

ATTACHMENT B: DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF STEVENSON SHORELINE MASTER PROGRAM UPDATE - (RESOLUTION NO. 2018-322)

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

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
1.	2. Administrative Provisions	<p>2.4.3 Application Review & Processing</p> <p><u>4. The City shall use an existing, or establish a new, mechanism for tracking all project review actions in shoreline areas, and a process to evaluate the cumulative effects of all authorized development on shoreline conditions.</u></p>	<p>The SMP is missing a provision that establishes a mechanism for tracking and occasionally evaluating the cumulative effects of all project review actions in shoreline areas per WAC 173-26-191(2)(a)(iii)(D):</p> <p><i>Documentation of project review actions and changing conditions in shoreline areas. Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties.</i></p> <p>SMP Submittal Checklist item at page 37 identifies SMP Section 1.9 Periodic Review & Amendments to the Shoreline Master Program as satisfying this requirement. While the SMP periodic review may be an appropriate time and process to complete the evaluation, the noted provision does not establish a mechanism for documenting permit review actions.</p> <p>Ecology requires revision to establish use of the City’s existing/future permit tracking system for consistency with WAC 173-26-191(2)(a)(iii)(D).</p>
2.	2.5 Minor Project Authorizations (MPA)	<p>2.5.1 Minor Project Authorizations – Interpretation & Guidelines</p> <p>The SMA and the SMP Guidelines contemplate a cooperative program between the City and the state. In this cooperation, the state requires local involvement during the review of all review activities; however, the state is only involved during the review of Shoreline Permits (i.e., Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances). Where the SMP Guidelines designate the former as “exemptions” from the state’s involvement <u>SSDP permit process</u>, this SMP designates them as Minor Project Authorizations to reflect that the project is not exempt from compliance with this SMP. The following guidelines shall assist in determining whether or not a proposed review activity is exempt from state involvement <u>the SSDP permit process</u> during its review and therefore may be approved through a Minor Project Authorization: ...</p> <p>6. The following list outlines common state process exemptions that shall not be considered substantial developments for the purpose of this SMP. This list of exemptions is further articulated and supplemented by provisions of WAC 173-27-040, as amended. [delete all of a – j]</p>	<p>As written, the phrasing is inaccurate. Local government is lead on all project review/permits with ECY having final approval authority only for SCUPs and SVARs. WAC 173-27-040 exempts certain activities from an SSDP, which the City is renaming as “Minor Project Authorization”, but the City still needs to follow the process outlined in -040 and -050 that includes ECY involvement.</p> <p>Ecology requires revision for consistency with WAC 173-27-040, and for accuracy & clarity.</p> <p>6 - As presented, the list of common exemptions is a paraphrased and incomplete version of the exemptions established by RCW 90.58.030(3.e) and WAC 173-27-040; the City’s abbreviated list omits many exempt activities making this provision inaccurate/misleading.</p> <p>In consultation with City staff, the preferred approach is to rely on the WAC list via citation and provide a short list of the most common examples. Without including the full text of the WAC list, the opening clause of #6 needs to be stronger to clarify that the WAC</p>

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		<p>a. Any development of which the total cost or fair market value, whichever is higher, is below the threshold established by the SMA and any amendments to the SMA, if such development does not materially interfere with the normal public use of the water or shoreline. ...</p> <p>...</p> <p>j. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Section 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</p> <p><u>6. As determined by 2.5.1(1) – (5) above, only the exemptions as fully described and listed in WAC 173-27-040 shall be authorized. Some common examples include:</u></p> <ul style="list-style-type: none"> <u>• Low Cost or Fair Market Value</u> <u>• Normal Maintenance or Repair</u> <u>• Single-family Home; Residential Dock</u> <u>• Watershed Restoration; Habitat & Fish Passage Improvement</u> <u>• ADA Retrofits</u> 	<p>prevails over any examples listed therein. SMP Submittal Checklist addresses this item on page 36:</p> <p>Exemptions: <i>Must implement exemption procedures in accordance with WAC 173-27-040(1).</i></p> <p>Ecology requires revision for consistency with WAC 173-27-040(1).</p>
3.	4.3 Environmental Protection & No Net Loss	<p>4.3.1 Policies</p> <p><u>1. This SMP establishes a policy and regulatory framework designed to achieve no net loss of shoreline ecological functions. This is achieved using a combination of the following:</u></p> <p><u>a. Chapter 4 General Provisions for All Shoreline Activities and incorporated critical areas provisions with established critical area protection standards including buffers. The Critical Area Buffer establishes the area that must meet mitigation sequencing and compensation for unavoidable adverse impacts.</u></p> <p><u>b. Chapter 5 Shoreline Use Regulations with established allowed, conditional, and prohibited uses. This section also determines the Shoreline Setback for each foreseeable use based upon shoreline environment designation and water-orientation. Setbacks establish the area that excludes new development or uses, except as expressly allowed.</u></p> <p><u>c. Chapter 6 Shoreline Modification Provisions with established allowed modifications table and vegetation removal policies, regulations, and mitigation standards.</u></p> <p>2. Uses, developments, and modifications on Stevenson’s shorelines... <u>[renumber the policies that follow as # 2 and #3]</u></p> <p>4.3.2 Regulations</p>	<p>Policy 1 and Regulation 6 - As written, the SMP’s overall strategy for how the shoreline setbacks, critical area buffers, and vegetation standards apply needs to be more clear, consistent with the following:</p> <p>WAC 173-26-186 Governing Principles of the Guidelines <i>(8)(b) Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.</i> <i>(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.</i> <i>(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate will not cause a net loss of ecological functions of the shoreline.</i></p> <p>WAC 173-26 191(2)(a) provides in relevant part: <i>(i) Master program policies. Master programs shall provide clear, consistent policies that translate broad statewide policy goals set forth in WAC 173-26-176 and 173-26-181 into local directives. Policies are statements of intent directing or authorizing a course of action or specifying criteria for regulatory and nonregulatory actions by a local government. Master</i></p>

