facilities that produce, transmit, store, process, or dispose of electric power, gas, water, sewage, and communications <u>and the like</u> . Utilities in this SMP are divided into primary and accessory <u>secondary</u> based on type and scale. The provisions of this section apply to primary <u>utility uses</u> and activities such as solid waste handling and disposal, regional water transmission lines and storage facilities, sewage treatment facilities and interceptors, water or sewer pump stations, power generating or high voltage transmission facilities, gas pipelines and storage facilities and regional stormwater treatment facilities.	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies; the term “accessory utilities” is not used in the SMP.</i> <i>WAC 173-26-241 (3)(l) defines utilities, including the encompassing statement “and the like”.</i>																								
VV	Chapter 4 (D) (10) (b) (1) Page 71	Utilities (Primary) Policies	New primary utilities should be located outside of shoreline jurisdiction unless <u>they are water oriented</u> , no other feasible option exists, and should utilize existing transportation and utility sites, rights-of-way and corridors where allowed, rather than creating new corridors. Joint use of rights-of-way and corridors should be encouraged.	<i>This change is required in accordance with WAC 173-26-241 (3)(l), which states that utility production and processing facilities or parts of those facilities that are not water oriented shall not be allowed in shoreline areas unless it can be demonstrated that no feasible option is available.</i>																								
WW	Chapter 5 (B) Page 76	Table IV Permitted Shoreline Modifications	<table border="1"> <thead> <tr> <th>SHORELINE MODIFICATION</th> <th>Shoreline Residential</th> <th>Urban-Stream Protection</th> <th>Urban Park</th> <th>Conservancy</th> <th>Natural</th> </tr> </thead> <tbody> <tr> <td>Dredging and Disposal <u>Clearing and Grading</u></td> <td>P</td> <td>P¹</td> <td>P¹</td> <td>P¹</td> <td>C¹</td> </tr> <tr> <td>Clearing and Grading <u>Dredging and Disposal</u></td> <td>P</td> <td>P¹</td> <td>P</td> <td>P¹</td> <td>C¹</td> </tr> <tr> <td>Dredging²</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> <td>C</td> </tr> </tbody> </table>	SHORELINE MODIFICATION	Shoreline Residential	Urban-Stream Protection	Urban Park	Conservancy	Natural	Dredging and Disposal <u>Clearing and Grading</u>	P	P ¹	P ¹	P ¹	C ¹	Clearing and Grading <u>Dredging and Disposal</u>	P	P ¹	P	P ¹	C ¹	Dredging ²	C	C	C	C	C	<i>These changes are required so that Clearing and Grading are recognized as independent shoreline modifications (not only as associated with Dredging and Disposal), and so that footnote 1, which confirms that critical area provisions may also apply, recognizes all environment designations containing streams. With the inclusion of portions of Clover Creek in the Urban Park designation, this addition is necessary.</i> <i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i>
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ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]						ECOLOGY - DISCUSSION/RATIONALE																							
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YY	Chapter 5 (B) Page 76	Table IV Permitted Shoreline Modifications	<p>¹ The critical area provisions of LMC Title 14A as incorporated into this SMP shall apply within designated critical areas and buffers (such as streams and wetlands). Critical area requirements may further restrict this activity and other development activities in portions of the shoreline management area. Please see LMC Title 14A and Chapter 3, Section (B)(3) for more information.</p>						<p>This change clarifies that in accordance with WAC 173-26-221 (2)(a) and RCW 90.58.610, upon Department of Ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW. The first sentence of this footnote appropriately references LMC Title 14A as it now applies (as incorporated into the SMP) and this addition points the reader to the section of the SMP that incorporates and modifies LMC Title 14A for purposes of the SMP.</p>																							
ZZ	Chapter 5 (C) (1) (c) (3) Page 77	General Policies and Regulations Regulations	<p>In reviewing shoreline modification permits, the Shoreline Administrator shall require steps to avoid then reduce significant ecological impacts according to the mitigation sequence in Chapter 3, Section B.4.C.3.</p>						<p>This change is required in accordance with WAC 173-26-201 (2)(e)(I); this section of the Guidelines requires mitigation measures be applied in a specific sequence, which sequence begins with avoiding the impacts all together.</p>																							
