**Attachment C:**

**Ecology Recommended Changes**

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

<table>
<thead>
<tr>
<th>ITEM</th>
<th>SMP Submittal Provision (Cite)</th>
<th>TOPIC</th>
<th>BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Section 1.5</td>
<td>Relationship to Other Codes, Ordinances and Plans</td>
<td>D. All local development regulations including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP. This SMP includes critical areas regulations (Appendix B) that are applicable only in the shoreline jurisdiction, and shall control within shoreline jurisdiction over other critical area regulations adopted pursuant to the Growth Management Act. Amendments to the Critical Areas Ordinance (LMC 16.08) regulations are separate and distinct from the Appendix B of this SMP, and do not require amendment to the SMP.</td>
<td>Recommended change for clarity.</td>
</tr>
<tr>
<td>2</td>
<td>Section 2.2</td>
<td>Public Access Element</td>
<td>• <em>Which limits development</em> that alters the natural conditions of the shorelines of the state in those limited instances where development provides an opportunity for substantial numbers of people to enjoy the shorelines of the state. <em>(WAC 173-26-176(3)(b) from RCW 90.58.020)</em></td>
<td>The wording of this bullet point is difficult to decipher, consider rewording as indicated here to be consistent with the rest of the bulleted list.</td>
</tr>
<tr>
<td>3</td>
<td>Section 2.2</td>
<td>Public Access Element</td>
<td><strong>Goal PA 2. Maintain current access.</strong> The City encourages maintenance of existing access prior to and/or as a preference to establishing and constructing new access points.</td>
<td>To be consistent with the formatting for this section, I think this should be labeled Goal PA-2.</td>
</tr>
<tr>
<td>4</td>
<td>Section 2.4</td>
<td>Circulation Element</td>
<td><strong>Objective CIRC-1.3.</strong> Encourage water-dependent transportation where appropriate. <em>(RCW 90.58.020)</em></td>
<td>Is this relevant in the City of Leavenworth? Delete.</td>
</tr>
<tr>
<td>5</td>
<td>Section 2.7</td>
<td>Historic, Recommendations by State Department of Archaeology and Historic Preservation</td>
<td></td>
<td>The statement and references to</td>
</tr>
</tbody>
</table>
| 6 | Section 3.7 | Table 1. - footnote | Objective HIST-2.1. Protect sites in collaboration with appropriate tribal, state, federal, and local governments and affected property owners. Encourage cooperation among public and private parties in the identification, protection, and management of historic cultural resources. *(Recommendation by DAHP)*

**Objective HIST-2.2.** When and/or where appropriate, make access to such sites available to parties of interest. Design and manage access to such sites in a manner that gives maximum protection to the historic resource. *(Recommendation by DAHP)*

**Objective HIST-2.3.** Provide opportunities for education related to archaeological, historical and cultural features when and/or where appropriate and incorporate into public and private management efforts, programs and development. *(Recommendation by DAHP)*

DAHP recommendation in this section do not add meaning or relevance to this section. Deletions are suggested in an effort to simplify and maintain the flow of the document.

| 7 | 3.2.8 | Just below Table 2 | The actual location of the OHWM, floodplain, floodway, and wetland boundaries must be determined at the time a development is proposed. Wetland boundary and ordinary high water mark determinations are valid for five years from the date the determination is made. Floodplain and floodway boundaries should be assessed using the jurisdiction’s FEMA maps (February, 1981). In addition, any property shown in shoreline jurisdiction that does not meet the criteria for shoreline jurisdiction (e.g., is more than 200 feet from the OHWM or floodway, is no longer in floodplain as documented by a Letter of Map Revision from FEMA, and does not contain associated wetlands) shall not be subject to the requirements of this SMP. Revisions to the Official Shoreline Maps may be made as outlined in this Section E without an SMP amendment.

| 8 | Section 3.3 | Shoreline Use | This SMP adopts the following policy provided in RCW 90.58.010, and fully implements it to the extent of its authority under this SMP.

Many uses include exceptions to requirements for permits. The table is a quick reference guide but where there are more definitive requirements in the written regulations, the written provisions shall apply, as noted in 3.2.7.A.

Change reference to Section 3.2.2, reference to Section E seems to be a formatting issue.

This is repetitive and unnecessary. This has already been included in...
### Preferences

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures, ports, shoreline recreational use including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state...

Permitted uses in the shoreline of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

#### Chapter 1

In order to simplify this SMP, delete this section.

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### Section 3.3

Shoreline Use Preferences

When determining allowable uses and resolving use conflicts on shorelines within shoreline jurisdiction consistent with the above policy, the following preferences and priorities as listed in WAC 173-26-201(2)(d) shall be applied in the order presented below:

Rewording of paragraph leading up to the list of preferences and priorities modified to reflect previous recommended change.