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		<p><u>6. Environmental protection and no net loss shall be achieved by complying with the combination of use regulations, shoreline setbacks, critical area buffers, and vegetation removal restrictions:</u></p> <p><u>a. Shoreline Allowances & Setbacks - Table 5.1 establishes a list of permitted, conditional, and prohibited uses in each shoreline environment designation (SED). This table also establishes the minimum shoreline setback applicable to each use, activity, or development within each SED where development cannot occur; and</u></p> <p><u>b. Critical Areas Buffers - Section 4.4 Critical Area provisions, including separately incorporated SMC 18.13 provisions that establish Wetland and Riparian buffer standards as additional areas where mitigation sequencing must be applied and unavoidable impacts must be mitigated; and</u></p> <p><u>c. Modifications & Vegetation - Shoreline modification standards, vegetation standards, and prescriptive mitigation measures of Chapter 6 apply to all vegetation impacts occurring within shoreline jurisdiction.</u></p>	<p><i>program policies provide a comprehensive foundation for the shoreline master program regulations, which are more specific, standards used to evaluate shoreline development.</i></p> <p>WAC 173-26-201(2)(c) provides in relevant part: <i>Master programs shall contain policies and regulations that assure, at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources. To achieve this standard while accommodating appropriate and necessary shoreline uses and development, master programs should establish and apply:</i></p> <ul style="list-style-type: none"> • <i>Environment designations with appropriate use and development standards; and</i> • <i>Provisions to address the impacts of specific common shoreline uses, development activities and modification actions; and</i> • <i>Provisions for the protection of critical areas within the shoreline; and</i> • <i>Provisions for mitigation measures and methods to address unanticipated impacts.</i> <p>WAC 173-26-191(2)(a)(ii)(A) provides that SMP regulations shall: <i>(A) Be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies;</i></p> <p>Ecology requires revisions for consistency with WAC requirements and better clarity for applicants and practitioners alike. While the inserted provisions could be reduced to more concise language, too much brevity may fall short of the intent to reduce misunderstanding. See also related item for SMP 4.4.2 below.</p>
4.	4.4 Critical Areas	<p>4.4.1 Applicability</p> <p>1. The provisions of SMC Chapter 18.13 – Critical Areas and Natural Resource Lands <u>(Ordinance #2018-1123, dated October 1, 2018) are hereby incorporated into this SMP, with exception of the following provisions that do not apply in shoreline jurisdiction: apply within shoreline jurisdiction. Said provisions include all amendments adopted through October 1st, 2018, the effective date of Ordinance 2018-1123.</u></p> <p><u>a. 18.13.015 Administrative Provisions;</u></p> <p><u>b. 18.13.025 Exemptions, Exceptions & Expedited Review – Subsections A, B, and C; and D.2 – 6;</u></p> <p><u>c. 18.13.035 Critical Areas Permit – Application - Subsections A – C, and E – G;</u></p> <p><u>d. 18.13.040 Critical Areas Permit – Review & Approval;</u></p> <p><u>e. 18.13.065 Appeals;</u></p> <p><u>f. 18.13.100 Wetlands - Subsection B.4; and</u></p>	<p>1 – As presented, the phrasing of the CAO incorporation needs improvement to better indicate a ‘hard reference’ incorporation as described in WAC 173-26-191(2.a.iii.D). The required changes proposed here are necessary to clarify that the SMP is regulating shoreline critical areas via the incorporated CAO provisions.</p> <p>WAC 173-26-191(2)(b) provides, in relevant part, <i>Shoreline master programs may include other policies and regulations by referencing a specific, dated edition. When including referenced regulations within a master program, local governments shall ensure that the public has an opportunity to participate in the formulation of the regulations or in their incorporation into the master program, as called for in WAC 173-26-201 (3)(b)(i). In the approval process the department will review the referenced development regulation sections as part of the master program. A copy of the referenced regulations shall be submitted to the department with the proposed master program or amendment. If the development regulation is amended, the edition referenced within the master program will still be the operative regulation in the master program.</i></p>