AAA	Chapter 5 (C) (2) (a) Page 78	Shoreline Stabilization Applicability	<p>Shoreline stabilization includes structures and actions taken to address erosion impacts caused by natural processes, such as currents, floods, and waves. Examples of stabilization methods include beach restoration and enhancement, soil bioengineering, and bulkheads. "Hard" structural stabilization measures refer to those with solid, hard surfaces, such as concrete or boulder bulkheads, while "soft" structural measures rely on less rigid materials, such as anchored logs, limited rock placement in conjunction with other components, bioengineered vegetation measures, and beach enhancement. Nonstructural methods include bioengineered vegetation measures, building setbacks, relocation of the structure to be protected, ground water management, and planning and regulatory measures.</p>						<p>This change is required in accordance with WAC 173-26-231 (3)(a) (i) and (ii). These sections of the Guidelines define structural versus non structural shoreline stabilization actions, and outline that biotechnical vegetation measures are a type of structural shoreline stabilization measure ("soft" measure).</p>																							
BBB	Chapter 5 (C) (2) (b) (4) Page 80	Shoreline Stabilization Policies	<p>New or expanded structural shoreline stabilization should only be permitted where necessary to protect an existing primary structure or a legally existing shoreline use that is in danger of loss or substantial damage, and where mitigation of impacts it would not cause a net loss of shoreline ecological functions and processes.</p>						<p>This change is required for compliance with WAC 173-26-231 (2)(a); unclear language has been removed per WAC 173-26-191 (2)(a)(ii)(A).</p>																							
CCC	Chapter 5 (C) (2) (c) Shoreline Stabilization – General Requirements (2) and (3)	Shoreline Stabilization Regulations	<p>2) Except as otherwise provided in these regulations, hard-armor structural shoreline stabilization to reduce shoreline protect primary structures from damage from erosion shall be allowed only after it is demonstrated through a geotechnical report that soft armor armor ing or non-structural solutions would not provide sufficient protection to existing structures. If structural stabilization is necessary to protect structures, then the feasibility of soft structural measures shall be evaluated prior to consideration of hard structural measures. Soft structural stabilization measures shall be used unless the Shoreline Administrator determines that it is not feasible based on the geotechnical report required</p>						<p>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A) and WAC 173-26-231 (3)(a)(iii)(D). As written, these provisions were mixing two separate levels of analysis – first, <u>if</u> shoreline stabilization is necessary and second, <u>when</u> hard armor may be authorized over soft stabilization measures. Additionally, these provisions apply to both new/enlarged and replacement stabilization structures.</p>																							

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
	Page 81		<p>in this section and provided by the applicant.</p> <p>3) The geotechnical report shall evaluate the necessity of structural stabilization measures by estimating timeframes and rates of erosion, urgency of replacement, alternative solutions, and other pertinent factors. Hard armoring shall not be authorized except where the geotechnical report confirms that there is a significant possibility that a primary structure will be damaged within three years as a result of shoreline erosion in the absence of such measures or where waiting until the need is that immediate would foreclose the opportunity to use measures that would avoid impacts on ecological functions. Where a geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three (3) years, soft structural stabilization measures may be authorized.</p>	
DDD	Chapter 5 (C) (2) (c) Shoreline Stabilization – New Development Regulation (1) Page 81	Shoreline Stabilization Regulations	New development, including land subdivision, shall, to the extent feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization and ensure no net loss of ecological function at full build-out. <u>A geotechnical analysis of the site and shoreline characteristics shall be required to assure that lots created through subdivision will not require shoreline stabilization in order for reasonable development to occur.</u> New non-water dependent development that would require shoreline stabilization and cause significant adverse impacts to adjacent or down-current properties is prohibited	<i>These changes are required for compliance with WAC 173-26-231 (3)(a)(iii)(A).</i>
EEE	Chapter 5 (C) (2) (c) Shoreline Stabilization – New Development Regulation (2)(a) Page 82	Shoreline Stabilization Regulations	The need to protect the development from damage due to erosion caused by natural processes, such as currents and waves, and by manmade processes, such as boat wakes, is demonstrated through a geotechnical report;	<p><i>These changes are required for compliance with WAC 173-26-231 (3)(a)(i) and WAC 173-26-231 (3)(a)(iii)(B)(II).</i></p> <p><i>The comment was made to the City in correspondence dated 9/15/2011 and 11/9/2011.</i></p>