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### Section 4.4.1

(M) Policies

Fishing easements. In consultation with the Washington Department of Fish and Wildlife, The City of Leavenworth should review fishing easements on the Wenatchee River.

The only shorelines of the state in Leavenworth are the Wenatchee
River, and other shoreline waterbodies to improve public access to the fishing easements. Chelan County should work in partnership with the Washington Department of Fish and Wildlife, Chelan County Public Utility District, Cities, land trusts, and others to improve public access to the fishing easements. Actions may include adding identifiable signage, improving access on unused sites, consolidating access points for maintenance purposes, or land surplus, exchanges or purchases, etc.

There is no reason the City of Leavenworth should review fishing easements on the Entiat River. Take out reference to what Chelan County should do as this is not relevant to this SMP.

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11 Section 4.4.2 Regulations

B. Public and recreation shoreline uses and activities. Shoreline public access shall be required for the following public and recreation shoreline uses and activities:

1. Shoreline recreation pursuant to Section 5.15; (WAC 173-26-241(3)(i))
2. New structural public flood hazard reduction measures, such as dikes and levees; and (WAC 173-26-221 (3) (c) (iv))
3. Shoreline development by public entities, including local governments, port districts, state agencies, and public utility districts (WAC 173-26-221 (4) (d) (ii)).

Editorial change, this list needs minor formatting changes so that it is clear where it ends and what is included.

12 Section 4.5.2 (S) Regulations – Chart of Shoreline Setback Reduction Options

Table 4. Shoreline Setback Reduction Options

Include a Table number and title for easier referencing and for consistency throughout the document. Make sure that subsequent tables are also reformatted to reflect the addition of this table number and title.

13 Section 4.5.2 Regulations – Additional Standards

T. Additional Standards.

A. Landscape Standard for New Development, or Expansion. Sites that are currently undeveloped, or expanding existing impervious footprints by more than 10 percent of the existing site’s impervious footprint, the development must provide a native landscape plan that meets the following criteria:

The formatting here is not consistent with section. This should be T.

14 Section 4.5.2(T)(A)(4) Regulations – Additional Standards

d. The alternate measures must be equal or superior to the provisions of this subsection in accomplishing the purpose and intent of maintaining and improving shoreline ecological functions and processes.

c. Requests to use alternative measures shall be reviewed by the Shoreline Administrator.

The formatting for these three paragraphs was not clear, upon discussion with the City of Leavenworth it was clear this three
who may approve, approve with conditions, or deny the request.

f. If the alternative plan is consistent with the standards provided in this subsection, the Shoreline Administrator shall approve the plan or may impose conditions to the extent necessary to make the plan consistent with the provisions. If the alternative mitigation is denied, the applicant shall be informed of the deficiencies that caused its disapproval so as to provide guidance for its revision and re-submittal.

15 Section 4.5.2 Regulations – Additional Standards

U. In addition to City of Leavenworth-specific buffer reduction and/or averaging provisions above, buffers may be administratively modified as outlined below:

The formatting here is not consistent with section. This should be U.

16 Section 4.5.2(U)(B) In addition to City of Leavenworth...

B. Other Developments. Where a legally established pre-existing development occupies more than 50 percent of the average width of the waterward lot, the Shoreline Administrator may approve a modification of the minimum required buffer width to the upland edge of the waterward legal lot as illustrated on the following diagram if a study submitted by the applicant and prepared by a qualified professional demonstrates that the part of the buffer on the upland legal lot sought to be reduced:

1. Does not provide additional protection of the shoreline waterbody or stream; and

2. Provides insignificant biological, geological or hydrological buffer functions relating to the waterward portion of the buffer adjacent to the shoreline waterbody or stream.

Delete this entire section. We do not believe there are areas within the City of Leavenworth that this would apply.
Establishment of a reduced buffer on the upland lot at the waterward edge of that parcel does not preclude the owner of the waterfront parcel from seeking and obtaining buffer modifications under other provisions of this SMP.

17 Section 4.5.2 Regulations – Design and Management Standards

| Table 5. Design and Management Standards

| 1. Inside the Standard Buffer. Existing development located inside the standard buffer may expand vertically or landward of the development. Expansions waterward are prohibited except when the reduced buffer is consistent with C.4 below Section 4.5. All other expansions within the buffer must obtain a Shoreline Variance. Expansions within the standard buffer laterally toward the side lot lines may be allowed provided any impacts to vegetation are mitigated consistent with this Section, and any new impervious surfaces are infiltrated or treated prior to

18 Section 4.5.2(U)(D) Regulations – Design and Management Standards

Include a Table number and title for easier referencing and for consistency throughout the document. Make sure that subsequent tables are also reformatted to reflect the addition of this table number and title.