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		<p><u>g. Any provision based upon reasonable use, permit types or requirement, and appeals process or procedures that is inconsistent with the requirements of the SMP or WAC 173-27.</u></p> <p>2. <u>Critical areas located within shoreline jurisdiction shall be regulated by this SMP. The incorporated critical areas provisions shall be liberally construed together with the SMP to give full effect to the objectives and purposes of the provisions of the SMP and the Shoreline Management Act (SMA).</u> These provisions apply to all lands and all review activities in shoreline jurisdiction, whether or not a Shoreline Permit or authorization is required....</p> <p>4. This section supplements SMC 18.13 provisions for <u>Geologically Hazardous Areas</u>, Fish & Wildlife Habitat Conservation Areas, and Wetlands.</p> <p>5. Where the regulations of SMC 18.13 conflict with the regulations of this SMP, this SMP shall prevail.</p>	<p><i>Changing the referenced regulations in the master program to the new edition will require a master program amendment.</i></p> <p>1.a – g - While this provision adopts the city’s CAO by reference, some CAO provisions do not apply in shoreline jurisdiction. The required changes proposed here better specify the exceptions to applying the CAO to shorelines to avoid conflict and inconsistency, such as reasonable use by shoreline variance, allowed/exempt activities, exempt wetlands, critical areas permit, appeal processes, etc. The identified exclusions to the incorporated CAO are necessary to ensure that critical areas protection, use prioritization, reviews, and permitting are conducted consistent with the SMA and Guidelines.</p> <p>Buffer reductions and allowances contained within 18.13.025 and 18.13.100(B)(4) are not consistent with Ecology’s moderate risk approach guidance or with WAC 173-26-186(8), which direct master programs to “include policies and regulations designed to achieve no net loss of those ecological functions.” 2 – Liberal construction principles of RCW 90.58.900 apply to all SMP provisions including the incorporated critical areas provisions.</p> <p>4 – The CAO provisions for Geologically Hazardous areas also apply within shoreline jurisdiction.</p> <p>5 – Given the proposed edits to #2 above, Ecology agrees with the City staff suggested deletion of this provision as no longer necessary.</p> <p>Ecology requires these revisions for consistency with statute and WAC requirements, and for added clarity. See also related item for SMP 4.4 below. See also Periodic Review Checklist #2010.a.</p>
5.	4.4 Critical Areas	<p>4.4.2 Policies</p> <p>5. Establish riparian area buffers based upon the performance of functions, occurring at the reach scale for the shoreline in question. This may lead to base buffer widths that are greater or lesser than the standard identified in SMC Table 18.13.095-1. Despite any reduced base buffer, significant trees and Oregon White Oak trees within shoreline jurisdiction shall be managed consistent with SMP Section 6.4.1.</p>	<p>WAC 173-26-191 requires the City to complete a reach analysis as part of the inventory and characterization process to consider existing conditions and current science. This information is then to be used to prepare the SMP provisions, including shoreline buffers and/or setbacks. Reach specific riparian area buffer standards should be established during this SMP Comprehensive Update process, based on the City’s Inventory and Characterization, not left for later evaluation. However, as presented the SMP appears to be deferring buffer establishment to the project level. This will result in an SMP that is not consistent with the requirement of WAC 173-26-191(2)(a)(ii)(A) for regulations to:</p> <p><i>“be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies”</i></p>

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			<p>Ecology requires revision to remove this ‘reach scale/base buffer’ provision for consistency with WAC 173-26 191(2):</p> <p>Basic requirements. <i>This chapter describes the basic components and content required in a master program. A master program must be sufficient and complete to implement the Shoreline Management Act and the provisions of this chapter. A master program shall contain policies and regulations as necessary for reviewers to evaluate proposed shoreline uses and developments for conformance to the Shoreline Management Act.</i></p>
6.	4.4 Critical Areas	<p>4.4.3 General Critical Area Regulations</p> <p><u>4. New development and the creation of new lots are prohibited in all SEDs when they would cause foreseeable risk from geological conditions, or require structural flood hazard reduction measures in the floodway or CMZ, during the life of the development, consistent with SMP Section 5.4.8 Land Division, and other provisions of this Program.</u></p>	<p>SMP 5.4.8(4) Land Division Regulations address shoreline stabilization and flood hazard as a matter of ‘layout’:</p> <p><i>b. The layout of lots within 1) new plats and subdivisions, 2) plat amendments, or 3) boundary line adjustments shall:</i></p> <p><i>i. Prevent the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.</i></p> <p><i>ii. Not result in lots containing inadequate buildable space due to critical areas and/or their buffers.</i></p> <p>Ecology requires revision for consistency with WAC 173-26-221:</p> <p><i>(2)(c)(ii)(B) Do not allow new development or the creation of new lots that would cause foreseeable risk from geological conditions to people or improvements during the life of the development.</i></p> <p><i>(3)(c)(i) ...New development or new uses in shoreline jurisdiction, including the subdivision of land, should not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the channel migration zone or floodway...</i></p> <p>The SMP Land Division regulation addresses both stabilization and flood structures, but only applies to subdivisions. The SMP also needs to address the WAC requirements for new development.</p> <p>Ecology requires revision to add a provision for consistency with WAC 173-26-221</p>
7.	4.4 Critical Areas	<p>4.4.4 Fish & Wildlife Habitat Conservation Area Regulations</p> <p>1. Any use, or development, <u>or modification</u> proposed within or adjacent to an FWHCA with which state or federally endangered, threatened, or sensitive species have a primary association...</p> <p>2. Applicants shall provide a preliminary FWHCA assessment for all proposals involving riparian areas. The assessment must establish and/or confirm <u>recognize</u> the base buffer</p>	<p>1 - In discussion with City staff it was determined that these provisions should apply to uses, developments, <i>and</i> modifications. This is consistent with the City’s SMP framework and terminology. Ecology requires revision to add ‘modification’ per City’s request.</p> <p>2 – Related to edits at 4.4.2(5) above, delete the term ‘base’.</p>