FFF	Chapter 5 (C) (2) (c) Shoreline Stabilization – Replacement and Repair Regulation (4) Page 83	Shoreline Stabilization Regulations	A major repair <u>or replacement</u> of a hard shoreline stabilization structure shall be allowed without a demonstration of need when the existing primary structure is ten (10) feet or less from the OHWM. All other major repair proposals must include a written narrative prepared by a qualified geotechnical engineer that provides a demonstration of need. A major repair shall be defined as:	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations must be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. Replacement and repair regulation #1 on page 82 states that existing shoreline stabilization structures shall not be replaced with a similar structure without a demonstration of need, but how that need is demonstrated is never addressed. This language addresses that gap.</i>
GGG	Chapter 5 (C)	Shoreline	Shoreline stabilization should <u>shall</u> not be used to create new or newly usable land.	<i>This change is required to support consistent use of the terms “should” and “shall”. The</i>

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
	(2) (c) Shoreline Stabilization – General Design Requirements Regulation (2) Page 83	Stabilization Regulations		<i>Guidelines differentiate between “shall” (the imperative voice meaning a mandate, and that the action is required) and “should” (that the action is required unless a demonstrated reason is given not to and that the action is within discretion) in WAC 173-26-191 (2). “Should” is to be used in policies and “shall” is to be used in standards or regulations.</i>
HHH	Chapter 5 (C) (2) (c) Shoreline Stabilization – Beach Restoration and Enhancement Regulation (2) Page 84	Shoreline Stabilization Regulations	Beach enhancement <u>for the purpose of shoreline stabilization</u> is limited to the minimum necessary to accomplish shoreline stabilization . Proposals, which <u>exceeding the this</u> threshold <u>outlined in Section 4(c)(2)</u> , shall be subject to the requirements for shoreline fill in that section this Chapter, shall require a CUP and shall only be allowed in conjunction with a water dependent or public use permitted by this SMP, and for fisheries, aquaculture or wildlife enhancement projects.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations must be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. As originally written, this regulation appears to conflict with the description of “Beach Restoration or Enhancement” on page 78, which outlines it can be done for various purposes only one of which is shoreline stabilization. Other purposes include recreation or aquatic habitat creation. These changes also point the reader to the section of the SMP that outlines at what point beach restoration exceeds “small scale” and is considered fill, and under what circumstances such fill may be accommodated.</i>
III	Chapter 5 (C) (3) (c) (11) Page 88	Dredging and Disposal Regulations	Depositing dredge materials in all water areas shall be prohibited, except where authorized in Regulation 5 <u>6</u> above.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the reference given appears to be incorrect.</i>
JJJ	Chapter 5 (C) (4) (a) Page 89	Fill Applicability	The policies contained herein are intended to focus on the aspects of natural systems affected by dredging and the disposal of dredge material, man-made fill, cuts, excavations and site grading actions, while at the same time recognizing the community's needs.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); it is unclear how any of this text, with the exception of the word “fill”, relates to this section of the SMP.</i>
KKK	Chapter 5 (C) (5) (b) Page 91	Overwater Structures and Launching Facilities Exemptions	Construction of dock structures for the private noncommercial use of the owner, lessee, or contract purchaser of single- and multi-family residences are exempt from the requirement for a Substantial Development Permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(2)(h). <u>A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.</u> This exception applies if the fair market value of the dock does not exceed <u>(I) twenty ten</u> thousand dollars (\$120,000) <u>for docks that are constructed to replace existing docks and are of equal or lesser square footage that the existing dock being replaced; or (II) ten thousand dollars for all other docks constructed in fresh waters.</u> but <u>However</u> , if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of completion of the prior construction, <u>and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either (I) or (II) above</u> , the subsequent construction shall be considered a substantial development. The ten thousand <u>All</u> dollar (\$10,000) thresholds	<i>These changes are required in accordance with RCW 90.58.030 (3)(e)(vii) and WAC 173-27-040 (2)(h). The first change (addition of a sentence) is required because the reference is incomplete.</i> <i>The second changes are required for consistency with ESHB 1090, passed by the legislature in February of this year, which takes effect July 1, 2014.</i>

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
			will be adjusted for inflation by the State Office of Financial Management every five (5) years, beginning July 1, 2007 <u>2018</u> , based upon changes in the consumer price index during that time period, and this change is hereby incorporated by reference.	
