

# Attachment B:

## Ecology Required Changes

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

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	17.20.020 "A" definitions Aquaculture	Definitions	"Aquaculture" means the culture or farming of food fish, shellfish, or other aquatic plants and animals. <del>Potential locations for aquaculture are relatively restricted within the SMP of Pacific due to specific requirements for water quality, temperature, flows, Oxygen content, adjacent land uses, wind protection, and commercial navigation. Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, or significantly conflict with navigation and other water dependent uses.</del> <u>Aquaculture facilities should be designed and located so as not to cause significant ecological impacts, or significantly impact the scenic qualities of the shoreline. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.</u>	Deleted text is not part of the Aquaculture definition in the SMP Guidelines [WAC 173-26-020(6)]. The deleted language is more appropriate in 17.150.51, Chapter 5 - Shoreline Use Policies and Regulations.  See required changes 2-4, below.
2	17.150.51 Chapter 5 Aquaculture	Shoreline Use Policies and Regulations	(5) <del>Ecological balance should be considered when introducing non-native fish or shellfish, plant or animal life.</del> <u>Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts.</u>	Replace Policy (5) with edited language from 17.20.020 Definitions section, which is consistent with WAC 173-26-241(3)(b)(i)(C).
3	17.150.51 Chapter 5 Aquaculture	Shoreline Use Policies and Regulations	(11) <u>Potential locations for aquaculture are relatively restricted within Stanwood due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, and commercial navigation. The technology associated with some forms of present-day aquaculture is still in its formative stages and experimental. Therefore, some latitude will be provided in development of this use as well as its potential impact on existing uses and natural</u>	Add new Policy to Chapter 5, Aquaculture. The policy language proposed in 17.20.020

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			<u>systems.</u>	“A” Definitions has been moved to here and typos corrected (periods changed to commas, Pacific replaced with Stanwood), and additional language added from WAC 173-26-241(3)(b)(i)(A) to create a more consistent policy statement.
4	<b>17.150.51 Chapter 5 Aquaculture</b>	Shoreline Use Policies and Regulations	<u>(12) Aquaculture should not be permitted in areas where it would result in a net loss of ecological functions. Impacts to ecological functions shall be mitigated according to the mitigation sequence described in WAC 173-26-020.</u>	Add new Policy to Chapter 5, Aquaculture. The policy language proposed in 17.20.020 “A” Definitions has been moved to here and additional language added from WAC 173-26-241(3)(b)(i)(C) to create a consistent regulation.
5	<b>17.150.51 Chapter 5 Aquaculture</b>	Shoreline Use Policies and Regulations	<u>(13) A conditional use permit is required for new or expanded aquaculture in the Shoreline High Intensity, Urban Conservancy, and Essential Public Utility shoreline environmental designations, and within the area defined as Aquatic Overlay in 17.150.18.</u>	Add new regulation regarding CUP for consistency with the Use Table of the locally adopted SMP (p. 47) and 17.150.18 Aquatic – Management Policies, which allows water-dependent uses.

6	17.20.050 "D Definitions	Definitions	"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level;	Add a definition for "development" for consistency with 173-27-030(6)
7	17.20.070 "F" definitions	Definitions	"Fill" means <del>the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land earth or any other substance or material placed in or on the ground, including earth retaining structures.</del>	Amend definition for consistency with WAC 173-26-020
8	17.20.070 "F" definitions	Definitions	"Floodway" needs to be a separate paragraph from fill. Definition is correct.	For clarity in implementation. <sup>1</sup>
9	17.20.XXX "H" definitions	Definitions	<del>Building Height in Shoreline Management Act jurisdiction is measured from average grade level to the highest of a structure: Provided, That television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, That temporary construction equipment is excluded in this calculation. only means the vertical distance between average grade and the highest part of the coping of a flat roof, or the deck line of a mansard roof, or the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building.</del>	Amend definition for consistency with RCW 90.58.320 and WAC 173-27-030.
10	17.20.160 "O" definitions	Definitions	<del>"Ordinary high water mark" means the mark on all lakes and streams that will be found by examining the beds 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 and vegetation, as that condition existed on June 1, 1971 for all lands under the jurisdiction of the Shoreline Management Act, or for other lands on the effective date of the relevant provisions of this code, or as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the city or other authorized jurisdictions. In any area where the ordinary high water mark cannot be found, it shall be defined in accordance with WAC 173-22-030, generally the line of the mean higher high tide in areas adjoining salt water, and the line of mean high water in areas adjoining freshwater. on all lakes, streams, and tidal water 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 the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining freshwater shall be the line of mean high water;</del>	Amend definition for consistency with RCW 90.58.030.

