

The following changes are recommended for the City’s consideration.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strike-through-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
<i>SECTION 1: AUTHORITY – 20.25E.010 General</i>			
A	I. Authority C. 1. b. ii. Critical Area Conflicts	In the event of a conflict between the provisions of this Part 20.25E LUC <u>except provisions listed in 20.25E.010.C.1.c.</u> and Part 20.25H LUC (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption] which is incorporated by this reference into the SMP), the provisions providing the most protection to critical area functions and values shall prevail.	<i>Suggested cross reference to remind the reader as to which sections of the City’s Critical Areas Ordinance do not apply within shoreline jurisdiction. Also see item 2 in Required Change (Attachment B).</i>
B	20.25E.010 C. 1. c. Regulations Not Applicable in the Shoreline Overlay District.	<p><u>i.</u> Uses, except as specifically noted in LUC 20.25E.030:</p> <ol style="list-style-type: none"> <li><u>1.</u> 20.10.400 <u>Use chart described – Interpretation;</u></li> <li><u>2.</u> 20.10.420 <u>Interpretation of land use chart by Director; and</u></li> <li><u>3.</u> 20.10.440 <u>Land use charts.</u></li> </ol> <p><u>ii.</u> General Development Standards</p> <ol style="list-style-type: none"> <li><u>1.</u> 20.20.010 Minimum Greenscape Percentage of Front Yard Setback and associated Note 40</li> <li><u>2.</u> 20.20.025 within the shoreline structure setback required by LUC Chart 20.25E.050.A and Chart 20.25E.065.C.</li> <li><u>3.</u> 20. 20.840 <u>Subordinate Uses.</u></li> <li><u>4.</u> 20.20.900 within the vegetation conservation area defined pursuant to LUC 20.25E.065.F.5.</li> </ol>	<i>Recommend adding outline numbering to the individual code sections and the general titles of referenced sections for clarity in identifying regulations/policies that are or are not considered part of the SMP.</i>
C	20.25E.010.C.2.e. Shoreline Overlay District Description	e. On lakes Sammamish and Washington, waterward from the ordinary high water mark or specified vertical elevation <u>representing the ordinary high water mark</u> to the City’s jurisdictional boundary.	<i>Suggested clarification to ensure compliance with RCW 90.58.030(2)(f) defining “shorelines of statewide significance” through a reference specifically to “ordinary high water mark”.</i>
D	20.25E.020 A. 2.	<p>For uses that require alteration of the shorelines of the state, in those limited conditions when <u>determined to be consistent with this program</u>, alteration <del>is may be</del> authorized, <del>priority was given</del> for:</p> <ol style="list-style-type: none"> <li>a. Single-family residences and their appurtenant structures;</li> <li>b. Shoreline recreational uses, including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines;</li> <li>c. Commercial development that is particularly dependent on its location on or use of the shorelines; and,</li> <li>d. Other <u>preferred uses as defined in RCW 90.58.020, including water oriented uses and</u> development that will provide an opportunity for substantial numbers of the people to enjoy the shoreline.</li> </ol>	<i>Clarifications suggested to reiterate use preferences described in RCW 90.58.020 and WAC 173-26-241(2)(a)(iii).</i>
E	20.25E.020 C. 2. a. Director’s Authority	<u>Written interpretations associated with this program will be prepared in consultation with Ecology pursuant to WAC 173-26-140.</u>	<i>The suggested change is intended as a reminder to the statement in WAC 173-26-140, requiring local jurisdictions to consult with Ecology on administrative interpretations affecting an updated SMP.</i>
<i>SECTION 2: USES – 20.25E.040 Nonconforming Shoreline Conditions</i>			
F	20.25E.040 B.	A nonconforming shoreline condition refers to a site that contains either a nonconforming shoreline use or nonconforming shoreline development which was lawfully established <del>or</del> <u>and</u> constructed	<i>Suggested change to ensure internal consistency with subsection 1 and 2 (below), provision 20.25E.040.D. and RCW 90.58.620. The change would clarify that existing nonconforming conditions should be found to be both “lawfully established” <u>and</u></i>