LLL	Chapter 5 (C) (5) (d) (4) (a) Page 93	Overwater Structures and Launching Facilities Regulations – Docks, Piers and Moorage Structures	4) New piers and docks shall be allowed only for public access and water-dependent use, which includes a structure associated with a single-family residence that is designed and intended as a facility for access to watercraft and otherwise complies with the regulations contained in this section. Piers and docks of the minimum size necessary to accommodate the proposed water dependent use may be permitted accessory to a development provided: a. No more than one (1) pier/dock for each single-family residence is permitted. <u>Up to one (1) buoy is allowed per dwelling unit in lieu of a dock.</u>	<i>This change is required for internal consistency and clarity; WAC 173-26-191 (2)(a)(ii)(A). Chapter 5, Section C(5)(f)(2) states one moorage buoy is allowed per dwelling unit in lieu of a dock.</i>
MMM	Chapter 5 (C) (5) (d) (10) Page 95	Overwater Structures and Launching Facilities Regulations – Docks, Piers and Moorage Structures	Proposed overwater structures that do not comply with the dimensional standards in Table V may only be approved if they obtain a variance. Provided that, pursuant to WAC 173-27-040 (2)(b), any legally existing nonconforming pier or dock may be repaired or restored (including replacement <u>may be authorized as repair</u>) to its original pre-existing size, dimension, <u>configuration</u> and location without the need for a variance, <u>provided such activity meets the definition of normal maintenance and repair</u> . Projects undertaken pursuant to this section must be permitted within two years of removal of the pre-existing, nonconforming structure.	<i>This change is required because maintenance and repair are used in various contexts throughout the document. Specifying that the intention is for normal maintenance and repair to be an SDP exemption, as authorized by WAC 173-27-040 (2)(b), is necessary. Definitions of normal maintenance and normal repair have also been added to the SMP (see required changes GGGG and HHHH). These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>
NNN	Chapter 5 (C) (5) (g) (5) Page 98	Overwater Structures and Launching Facilities Regulations – Boat Launches (Rails and Ramps)	Launching ramps and launching ramps serving more than four (4) residential units are regulated as Boating Facilities and they must comply with all policies and regulations in Chapter 4 <u>5</u> of this SMP. <u>Launching rails serving more than four (4) residential units are prohibited.</u>	<i>This change is required for internal consistency and clarity; WAC 173-26-191 (2)(a)(ii)(A). “Launching ramps” was repetitive, and the regulations relating to boating facilities are in Chapter 4 not Chapter 5. As outlined in required changes DD and XX above, there were multiple inconsistent references throughout the document to launching rails. The most intelligible language indicated they are to be permitted as a conditional use in the Shoreline Residential environment in lieu of a moorage pier. Because they were not addressed in Chapter 4, Ecology supposes they were not intended to be considered boating facilities (to serve more than 4 residential units).</i>
OOO	Chapter 6 (B) (2) (a) (3) Page 102	Administration Shoreline Administrator Duties	3) Making administrative decisions and interpretations of the policies and regulations of this SMP and the SMA. <u>In development of any procedures for and/or administrative interpretations of the Master Program, the Administrator shall consult with the Department of Ecology to insure any formal written interpretation is consistent with the purpose and intent of the Shoreline Management Act and the Shoreline Master Program Guidelines.</u>	<i>This change is required in accordance with WAC 173-26-140.</i>
PPP	Chapter 6 (C) (1) Page 103	Administration Exemptions	<u>f) The Administrator shall prepare a letter of exemption whenever a development is determined to be exempt from the Substantial Development permit requirements and the development is subject to one or more of the federal permit requirements outlined in</u>	<i>This change is required in accordance with WAC 173-27-050.</i>

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE
			WAC 173-27-050. The letter shall indicate the specific exemption that is being applied to the development and provide a summary of the City's analysis of the consistency of the project with the SMP.	