11	17.20.240 "W" Definitions	Definitions	"Water-enjoyment use" means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for <u>aesthetic</u> enjoyment or recreational use of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the <del>visual</del> <u>aesthetic</u> and physical qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.	Amend definition for consistency with WAC 173-26-020(40).
12	17.20.240 "W" Definitions	Definitions	"Wetlands, Associated jurisdictional" means those wetlands that are in proximity <u>to</u> and either influence or are influenced by <del>shoreline areas</del> <u>tidal waters or a lake or stream</u> subject to the Shoreline Management Act.	Amend definition for consistency with WAC 173-27-030(1)
13	17.130.060(5) FWHCA	FWHCA Specific standard	(5)Buffer Exclusion. An area within the standard buffers may be excluded if the area is functionally and effectively disconnected from the FWHCA by a <u>paved</u> road, railroad or other substantially developed surface.	Amend definition to clarify intent and ensure consistent interpretation. <sup>1</sup>
14	17.130.060 (6) Reach Based Alternative buffer width requirements	Buffers	Within Shoreline Management Act Jurisdiction the director may follow the following buffer width requirements without a variance: <b>Stillaguamish River Reach A</b> from the SR 532 Bridge to, but not including, the "Railroad Parcel" shall be subject to standard buffers without modification <b>Stillaguamish River Reach B</b> east <u>west</u> of Twin City Foods, the buffer shall extend 40 feet from the OHWM. <b>Stillaguamish River Reach C</b> on the Twin City Food site, if the site is redeveloped in the future such that building modification or replacement takes place, the buffer shall extend 40 feet from the OHWM. <b>Stillaguamish River Reach D</b> from Twin City Foods to Irvine Slough the city owned parcel is subject to a native vegetation buffer over the parcel consistent with its primary function of providing public access <b>Stillaguamish River Reach E</b> east of Irvine Slough to the city limits is subject to a buffer extending 40 feet from the OHWM on the Stillaguamish River and 35 feet on Irvine Slough up to 25 percent of the lot area. <b>Stillaguamish River Reach F</b> consisting of the sewage treatment facility public is not subject to buffers beyond existing vegetation buffers as an Essential Public Facility. <b>Church Creek Reach A</b> from the city limits to Pioneer Highway is subject to Critical Area buffer requirements, including both stream and steep slope buffers. <b>Church Creek Reach B</b> north of Pioneer Highway is subject to Critical Area buffer requirements, including both stream and steep slope buffers.	Correct the location of Reach B. <sup>1</sup>