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		<p>necessary to ensure no net loss of ecological functions occurring at the reach-scale for the riparian area in question.</p> <p>3. The City or its qualified professional biologist shall condition the approval of activities located in the FWHCA or its buffer as necessary. Approval conditions shall require the applicant to mitigate any potential adverse impacts according to the approved critical area report, mitigation, and monitoring plans.</p>	<p>3 - It is the City not a qualified professional biologist that has the authority to make decisions on shoreline permits and authorizations. The City may rely on or consider recommendations for conditions of approval provided by its qualified professional biologist, but only the City may condition approvals through its decision making authority. Ecology requires revision to correct this error.</p>
8.	4.4 Critical Areas	<p>4.4.6 Wetlands Regulations</p> <p>1. <u>All wetland review activities, as defined, shall be subject to these regulations.</u></p> <p>1. 2. No net loss of wetland <u>area</u>, functions and values, <u>including lost time when the wetland does not perform the function</u>, shall occur as a result of the overall project's <u>wetland review activities</u>. Only unavoidable wetland impacts will be authorized. In addition to the requirements in SMP Section 4.3, the following mitigation measures to minimize and reduce wetland impacts shall be required:</p> <ul style="list-style-type: none"> a. Mitigation shall achieve equivalent or greater biological functions. b. Mitigation actions shall rely on the order of preference in SMC 18.13.100, however, wetland preservation alone shall not be considered as achieving the no net loss standard of this SMP. <p>2. Permitted Alterations in High Value Wetlands. Prior to approval of any Shoreline Permit in Category I or II wetland or their buffers, the City shall verify that:</p> <ul style="list-style-type: none"> a. The proposed project involves water-oriented activities, including public physical access. b. The mitigation for impacts shall preferably be within the same wetland or wetland buffer, but if that is not feasible given the size or scale of the water-oriented use, then mitigation occurs in accordance with SMC 18.13.100 and this section. c. The basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland or its buffer using other design techniques, project location or configuration on the same project site. 	<p>In consultation with City staff, Ecology requires revision for consistency with WAC 173-26-221(2.c.i.A) and current technical guidance, and for accuracy & clarity; the revisions suggested here are presented as a new #1, subsequent provisions would be renumbered.</p> <p>1 - Ecology finds that the SMP does not comply with wetland review requirements. After consultation with City staff, proposed revisions include edits to this section as well as the addition of a definition for 'wetland review activities' to Chapter 7.</p> <p>2 – Ecology requires revision for consistency with WAC 173-26-221(2.c.i.A) and WAC 173-26-221(2)(c)(i)(C), for internal consistency with the SMP no net loss standard, and as necessary to incorporate the most current, accurate and complete scientific or technical information as required per WAC 173-26-201(2)(a).</p> <p>Deletion - Ecology requires revision for consistency with WAC 173-26-201(2)(a) and WAC 173-26-201(2)(c). Wetlands within shoreline jurisdiction contribute to the shoreline ecological function, therefore all wetlands (regardless of size or category) must be protected within the shoreline. Also, mitigation sequencing shall be applicable to all wetland and wetland buffer impacts. As written, this provision for 'permitted alterations in high value wetlands' is inconsistent with requirement for avoidance & minimization, and appears to be an outright allowance for alteration based on very broad use classifications of 'water-oriented' and 'public access'. Deviation from the incorporated provisions of SMC 18.13 can only be authorized by a shoreline variance. In consultation with City staff, deletion of the entire provision will eliminate WAC inconsistency and the conflict with other applicable SMP provisions.</p>
9.	4.5 Flood Hazard Reduction	<p>4.5.3 Frequently Flooded Area and CMZ Regulations</p> <p>1. New or enlarged structural flood hazard reduction measures shall be allowed only by a shoreline conditional use permit and only when:</p> <ul style="list-style-type: none"> a. It can be demonstrated by a scientific and engineering analysis that they are necessary to protect existing development; b. That aNonstructural measures are not feasible; 	<p>Ecology requires revision for consistency with WAC 173-26-221(3).</p> <p>Overall, this section cites to the SMC 18.13 CAO that cites to SMC 15.24 Floodplain Management Regulations. Neither the SMP or CAO meet the requirements of WAC 173-26-221(3):</p> <p><i>(c.i) ... The following uses and activities may be appropriate and/or necessary within the channel migration zone or floodway:</i></p>

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		<p>c. Impacts to ecological functions and priority species and habitats can be successfully mitigated so as to ensure no net loss; and</p> <p>d. Vegetation standards consistent with SMP Section 6.4.1 are implemented. <u>and</u></p> <p><u>e. Located landward of associated wetlands and buffer areas, except for actions that increase ecological functions, such as wetland restoration, where no alternative exists as documented in a geotechnical analysis.</u></p> <p>...</p> <p><u>3. Only the following new uses and development activities may be appropriate and/or necessary within the channel migration zone or floodway:</u></p> <p>a. <u>Actions that protect or restore the ecosystem-wide processes or ecological functions.</u></p> <p>b. <u>Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.</u></p> <p>c. <u>Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.</u></p> <p>d. <u>Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).</u></p> <p>e. <u>Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost. Where such structures are allowed, mitigation shall address impacted functions and processes in the affected section of watershed or drift cell.</u></p> <p>f. <u>Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.</u></p> <p>g. <u>Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.</u></p> <p>h. <u>Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.</u></p> <p>i. <u>Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.</u></p> <p>j. <u>Measures to reduce shoreline erosion, provided that it is demonstrated that the erosion rate exceeds that which would normally occur in a natural condition, that the measure does not interfere with fluvial hydrological and geomorphological processes normally acting in natural conditions, and that the measure includes appropriate mitigation of impacts to ecological functions associated with the river or stream.</u></p>	<ul style="list-style-type: none"> • <i>Actions that protect or restore the ecosystem-wide processes or ecological functions.</i> • <i>Forest practices in compliance with the Washington State Forest Practices Act and its implementing rules.</i> • <i>Existing and ongoing agricultural practices, provided that no new restrictions to channel movement occur.</i> • <i>Mining when conducted in a manner consistent with the environment designation and with the provisions of WAC 173-26-241 (3)(h).</i> • <i>Bridges, utility lines, and other public utility and transportation structures where no other feasible alternative exists or the alternative would result in unreasonable and disproportionate cost...</i> • <i>Repair and maintenance of an existing legal use, provided that such actions do not cause significant ecological impacts or increase flood hazards to other uses.</i> • <i>Development with a primary purpose of protecting or restoring ecological functions and ecosystem-wide processes.</i> • <i>Modifications or additions to an existing nonagricultural legal use, provided that channel migration is not further limited and that the new development includes appropriate protection of ecological functions.</i> • <i>Development in incorporated municipalities and designated urban growth areas, as defined in chapter 36.70A RCW, where existing structures prevent active channel movement and flooding.</i> • <i>Measures to reduce shoreline erosion...</i> <p><i>(c.iii) Place new structural flood hazard reduction measures 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. Provided that such flood hazard reduction projects 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.</i></p> <p>1.b – City staff suggested edit for phrasing.</p> <p>1.e – SMP is missing the required provision for location landward of wetlands.</p> <p>3 – SMP is missing a provision to satisfy WAC 173-26-221(3.b) and (3.c.i)</p>