QQQ	Chapter 6 (C) (2) (g) Page 104	Administration Substantial Development	Filing with Ecology. All applications for a permit or permit revision shall be submitted to Ecology, as required by WAC 173-27-130 or as subsequently amended. After City approval of a CUP or Variance, the City shall submit the permit to the Ecology for approval, approval with conditions, or denial, as provided in WAC 173-27-200. Ecology shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City. Permit revisions shall comply with the revision approval criteria and process provided in WAC 173-27-100.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(iii)(C).</i>
RRR	Chapter 6 (C) (2) (h) Page 104	Administration Substantial Development	Hold on Construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing with Ecology, per WAC 173-27-190 or as subsequently amended. "Date of filing" of the City's final decision on Substantial Development Permits differs from date of filing for a CUP or variance. In the case of a substantial development permit, the date of filing is the date Ecology actually receives the City's transmits its decision on the permit to Ecology . In the case of a variance or CUP, the "date of filing" means the date that Ecology's final order decision on the permit is transmitted to the City.	<i>These changes are required in accordance with WAC 173-26-190 and RCW 90.58.140 (6).</i>
SSS	Chapter 6 (C) (2) (i) Page 104	Administration Substantial Development	Duration of permits. Construction, or the use or activity, shall commence within two (2) years after the effective date approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Shoreline Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and Ecology, for up to one (1) year based on reasonable factors.	<i>This change is required in accordance with WAC 173-27-090 (2).</i>
TTT	Chapter 6 (E) Page 107	Administration Appeals to the Shoreline Hearings Board	Any person aggrieved by the granting or denying of a substantial development permit, CUP, or variance, the upholding of an exemption appeal, or by the rescinding of a permit pursuant to the provisions of this SMP, may seek review from the State of Washington Shorelines Hearing Board by filing a petition for review within twenty-one (21) days of the date of filing of the permit decision. Within seven (7) days of filing the petition, the petitioner shall serve copies of the petition to Ecology, the Attorney General's Office, and the City of Lakewood. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC.	<i>This change is required in accordance with RCW 90.58.180 (1).</i>
UUU	Chapter 6 (F) (2) (c) (1) Page 107	Administration Nonconforming Use and Development Standards	An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM, which was legally established prior to the effective date of the Act or this SMP, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations of the City and so long as such development conforms to all other requirements of this SMP and the SMA.	<i>This change is required in accordance with WAC 173-27-080 (10).</i>
VVV	Chapter 6 (H) (2) Page 112	Administration SMP Review by City of	The City's established permit tracking system, aerial photos, reviewing of other available data, and field observations as feasible shall be used to periodically evaluate the effectiveness of this SMP in achieving no net loss of shoreline ecological functions with respect to both permitting and exemptions. This process shall also be used to periodically	<i>This change is required for compliance with WAC 173-26-191 (2)(a)(iii)(D).</i>

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
		Lakewood	evaluate the cumulative effects of authorized development on shoreline conditions.	