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F	Nonconforming Shoreline Conditions	<p>prior to [insert effective date], as defined in this paragraph B and based on documentation provided pursuant to paragraph D of this section.</p> <ol style="list-style-type: none"> <li>1. Nonconforming Shoreline Use. The use of a structure or land which was permitted when established, in existence on [insert effective date], and not discontinued or destroyed, but is not otherwise allowed under LUC Chart 20.25E.030.</li> <li>2. Nonconforming Shoreline Development. A structure or non-structural exterior site development which was permitted when established, in existence on [insert effective date], and not discontinued or destroyed, but does not otherwise comply with Part 20.25E LUC.</li> </ol>	<i>constructed or used prior to the adoption of this program.</i>
G	20.25E.040 C. 6.	In event of a conflict between this section LUC 20.25E.040 (Nonconforming Conditions) and Part 20.25H LUC (Critical Areas Overlay District), the requirements of <a href="#">20.25E.010.C.1.b.ii.</a> and this section LUC 20.25E.040 shall control.	<i>The identified cross reference is recommended to ensure that any conflicts between critical area provisions and the SMP will be addressed in a manner that is internally consistent with this SMP and in compliance with WAC 173-26-221(2)(a)(ii), RCW 90.58.090(4), and RCW 36.70A.480(3).</i>
H	20.25E.040 D. 1.	Documentation that the nonconforming shoreline condition was <del>permitted when</del> established includes, but is not limited to, the following:	<i>The suggestion to delete “permitted when” is intended to simplify the description of the City’s process in determining if an existing nonconforming use was “established.”</i>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.050 Dimensional Requirements</i>			
I	Chart 20.25E.050.A (6)	(6) The Shoreline Structure Setback is modified to account for encroachments by existing structures <del>under</del> <a href="#">through compliance with</a> the Footprint Exception of LUC 20.25E.065.E.1.c and may also be reduced to a minimum of 25 feet provided that impacts to existing shoreline vegetation are mitigated pursuant to the Vegetation Conservation requirements contained in LUC 20.25E.065.F.	<i>Clarifying text suggested to avoid confusion in administering this provision.</i>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.060 General Requirements</i>			
J	20.25E.060.B.1. General Regulations No Net Loss	No Net Loss Required. Shoreline uses and development are required to ensure no net loss of ecological functions and processes <a href="#">through compliance with applicable provisions of this chapter.</a>	<i>The change clarifies how No Net Loss will be achieved through consideration of other general standards such as mitigation sequence in LUC 20.25E.060.D.2.</i>
K	20.25E.060.D. 1 Mitigation Requirements and Sequencing	Mitigation Plans – When Required: Mitigation plans are required as part of an application for a Shoreline Conditional Use (LUC 20.25E.180), a Shoreline Variance (LUC 20.25E.190), a Special Shorelines Report or pursuant to specific use and shoreline modification regulations in LUC 20.25E.065 ( <a href="#">Residential Shoreline Regulations</a> ), 20.25E.070 ( <a href="#">Specific Use Regulations</a> ) and 20.25E.080 ( <a href="#">Shoreline Modifications</a> ), or when unforeseen impacts to shoreline ecological functions are identified and <a href="#">mitigation is determined to be necessary by the Director</a> . Applicants shall submit as part of the application package, a mitigation plan meeting the performance criteria of this <del>paragraph</del> <a href="#">section</a> . Mitigation plans shall be approved as part of the permit required for the underlying project. To the extent applicable, analysis of environmental impacts and identification of required mitigation shall be consistent with the rules implementing the State Environmental Policy Act (refer to WAC 197-11, Bellevue Environmental Procedures Code Chapter 22.02 BCC, and LUC 20.35.200 through 250).	<i>The identified changes are suggested to clarify which sections/provisions may trigger creation of a mitigation plan and an additional statement reiterating the Directors authority to require a mitigation plan pursuant to LUC 20.25E.060.B.2.</i>
L	20.25E.060 D. 5. e. Contingency Plan	The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met and such failure would result in significant <del>ly</del> <a href="#">impacting</a> shoreline ecological functions.	<i>Minor edit suggested for improved clarity.</i>

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M	20.25E.060 G. Critical Areas in the Shoreline Overlay District.	Critical areas in the Shoreline Overlay District shall be regulated in accordance with Park 20.25H LUC (Critical Areas Overlay District, as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]), which is incorporated by this reference <u>exclusive of sections listed in 20.25E.010.C.1.c.</u> into the SMP.	<i>Same suggestion as item A, above.</i>
N	20.25E.060 K. 12. Existing Landscape Maintenance	Routing maintenance <u>not considered "development"</u> of existing legally established landscaping and landscape features developed prior to [INSERT effective date ordinance], in the shoreline vegetation conservation area may...	<i>Minor edit suggested for improved clarity.</i>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.065 Residential Shoreline Requirements</i>			
O	20.25E.065 B. 2. e.	Critical areas in the Shoreline Overlay District shall be regulated pursuant to Part 20.25H LUC, Critical Areas Overlay District (as set forth in Ordinance No. [INSERT Critical Areas Conformance Ordinance Number and date], which is incorporated by this reference <u>exclusive of sections listed in 20.25E.010.C.1.c.</u> into the SMP).	<i>Same suggestion as item A, above.</i>
P	20.25E.065 B. 2. f. i. Purpose	The responsibility for water quality and control of stormwater and non-point source pollution <u>beyond individual properties</u> is a citywide obligation that is not borne entirely by property owners of land located within the Shoreline Overlay District.	<i>Suggested clarification intended to recognize the fact that there are different stormwater management obligations at the individual site than those that directed at non-point sources.</i>
Q	Chart 20.25E.065.C.2 (13)	Impacts to existing shoreline vegetation located within 50 feet from OHWM are required to <del>shall</del> be mitigated pursuant to the shoreline vegetation conservation requirements contained in LUC 20.25E.065.F.	<i>Suggested edit to a typographic error.</i>
R	20.25E.065 F. 13. b. Wildlife snag as alternative mitigation.	A landowner may <del>chese</del> <u>choose</u> to convert a hazard tree proposed for removal to a wildlife snag as an alternative to providing replacement mitigation; and	<i>Suggested edit to a typographic error.</i>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.070 Specific Use Regulations</i>			
S	20.25E.070 D. 3. d. Railroads	The following use-specific performance standards apply in addition to the general performance standards contained in paragraph <u>D.3.b</u> of this section.	<i>Correction to cross-reference.</i>