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10.	4.6 Public Access	<p>4.6.3 Regulations</p> <p>1. Consistent with legal/constitutional limitations, provisions for adequate public access shall be incorporated into all proposals for Shoreline Permits that have one or more of the following characteristics:</p> <p>a. The proposed development or use will create a demand for, or increase demand for public access;</p> <p>b. The proposed use is not water-dependent and is not a preferred use under the SMA water-enjoyment, water-related, or non water-dependent, except for individual single-family residences not part of a development planned for 5 or more parcels.</p>	<p>As written, this provision is not consistent with WAC 173-26-221(4.d.iii):</p> <p><i>Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required except:</i></p> <p>(A) <i>Where the local government provides more effective public access through a public access planning process described in WAC 173-26-221 (4)(c).</i></p> <p>(B) <i>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 legal limitations that may be applicable.</i></p> <p><i>In determining the infeasibility, undesirability, or incompatibility of public access in a given situation, local governments shall consider alternate methods of providing public access, such as off-site improvements, viewing platforms, separation of uses through site planning and design, and restricting hours of public access.</i></p> <p>(C) <i>For individual single-family residences not part of a development planned for more than four parcels.</i></p> <p>Ecology requires revision for consistency with WAC 173-26-221(4.d.iii).</p>						
11.	5. Shoreline Use Regulations	<p>5.2 Provisions Applicable to All Uses</p> <p>1. When determining allowable uses and resolving use conflicts within the City’s shoreline jurisdiction, the following preferences and priorities shall apply in the order listed below:</p> <p>a. Reserve appropriate areas for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.</p> <p>b. Reserve shoreline areas for water-dependent and associated water-related uses.</p> <p>c. Allow mixed uses projects that include or support water-dependent uses. 15</p> <p>d. Reserve shoreline areas for other water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives.</p> <p>e. Locate single-family residential uses where they are appropriate and can be developed without significant impact to ecological functions or displacement of water-dependent uses.</p> <p>f. Limit nonwater-oriented uses to those locations where the above described uses are inappropriate or where nonwater-oriented uses demonstrably contribute to the objectives of the SMA.</p> <p>2. e- New uses and development shall be subject to the setback requirements and height limitations contained in <u>Section 5.3 Shoreline use Table, including</u> Table 5.1 – Shoreline Use & Dimensional <u>Setback</u> Standards.</p>	<p>1.a – f – The provisions a- d accurately reflect RCW 90.58.020 and WAC 173-26-201(2.d) that establish the required order of use preference, however the last two WAC items regarding single-family residential, and non-water oriented uses were omitted as presented.</p> <p>Ecology requires revisions for consistency with WAC 173-26-201(2.d).</p> <p>2 – As presented, this provision about setbacks & height limits is included as part of the established order of use preference, and is inconsistent with WAC 173.26-201(2.d), therefore better formatted as a separate item.</p> <p>In collaboration with a City staff suggested edit, Ecology recommends revision for accuracy and clarification.</p>						
12.	5.3 Shoreline Use Table	<table border="1"> <tr> <th colspan="2" data-bbox="443 1383 1507 1421">Table 5.1 – Shoreline Use & Setback Standards</th> </tr> <tr> <td data-bbox="443 1421 701 1461"></td> <td data-bbox="701 1421 1507 1461">Shoreline Environment Designation</td> </tr> <tr> <td data-bbox="443 1461 701 1490"></td> <td data-bbox="701 1461 1507 1490">Most Restrictive ————— to ————— Least Restrictive</td> </tr> </table>	Table 5.1 – Shoreline Use & Setback Standards			Shoreline Environment Designation		Most Restrictive ————— to ————— Least Restrictive	<p>Header Row - Based on the SED purpose & criteria, there is not an exact order of protectiveness by which these are presented. In discussion with City staff, Ecology</p>
Table 5.1 – Shoreline Use & Setback Standards									
	Shoreline Environment Designation								
	Most Restrictive ————— to ————— Least Restrictive								