WWW	Chapter 7 Page 113	Definitions	Appurtenance - A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the OHWM and also of the perimeter of any wetland. For purposes of this SMP, normal appurtenances are outlined in Chapter 4, Section D(6)(c)(11). Typically includes a garage, deck, driveway, utilities, fences, installation of a septic tank, and drainfield and grading which does not exceed two hundred fifty cubic yards (250) (except to construct a conventional drainfield) and which does not involve placement of fill in any wetland or waterward of the OHWM (see WAC 173-27-040(2)(g)).	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); this definition does not match the definition on page 65 (Chapter 4, Section D(6)(c)(11)) of the SMP.</i>
XXX	Chapter 7 Page 113	Definitions	Associated wetlands - Those wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the SMA. (See WAC 173- 227- 030(1)).	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A) and WAC 173-22-030.</i>
YYY	Chapter 7 Page 115	Definitions	Boathouse - A structure designed for storage of vessels located over water or on shorelands. Boathouses do not include "houseboats" or "floating homes." Boathouses have 4 walls and a solid roof, whereas covered moorage does not include walls, only a roof.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>
ZZZ	Chapter 7 Page 115	Definitions	Boating facility - A public or private moorage structure or boat launch serving more than four (4) residences.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the change is necessary for consistency with the applicability section regarding Boating Facilities - Chapter 4, Section D(2)(a).</i>
AAAA	Chapter 7 Page 117	Definitions	Emergency - An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property from damage by the elements. For a complete definition of emergency, including required follow up actions and exclusions from this definition, s (See RCW 90.58.030(3eiii) and WAC 173-27-040(2d)).	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the change is necessary for consistency with the rule definition (WAC 173-27-040 2 d) and is potentially misleading with the information that has been excluded.</i>
BBBB	Chapter 7 Page 117	Definitions	Environmentally Sensitive Areas Ordinance 03-1037 362, City of Lakewood - This ordinance provides the goals, policies, and implementing regulations for protecting the designated critical areas of the City. The ordinance addresses environmentally sensitive area development controls; measures important for protecting and preserving these resources; preventing or mitigating cumulative adverse environmental impacts to critical areas; and serves to alert the public to the development limitations of critical areas.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); all other references to the City's ordinance, including the incorporation by reference language in Chapter 3, Section B(3), references Ordinance No. 362.</i>
CCCC	Chapter 7 Page 118	Definitions	Exaction - a concept in real property law where a condition for development is imposed on a parcel of land that requires the developer to mitigate anticipated negative impacts of the development.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. The term exaction is used multiple times in Chapter 3 subsection (5) and is never defined.</i>
DDDD	Chapter 7 Page 118	Definitions	Exemption - Specific developments exempt from the definition of substantial developments and the Substantial Development Permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local SMP. CUPs and/or Variances may also still be required even though the activity does not need a	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the reference to Chapter 7 is incorrect and there is not a complete list of exemptions in the SMP.</i>

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
			Substantial Development Permit (See WAC 172-27-040). For a complete list of exemptions, see Chapter 7 <u>WAC 173-27-040</u> .	
EEEE	Chapter 7 Page 121	Definitions	Joint Use Community Pier or Dock - A pier, dock, or secured float or floats for vessel moorage, fishing, or other water use that is shared by two (2) or more users <u>residences, up to four (4) residences</u> . <u>Joint use moorage serving more than four residences is considered a community pier or dock.</u>	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); all of the text in Chapter 5 and in Table V differentiates joint use moorage structures from community structures. This comment was given to the City on 5/15/2013.</i>
FFFF	Chapter 7 Page 122	Chapter 7 Page 121	Mitigation or Mitigation sequencing - The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal through the following sequence of steps, listed in order of priority: (See WAC 197-11-768 and WAC 173-26- 201 (2)(e)(1)020(30));	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the citation to the WAC is incorrect.</i>
GGGG	Chapter 7 Page 123	Definitions	Normal maintenance - <u>those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.</u>	<i>This change is required because maintenance and repair are used in various contexts throughout the document. Specifying that the intention is for normal maintenance and repair to be an SDP exemption, as authorized by WAC 173-27-040 (2)(b), is necessary. These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>
HHHH	Chapter 7 Page 123	Definitions	Normal repair - <u>to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.</u>	<i>This change is required because maintenance and repair are used in various contexts throughout the document. Specifying that the intention is for normal maintenance and repair to be an SDP exemption, as authorized by WAC 173-27-040 (2)(b), is necessary. These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A).</i>