15	17.114.140 Critical areas	Allowed permitted activities	<p>(d) Minor utility Projects. Require submission of current critical areas study and mitigation plan to compensate for unavoidable impacts. Also, revise SMC 17.114.140(4)(d)(iv) to include wetlands: “Required state or federal permits for work <u>in wetlands or below OHWM</u> have been obtained...”</p> <p>(e) Public and Private Pedestrian Trails. Public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas <u>and associated buffers</u>, subject to the following.</p> <p>(iii) <del>Where feasible trails should be limited to the outer 25% of the buffer. Trails shall be located only in the outer twenty-five percent (25%) of the buffer, except in cases where the buffer is currently degraded by existing facilities, or where no feasible alternative exists. This provision shall not apply to development of a public access trail on the improved railroad right-of-way adjacent to the Stillaguamish River. Trails shall be located to avoid removal of significant trees.. Unavoidable impacts within the critical area buffer shall be mitigated through buffer averaging or other compensatory mitigation;</del></p> <p>(g) <del>The application of herbicides, pesticides, organic or mineral derived fertilizers, or other hazardous substances, if necessary, as approved by the city;</del></p>	Consistency with RCW 90.58.030(2)(c).
16	17.114.150(3) Critical areas	Critical area report-Requirements	Plans for adequate mitigation, as needed, to offset any <u>unavoidable</u> impacts, in accordance with 17.114.190	Amend for consistency with 17.114.180 and WAC 173-26-221(2)(c)(i)(F).
17	17.114.180(4)(f) Critical areas	Mitigation requirements	“Monitoring the <del>impact or hazard and any required mitigation</del> <u>compensation</u> and taking remedial or corrective action when necessary, and”	Amend to clarify the purpose of mitigation monitoring is to ensure that the approved mitigation is meeting performance standards and is in fact compensating for the loss of critical area. Monitoring the impact or hazard site is not typically related to monitoring of the mitigation site. <sup>1</sup>
18	17.114.190 Critical areas	Mitigation plan requirements	When <u>wetland</u> mitigation is required....	Amend to clarify applicability of this provision. <sup>1</sup>
19	17.114.230(2) Critical areas	Notice to title	This notice on title shall not be required for a development proposed by a public agency, <u>unless the property includes a critical areas mitigation site. Mitigation sites and their associated buffers shall be recorded as a notice on title by public agencies.</u>	Amend for consistency with WAC 173-26-221(2) protection of critical areas.

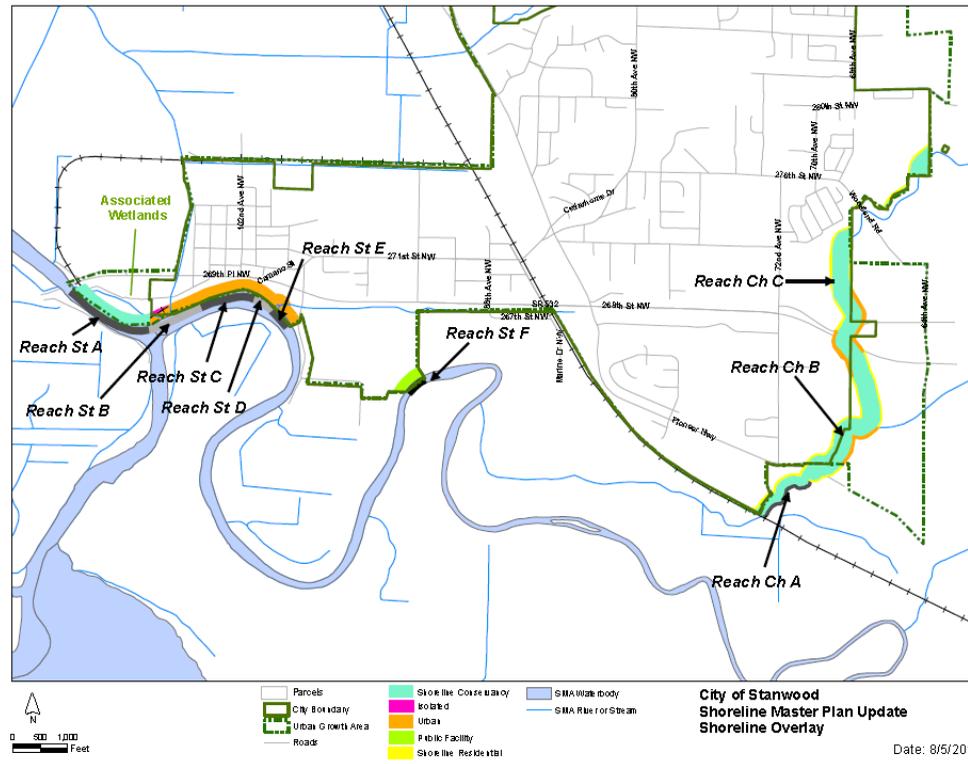
Comment [tg1]: This is the OHWM definition