The reference to C.4 seems to be leftover from a previous version; instead this should be referencing Section 4.5 which addresses vegetation conservation and shoreline buffers.
<p>| | | |</p>
<table>
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<tbody>
<tr>
<td>19</td>
<td>5.8.2 (C) Regulations</td>
<td>Prohibited dredging activities. Dredging shall be prohibited for the primary purpose of obtaining fill material, except that permitted under Section 5.13, Mining and except when necessary for restoration of ecological functions. In the latter circumstance, the fill must be placed waterward of the OHWM. The project must be either associated with a MTCA (Model Toxics Control Act) or CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) habitat restoration project or, if approved through a Shoreline Conditional Use Permit, any other significant habitat enhancement project. For clarification, include what these acronyms stand for.</td>
</tr>
<tr>
<td>20</td>
<td>5.15.2 (J) Regulations</td>
<td>Table 6. Recreation Design and Management Standards Include a Table number and title for easier referencing and for consistency throughout the document. Make sure that subsequent tables are also reformatted to reflect the addition of this table number and title.</td>
</tr>
<tr>
<td>21</td>
<td>Section 5.16.2 (D)</td>
<td><strong>Public access.</strong> See SMP Section 4.4. (WAC 173-26-241(3)(j)) New multiunit residential development, including the subdivision of land for more than four parcels should provide community and/or public access. <strong>Over-water residences and floating homes.</strong> Prohibited <strong>Liveboards.</strong> Prohibited. <strong>Accessory uses.</strong> Residential accessory uses or appurtenances shall not be located in required shoreline buffers unless specifically authorized in Vegetation Conservation standards and Appendix B. Residential accessory uses shall be prohibited over the water unless clearly water-dependent. The primary use shall be established prior to the accessory use, in those cases where uses or development are proposed that would normally be considered ‘accessory or appurtenant uses’, they shall be considered primary development. (Bases on WAC 173-26-241(2)(a)(iii) and 173-26-211(3)(b)) <strong>Underground Utilities.</strong> See Section 5.20 Section 4.4 does not say anything specific about residential developments providing public access, add language here to address WAC 173-26-241 (3)(j) which states “New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government’s public access planning and this chapter.” Also, the formatting is a little off. Public Access should be D and the following regulation on Over-water residences and floating homes...</td>
</tr>
<tr>
<td>Section 5.20.2(H)</td>
<td>Regulations</td>
<td>Outfall design principles. New and reconfigured outfalls, <strong>diffuser</strong>, and <strong>discharge points</strong> shall be located(5,8),(995,987) to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate, shorelines and must be in compliance with the most recent local and state standards. The diffuser or discharge point(s) for new or expanded outfalls must be located offshore and at a buffer distance beyond the nearshore/littoral area, to avoid impacts to those areas. The Shoreline Administrator may require a mixing zone analysis for the outfall from a qualified party to determine the diffuser or discharge point. The outfall pipes shall be subsurface within the near shore. This statement is confusing and unnecessary. The clarifying language provided here broadens this provision and incorporates language from WAC 173-26-241(3)(l).</td>
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<tr>
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<tr>
<td>Section 7.6.3</td>
<td>Exemptions</td>
<td>City of Leavenworth. City of Leavenworth shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed below, or as thereafter amended in WAC 173-27-040; RCW 90.58.030 (3)(c), 90.58.140(9), 90.58.147, 90.58.355 and 90.58.515. Written Letters of Exemption or other written documentation are required for exempt activities and shall be issued consistent with Section 7.6.4. Correct typographical error.</td>
</tr>
</tbody>
</table>
| Appendix B 16.08.130 | Chapter Applicability | A. This chapter classifies and designates critical areas in shoreline jurisdiction and establishes protection measures for those critical areas. All developments or other alterations within, adjacent, or likely to affect, one or more critical areas, whether public or private, shall be subject to review by the city’s administrator or designee for compliance with this Appendix. October 26, 1993. “Adjacent” shall mean any activity located:
1. On a site immediately adjoining a critical area;
2. Within a distance equal to or less than the required critical area buffer width and building setback;
3. Within a distance equal to or less than one half mile (2,640 feet) from a bald eagle nest;
4. Within a distance equal to or less than 300 feet upland from a stream, wetland, or water body;
5. Within a floodway, floodplain, or channel migration zone; or
6. Within 200 feet from a critical aquifer recharge area. The activities listed here are not necessarily applicable to shoreline jurisdiction. This SMP and this Appendix are only applicable in shoreline jurisdiction and many of these definitions of adjacent would be outside of shoreline jurisdiction. Simplifying this provision makes this easier to implement, eliminates potential confusion, and does not change the meaning or applicability of this Appendix. |
<table>
<thead>
<tr>
<th>Appendix G</th>
<th>Sign Code</th>
<th>Delete entire Appendix G.</th>
</tr>
</thead>
</table>

The sign code in Appendix G has been taken directly from LMC. LMC applies within shoreline jurisdiction; there is no need to include it here.