IIII	Chapter 7 Page 123	Definitions	Ordinary High Water Mark (OHWM) - The mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Ecology provided, that in any area where the OHWM cannot be found, OHWM adjoining fresh water shall be the line of mean high water. (See RCW 90.58.030(2)(bc) and WAC 173-22-030(511)).	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the citations are incorrect.</i>
JJJJ	Chapter 7 Page 123	Definitions	Primary structure - <u>the structure associated with the principal use of the property. This also includes single family residential appurtenant structures (such as a garages, attached decks, driveways, utilities, and septic tanks and drainfields) that cannot feasibly be relocated. It does not include structures such as tool sheds, gazebos, greenhouses or other ancillary residential improvements that can feasibly be moved landward to prevent the erosion threat.</u>	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations must be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. The SMP states that new shoreline stabilization should only be allowed to protect existing primary structure, which term is never defined.</i>
KKKK	Chapter 7 Page 127	Definitions	Shoreline modification - Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can also include other actions, such as clearing, grading, or application of chemicals <u>or significant vegetation removal.</u> Shoreline permit - A substantial development permit, CUP, revision, or variance or any combination thereof (See WAC 173-27-030(13)).	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A) and WAC 173-26-231 (1). Shoreline modifications can include significant vegetation removal, and the term shoreline permit is already defined on page 123 (Permit or Shoreline Permit).</i>

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LLLL	Chapter 7 Page 127	Definitions	Shoreline stabilization - Actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural measures such as bulkheads and nonstructural methods such as <u>building setbacks or relocation of structures</u> soil <u>bioengineering</u> .	<i>Soil bioengineering is a structural stabilization measure per WAC 173-26-231 (3)(a)(ii). See also required change AAA.</i>
MMMM	Chapter 7 Page 127	Definitions	Shoreline vegetation management plan (SVMP) - A plan prepared by <u>a qualified professional</u> an applicant that identifies appropriate mitigation, performance assurances, and maintenance and monitoring requirements necessary to assure no net loss of ecological functions.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which states that Master Program regulations must be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. There are at least four conflicting statements throughout the SMP with regard to who can prepare SVMP plans. See also required change JJ.</i>
NNNN	Chapter 7 Pages 127 and 128	Definitions	Shorelines - All of the water areas of the state, including reservoirs and their associated shorelands, together with the lands underlying them, except those areas excluded under RCW 90.58.030(2)(e). Shorelines of statewide significance - A select category of shorelines of the state, defined in RCW 90.58.030(2)(ef), where special use preferences apply and greater planning authority is granted by the SMA. SMP policies, use regulations and permit review must acknowledge the use priorities for these areas established by the SMA. (See RCW 90.58.020).	<i>These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the citations are incorrect.</i>
OOOO	Chapter 7 Page 128	Definitions	Significant Vegetation Removal - <u>the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.</u>	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A) and WAC 173-26-020 (36). This term is used at least twice in the SMP and never defined.</i>
PPPP	Chapter 7 Page 129	Definitions	Utilities, Accessory Secondary - Utilities comprised of small-scale distribution and collection facilities connected directly to development within the shoreline area. Examples include local power, telephone, cable, gas, water, sewer and stormwater service lines.	<i>This change is required in accordance with WAC 173-26-191 (2)(a)(ii)(A); the language is not consistent with the title of Chapter 4, Section D(11).</i>
QQQQ	Maps	Figure 1	<ul style="list-style-type: none"> <u>Fix colors; the three shades of purple for the Natural, Urban Park and Conservancy shoreline environments are hardly discernible and certainly will not be on subsequent copies. Consider a bright green for the Natural environment and another color for one of the two remaining designations at issue.</u> <u>Change the title of this figure from Environmental Designations to Environment Designations.</u> <u>Show all street ends with the Urban Park designation per (c)(1)(a) on page 11 of the SMP.</u> <u>Remove the draft stamp.</u> <u>Fix whatever feature it is that shows the Urban Park environment extending outside of shoreline jurisdiction at Springbrook Park.</u> <u>Show Oakbrook 4th Addition as in the Conservancy environment per (c)(1)(b) on page</u> 	<i>The comments regarding street ends and Oakbrook 4th Addition were given to the City in correspondence dated 1/9/2012 and 5/15/2013.</i>

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			<p>13 of the SMP.</p> <ul style="list-style-type: none"> • Show and label Leach Creek on this Figure, since (c)(1) on page 15 of the SMP refers to it. 	