20	17.114.240(1)(d) NGPA	NGPA	All other lands to be protected from alterations, including critical area mitigation sites, as conditioned by project approval.	Amend for consistency with WAC 173-26-221(2) requiring protection of critical areas.
21	17.114.140(4)(e)(iii) Critical areas	Allowed permitted activities	<del>Where feasible trails</del> Trails should be limited to the outer 25% of the buffer, <del>except in cases where the buffer is currently degraded by existing facilities, or where no feasible alternative exists. This provision shall not apply to development of a public access trail on the railroad right-of-way adjacent to the Stillaguamish River;</del>	Amend for consistency with WAC 173-26-221(2) requiring protection of critical areas.
22	17.125.040 Wetlands	Wetland designation	Wetlands are those areas delineated in accordance with the <del>standards listed in WAC 173-22-035 methodology adopted by the Washington Department of Ecology department pursuant to RCW 90.58.030</del>	Amend for consistency with WAC 173-26-221(2) requiring protection of critical areas.
23	17.125.060 Wetlands	Standard buffers	(5) Site development standards for lands adjacent to buffers shall be implemented as provided below to reduce proximity impacts. If mitigation site development standards are not implemented then a 33% increase in the width of all buffers is required <del>an increase in the width of buffers or other equivalent buffer enhancement is required...</del> Minimization Measures Table. Change in Water Regime: "Infiltrate or treat, detain, and disperse runoff from impervious surfaces and lawn Buffer areas may be utilized where substantial later of plan communities and other functions is avoided into buffer new runoff from impervious surfaces and new lawns Pets and Humans: Add "Place wetland and its buffer in a separate tract or protect with a conservation easement" to minimization measures. Replace "Degraded Buffer" row in table to "Disruption of corridors or connections" and associated required minimization measures from Table XX.2 , Small Cities Guidance.	Amend for consistency with WAC 173-26-221(2) requiring protection of critical areas..
24	17.150.17 Shoreline Isolated	SMP authority	<del>3) Management Policies</del> These areas are subject to upland zoning requirements and are not subject to <del>Shoreline Master Program Provisions-use regulations of section 17.150.28.</del>	Given that the term 'Shoreline Master Program Provisions' is not defined it is unclear which areas of the SMP are intended not to apply to the Shoreline Isolated environment designation. Further, authority to exempt specific locations isn't clearly defined within WAC 173-26 or RCW 90.58. Given the physical

				characteristics of the locations designated Shoreline Isolated, it is appropriate that they are only exempted from the use regulation of 17.150.28. <sup>1</sup>
25	17.150.22 No Net Loss	No net loss of ecological functions	1) ...Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and <del>temperature</del> <u>water quality (including temperature)</u> maintenance...	Amend for consistency with water quality standards that now include temperature. <sup>1</sup>
26	17.150.24 (7) Public Access Guidelines by Reach	Public access standards	(d) Stillaguamish River Reach E east of Irvine Slough to the city limits public access shall be developed <del>on the city owned parcel</del> consisting of a trail parallel to the shoreline river shoreline and connecting along Irvine Slough to 98th Drive NW and at the east end of the property to 98th Dr NW. Trails should be set-back from the water's edge with provision for a viewing area near the water's edge to provide direct access in the area of the existing smokestack, which should be maintained, if structurally sound, as a visual landmark.	Amend to ensure the regulatory program adequately addresses the requirements in the area over the long-term, as ownership is subject to change. <sup>1</sup>
27	17.150.27 Water Quality	Water Quality	1) All shoreline development shall comply with the applicable requirements of the city's Comprehensive Stormwater Plan, Comprehensive Plan, Stormwater Management Performance Standards and the current edition of the <del>Puget Sound Stormwater Quality Technical Manual for the Puget Sound Basin</del> <u>Stormwater Management Manual for Western Washington</u> to prevent impacts...  (2) <del>Stormwater management structures including ponds, basins, and vaults shall be located outside of SMA jurisdiction where possible and as far from the water's edge as feasible and shall minimize disturbance of vegetation conservation buffers.</del> <u>Stormwater management facilities. Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales. They may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:</u> a. No other location is feasible; and b. The location of such facilities will not degrade the functions or values of the wetland; and c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands." (Small Cities Guidance, p. A-11). Same comment for areas of intact FWHCA buffer.	Amend for consistency with WAC 173-26-221(6) requiring protection of water quality and to reflect current regulatory requirements. <sup>1</sup>
28	17.150.44(5) Dredging	Dredging and Dredge Material disposal	(d) <u>All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations. When consistent with this Program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:</u> a. <u>To restore or enhance habitat;</u>	Amend for consistency with WAC 173-26-231(2)(f) requirements for dredging.