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]										ECOLOGY DISCUSSION/RATIONALE	
		AQUATIC		NATURAL		SHORELINE RESIDENTIAL		URBAN CONSERVANCY		ACTIVE WATERFRONT			
		Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)	Allowance	Setbacks (ft)		
		P= Permitted, C=Conditional Use, X= Not Permitted, n/a= Not Applicable											
		Boating Facilities & Overwater Structures											
		See Adjacent Upland Environment		C		P		P		P			
				X		C		C		P		P	
				C		C		P		P		P	
				X		C		C		P		P	
				X	n/a	€X	n/a	€X	n/a	PX		n/a	
				X		C		P		P		P	
				X		C		C		P		P	
				X		P		P		P		P	
				X		X		C		P		P	
		Institutional											
		C		C	0	C	0	P	0	P	0		
		X		X	n/a	C	100	P	75	P	50		
		X	n/a	X	n/a	C	100	C	100	P	100		
		X		X	n/a	€X	50	P	50	€X	50		n/a
							n/a						
		Commercial & Industrial											
		P				X ¹	0	P	0	P	0		
		C		n/a	X	n/a	X ¹	75	P	50	P	33	
		X					X	-	C²	150	C²	100	
		...											
		[Footnote] 2 – <u>Non-water oriented Commercial & Industrial uses</u> € conditionally allowed only when a) <u>the site is physically separated from the shoreline by another property or public right-of-way</u> or b) the project provides a significant public benefit with respect to SMA objectives (e.g., providing public access and ecological restoration) and i) is part of a mixed-use project that includes water-dependent uses or ii) navigability is severely											

requires revision to delete the row that indicates ‘most to least restrictive’ as inaccurate/misleading.

Boating Facilities & OWS - While not specified by the text of SMP 5.4.3 Boating Facilities & Overwater Structures, Table 5-1 allows Private Leisure Decks, defined in SMP 7 Definitions as overwater structures *not used* for moorage. WAC 173-26-231(3) only allows SFR piers & docks as a water-dependent use when they are for access to watercraft; therefore, private leisure decks must be prohibited as overwater structures. See also [SMP Handbook Chapter 12 Piers, Docks & Overwater Structures](#).

SMP 7 Definitions: Leisure Deck, Private – An overwater structure associated with a private, typically single-family residential, use of the shoreline. Private leisure decks are designed or intended for uses that are unnecessary for the moorage of a boat or watercraft (e.g., seating, cooking, viewing, storage, etc.).

Ecology requires revision for consistency with WAC 173-26-231(3), and agrees with City staff’s suggested approach to keep the row and show all ‘Xs’ to indicate prohibited in all SEDs.

Institutional – Cemeteries – In discussion with City staff, the intent is to allow existing cemeteries in Urban Conservancy (UC) to continue and to expand, consistent with all applicable provisions. No new cemeteries are anticipated in Shoreline Residential (SR) or Active Waterfront (AW) so a conditional allowance is unnecessary, and where a use is prohibited no setback is needed.

Ecology requires revision to prohibit new cemeteries in SR and AW to accurately reflect existing and anticipated cemetery use and development.

Footnote 2 – City staff suggested edit for reorganized phrasing, Ecology supports this revision for clarity.

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p>limited. or b) the site is physically separated from the shoreline by another property or public right-of-way</p>	
13.	5.4.2 Aquaculture	<p>5.4.2 Aquaculture 1. Location Description. Aquaculture uses <u>do not currently exist along Stevenson's shorelines. are limited and largely incompatible with Stevenson's vision for its shorelines.</u> 2. Applicability. This SMP applies to all proposed aquaculture uses. Aquaculture is the culture of farming of fish, shellfish, or other aquatic plants and animals. Upland finfish rearing facilities as defined in this SMP meet the definition of "agricultural <u>facilities/equipment activities.</u>" Nevertheless, these facilities are regulated <u>as non-water oriented aquaculture</u> by the provisions of this section and not SMP Section 5.4.1. 3. Policies: a. New aquaculture uses should be discouraged within Stevenson's shoreline jurisdiction. ab. Because aquaculture is an activity of statewide interest, aquaculture may be considered as a Shoreline Conditional Use Permit (SCUP)... 4. Regulations: ... f. Non-water-oriented portions of aquaculture facilities (e.g., parking lots, offices, storage, dorm or sleeping quarters, etc.) shall be placed upland of water-oriented aquaculture uses. Such upland areas must be appropriate for the appurtenant and accessory development, including necessary infrastructure.</p>	<p>Locally regulating upland finfish rearing facilities (UFRF) as Aquaculture, rather than Agriculture, is an acceptable approach but the proposed text is confusing. Ecology requires revision for consistency with WAC 173-26-241(3.b).</p> <p>1 – If true, current conditions are better described as 'nonexistent'. For Shorelines of Statewide Significance (e.g. Columbia River) the statewide interest is favored over local interest/community vision. As written, this statement conflicts with the policy below that identifies Aquaculture as a water-dependent, preferred use.</p> <p>2 – This reference to an Agriculture definition is incorrect; UFRFs are noted in the definition for Ag Facilities/Equipment (RCW 90.58.065); In collaboration with City staff, add clarifier about UFRFs as non-water oriented.</p> <p>3.a – As a preferred, water-dependent use of statewide interest, aquaculture is not to be discouraged. [renumber the remaining policies in this section as necessary]</p> <p>4.f – City staff suggested edit to delete 'appurtenance' and use 'accessory' consistent with the Chapter 7 definition that is specific only to single-family residences. Ecology supports this edit for accuracy.</p>
14.	5.4.3 Boating Facilities & Overwater Structures	<p>3. Policies a. Boating facilities and overwater structures <u>only</u> for water-dependent uses or for public access should be allowed, provided they can be located, designed, and constructed in a way that results in no net loss of shoreline ecological functions. <u>Docks associated with single family residences are defined as water dependent uses only when they are designed and intended as a facility for access to watercraft.</u> b. In addition to achieving no net loss, boating facilities and overwater structures should locate where they will be compatible with neighboring uses, including navigational and aesthetic considerations and tribal treaty fisheries. 4. Regulations</p>	<p>WAC 173-26-231(3)(b) only allows SFR piers & docks as a water-dependent use when they are for access to watercraft; and requires joint-use or community docks for 2 or more residences: <i>"...a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section" ...</i></p> <p><i>"Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence."</i></p> <p>Policies 3.a – Clarify to limit boating facilities only for water-dependent use or public access, and to add clarifying language re: SFR docks per WAC 173-26-231(3.b); Further there is no</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p>c. Boating facilities and overwater structures shall only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> i. <u>The use is water-dependent or public access;</u> ii. The proposed site has the flushing capacity required to maintain water quality; ... <p>...</p> <p>g. Boating facilities and private overwater structures shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for surface-water users during the day or night.</p> <p><u>m. Single-user residential docks are water dependent uses only when demonstrated they are to be designed and intended as a facility for access to watercraft. New residential piers or docks for two (2) or more dwellings shall provide joint-use or community dock facilities, when feasible, rather than allow individual docks for each residence.</u></p>	<p>related regulation to implement this policy re: only water-dependent or public access – hence the related edit to Reg #4.c below.</p> <p>3.b – Separate the second clause of ‘a’ to a separate provision ‘b’; subsequent items to be renumbered as needed.</p> <p>Regulations</p> <p>4. c – Add language to implement Policy 3.a as noted above.</p> <p>4.g – As written, public overwater structures would not have to be marked with reflectors.</p> <p>4.m – Add provision to address single-user and joint use residential docks for internal consistency with Table 5-1.</p> <p>Ecology requires revisions for accuracy, consistency with WAC 173-26-231(3.b) and internal consistency.</p>
15.	5.4.10 Residential Development	<p>1. Location Description. Single-Family and Multi-Family residential development exists and is planned for several areas of Stevenson’s shoreline jurisdiction. The SMA considers single-family residences and their appurtenant structures to be priority preferred uses similar to water-dependent uses (e.g., ports, recreational uses, public access, commercial and industrial developments).</p> <p>3. Policies:</p> <p>a. Development of single-family residential homes and appurtenant structures are priority preferred uses under the SMA only when consistent with the control of pollution and prevention of damage to natural resources...</p>	<p>Consistent with WAC 173-26-241(3.j), single family residential use may be considered a <i>priority</i> when pollution and damage are avoided. This priority is separate, and different from, the required order of use <i>preference</i> established by WAC 173-26-201(2.d) where single family residential use is recognized well after ecological functions, water-oriented and mixed use activities. As written, the Location Description and Policy #3.a are incorrect in referring to single-family residential use as preferred, and inconsistent with rule requirements.</p> <p>Ecology requires text revisions for consistency with WAC 173-26-241(3.j).</p>
16.	5.4.10 Residential Development	<p>4. Regulations:</p> <p>a. New single-family homes are prohibited within the <u>Aquatic, Natural, and</u> Active Waterfront SED.</p>	<p>As written, this text prohibits SFR only in Active Waterfront SED, however the 5.3 Shoreline Use Table 5-1 shows SFR prohibited in Aquatic, Natural, and Active Waterfront. SMP 5.2.2 states the text shall take precedence in the event of conflict with the Table. We presume the Table is a correct reflection of the City’s intent and the text needs to be fixed to avoid such conflict.</p>