			<p>b. <u>B. to reestablish substrates for fish and shellfish resources;</u></p> <p>c. <u>To nourish beaches that are starved for sediment; or</u></p> <p>d. <u>D. To remediate contaminated sediments.</u></p>	
29	<b>17.150.56(3) Shoreline Uses</b>	Transportation facilities	<p><del>New or expanded R</del>roads and railroads shall <u>be designed to avoid and minimize impacts to shoreline areas to the greatest extent feasible, including crossings through shoreline areas with the shortest, most direct route. cross shoreline areas by the shortest, most direct route feasible, unless such a route would cause significant environmental damage</u></p>	Amend for consistency with WAC 173-26-241(3)(k) requiring protection of critical areas.
30	<b>17.150.58 Utilities</b>	Utilities	<p>(9) Stormwater, wastewater, or water supply pump stations; and stormwater dispersion facilities, such as dispersion trenches, level spreaders and outfalls, may be located in shoreline jurisdiction if:</p> <p>(b) The facility minimizes and compensates for impacts to critical area buffers. <u>Stormwater management facilities are limited to stormwater dispersion outfalls and bioswales and may be allowed within the outer twenty-five percent (25%) of the buffer of Category III or IV wetlands only, provided that:</u></p> <p><u>i. No other location is feasible; and</u></p> <p><u>ii. The location of such facilities will not degrade the functions or values of the wetland; and</u></p> <p><u>iii. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.</u> (see Small Cities Guidance, p. A-11)</p>	Amend for consistency with WAC 173-26-221(2) requiring protection of critical areas.
31	<b>17.150.73 Restoration Project Relocation of OHWM</b>	Referencing	<p>(3) The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the Ecology's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then Ecology shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.</p> <p>(a) Except as otherwise provided in Subsection <del>D</del><u>4</u> of this section, the Department of Ecology shall provide at least 20-days notice to parties that have indicated interest to Ecology in reviewing applications for relief under this section, and post the notice on to their website.</p> <p>(b)The Department of Ecology shall act within 30 calendar days of close of the public notice period, or within 30 days of receipt of the proposal from the local government if additional public notice is not required.</p> <p>(4) The public notice requirements of Subsection <del>C</del><u>3</u> of this section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:</p> <p>(a) The restoration plan has been approved by the Ecology under applicable Shoreline Master Program guidelines; and</p>	This section is written to be consistent with RCW 90.58.580, yet the internal referencing was not updated to function within the Stanwood SMP. To allow for proper application of this section, modify the internal subsection references as shown. <sup>1</sup>

			(b) the shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and  (c) the Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.	
32	<b>All Shoreline Overlay Maps</b>	Environment Designations	All shoreline designation maps shall be modified to the term Urban Conservancy rather than Shoreline Conservancy, High Intensity rather than Urban.	Amend for internal consistency. <sup>1</sup>
33	<b>17.150.29 Front Yard Side Yard, Rear Yard setbacks</b>	Shoreline Bulk Standard Table	<del>Governed by the underlying zoning. Subject to zoning requirements for side yard setbacks and setbacks for landward side of structure. Subject to shoreline-specific setbacks along waterward side of structure.</del>	Amend for internal consistency. <sup>1</sup>
34	<b>17.130.060 Extend length of Church Creek consistent with the extent mapped by Snohomish County 2012 SMP</b>	Map the extended Church Creek jurisdiction	Map the extended Church Creek jurisdiction within Stanwood City Limits and UGA.	Amend jurisdiction map to include the full extension of Church Creek consistent with the relevant USGS study as adopted by the Snohomish County SMP. Pursuant to WAC 173-18-044, the list within the county's SMP is the official list of shorelines, and the extent of Church Creek is established in the 2012 Snohomish County SMP map. Figure 1 of this document reflects the required change of the extent of shoreline jurisdiction determined for Church Creek.



<sup>1</sup> Modification required for consistency with WAC 173-26-191 (2) (a) (ii), which requires that master program regulations be sufficient in scope and detail to ensure the implementation of local master program policies.