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			Ecology requires revision for consistency with WAC 173-26-241(3)(j) and internal consistency with 5.3 Shoreline Use Table 5-1 and SMP Section 5.4.10(4.b) prohibiting new over-water residences.
17.	5.4.11 Transportation & Parking Facilities	<p>4. Regulations: h. All of the following conditions shall be met when an accessory parking facility is proposed in the shoreline jurisdiction:</p> <ul style="list-style-type: none"> i. The facilities servicing water dependent and non-water oriented uses shall be located landward, adjacent to, beneath or within the building being served. The facilities servicing water related and water enjoyment uses shall give first preference for location landward, adjacent to, beneath, or within the building being served. 	<p>As written, this provision is not consistent with WAC 173-26-241(3)(k): <i>... Plan, locate, and design proposed transportation and parking facilities where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water-dependent uses. ...Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to support an authorized use. ...</i></p> <p>Location of the primary use/structure is already established by its water-oriented status, so the location of accessory parking doesn't need to rely on water-oriented status. Allowing additional flexibility for water-related and water-enjoyment beyond what is allowed for water-dependent is not consistent with the order of use preference. In no case should accessory parking be located waterward of the primary use/structure.</p> <p>Ecology requires revision for consistency with WAC 173-26-241(3)(k).</p>
18.	6.4.1 Vegetation Removal	<p>1. Applicability: ... d. The provisions of <u>this section</u> and SMC 18.13.095 apply to all vegetation removal within 150 ft of the OHWM or such other buffer as established in SMP Section 4.4.</p>	Change required to fix a typo or clerical error. This provision is unfinished and wording is unclear. Ecology requires revision for 1.d to read as intended.
19.	6.4.1 Vegetation Removal	<p>3. Regulations - General g. Mitigation Area, Monitoring.</p> <ul style="list-style-type: none"> i. The project shall be monitored annually for 5 years to document plant survivorship. ii. Monitoring reports shall be provided to the Administrator once per year. iii. The planted mitigation area shall achieve a plant survival standard of 80% at the end of 5 years. iv. Monitoring results may require additional/replacement planting to meet the survival standard. If the survival standard is not met, then additional planting may be required <u>and the monitoring period extended.</u> v. In lieu of monitoring, a <u>A</u> conservation covenant may be established which prevents future development or alteration within the mitigation area. 	<p>Ecology requires revision for consistency with WAC 173-26-201(2)(a) requirement for use of scientific and technical information, consistent with Ecology's most recent Wetland Guidance for CAOs and Wetland Mitigation Guidance, and for consistency with the ecological protection and no net loss standards of WAC 173-26-201(2)(c).</p> <p>g.iv – If replanting is required, additional monitoring is appropriate to ensure survival.</p> <p>g.v - The conservation covenant should not be in lieu of monitoring. This would mean an area would be protected but if the planting totally fails, it's going to have pretty low functionality and be an invitation for invasive weeds and not provide the ecological functions intended.</p>
20.	6.4.3 Shoreline Stabilization	<p>3. Regulations: d. When new, enlarged, or replacement structural shoreline stabilization is demonstrated to be necessary per the above requirements of subsections e and f below, it shall:</p> <ul style="list-style-type: none"> i. Be the minimum size necessary and shall meet no net loss. Soft stabilization measures shall be implemented unless demonstrated not to be sufficient... 	<p>d - As written, the phrasing with both 'above' and 'below' is inaccurate.</p> <p>d.iv - For GeoHaz areas, the SMP lacks any provision for residential primary structures required by WAC 173-26-221(2.c.ii.D) here in 6.4.3 Shoreline Stabilization or in SMP 4.4 Critical Areas.</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p><u>iv. For residential primary structures in a geologically hazardous area or its buffer, demonstrate no alternatives (including relocation or reconstruction of existing structures) are feasible and less expensive than the proposed stabilization measure.</u></p>	<p>Ecology requires revision for accuracy and consistency with WAC 173-26-221(2.c.ii.D).</p>
21.	6.4.4 Shoreline Restoration	<p>2. Policies b. Ecological enhancement and restoration measures occurring on Stevenson's shorelines should not interfere with the establishment of other preferred shoreline and uses, especially in the Active Waterfront SED.</p>	<p>RCW 90.58.020 and WAC 173-26-201(2.d) establish the required order of use preference where 'protection & restoration of ecological functions' is the top preference before water-dependent & associated water-related uses, and other categories as listed - also established at SMP 5.2 Provisions Applicable to All Uses. This Policy 2.b conflicts with the WAC order of use preference and is internally inconsistent with SMP 5.2</p> <p>Ecology requires revision to delete this conflicting provision.</p>
22.	7. Definitions	<p>Floodway – The area, as identified in this SMP, that either: i) Has been established in effective FEMA flood insurance rate maps or floodway maps; or ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, t The floodway does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.</p>	<p>The statutory definition includes two options and the City's SMC 18.13.105 Frequently Flooded Areas regulations rely on the current FEMA FIRMS and SMC 15.24 Floodplain Management Regulations, so using the language of option (i) would ensure internal consistency.</p> <p>Ecology requires revision for consistency with RCW 90.58.030. See also Periodic Review Checklist #2007.a.</p>
23.	7. Definitions	<p>Lake – See WAC 173-22-030 – Definitions. An area permanently inundated by water in excess of 2 meters deep and greater than 20 acres in size measured at the OHWM. A body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty (20) acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream.</p>	<p>The 20 acre size for jurisdiction is established by RCW 90.58.030 and at SMP 1.3.1; the source of the '2-meter deep permanent inundation' criterion in this definition is unclear. As presented, this definition is not consistent with WAC 173-22-030:</p> <p><i>"Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream.</i></p> <p>Ecology requires revision for consistency with WAC 173-22-030, and supports the City staff suggested addition of the WAC citation cross reference.</p>
24.	7. Definitions	<p>Review Activity, Wetland – Those activities identified in WAC 173-26-221(2.c.i.A) (i.e., the dumping, discharging or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; the draining, flooding, or disturbing of the</p>	<p>Related to 4.4.6 above, neither the SMP nor the incorporated critical area provisions of SMC 18.13 specify these activities as required by WAC 173-26-221(2.c.i.A):</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [underline = additions; strikethrough = deletions]	ECOLOGY DISCUSSION/RATIONALE
		<p><u>water level, duration of inundation, or water table; the driving of pilings; the placing of obstructions; the construction, reconstruction, demolition, or expansion of any structure; significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; other uses or developments that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or activities reducing the functions of buffers described in WAC 173-26-221(2.c.i.D)).</u></p>	<p>Regulations shall address the following uses to achieve, at a minimum, no net loss of wetland area and functions, including lost time when the wetland does not perform the function:</p> <ul style="list-style-type: none"> • The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind; • The dumping, discharging, or filling with any material, including discharges of stormwater and domestic, commercial, or industrial wastewater; • The draining, flooding, or disturbing of the water level, duration of inundation, or water table; • The driving of pilings; • The placing of obstructions; • The construction, reconstruction, demolition, or expansion of any structure; • Significant vegetation removal, provided that these activities are not part of a forest practice governed under chapter 76.09 RCW and its rules; • Other uses or development that results in an ecological impact to the physical, chemical, or biological characteristics of wetlands; or • Activities reducing the functions of buffers described in (c)(i)(D) of this subsection. <p>Ecology requires revision to ensure WAC consistency and supports the City staff suggested approach of establishing and defining the term 'wetland review activity'.</p>
25.	7. Definitions	<p>Should – <u>See WAC 173-26-020 – Definitions.</u> A strong preference; a particular action is required unless there is a demonstrated, compelling reason, based on a policy of the SMA, <u>the Guidelines</u>, and this SMP, against taking the action.</p>	<p>Not consistent with WAC 173-26-020: (37) "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.</p> <p>Ecology requires text revision for consistency with WAC 173-26-020(37), and supports the additional edit suggested by City staff to add a specific WAC citation for internal consistency with other cross references. See also Recommended changes to Chapter 7 Definitions in Attachment C.</p>