# 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>TOPIC</th>
<th>BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)</th>
<th>RATIONALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2. Natural Environment Element (All references)</td>
<td><strong>Environment</strong> Designations</td>
<td><strong>Environment</strong> Designations. WAC 173-26-211 establishes that an ‘environment designation system’ be created. The designations are in part based on existing ‘environmental’ conditions, but are also influenced by zoning and other attributes. As such, all references to ‘environmental’ designations should be changed to ‘environment’ designations.</td>
</tr>
<tr>
<td>2</td>
<td>2.1 B Environmental Designations, SMP-P2.4</td>
<td>Transportation Designation Policy Structure</td>
<td>The policies of this section are narrow and in effect establish time limitations for their implementation. They are worded more like permit conditions than policies of a comprehensive plan. The policies have been reworded allow their implementation beyond completion of the SR 520 project. WAC 173-26-191 (2) (a) (i)</td>
</tr>
<tr>
<td>3</td>
<td>20.60.060 Administration</td>
<td>Administration</td>
<td>Permits for actions within the shoreline jurisdiction must be processed pursuant to the criteria found in WAC 173-27.</td>
</tr>
</tbody>
</table>

*ITEM 2. Natural Environment Element (All references)*: WAC 173-26-211 establishes that an ‘environment designation system’ be created. The designations are in part based on existing ‘environmental’ conditions, but are also influenced by zoning and other attributes. As such, all references to ‘environmental’ designations should be changed to ‘environment’ designations.

**ITEM 2.1 B Environmental Designations, SMP-P2.4**: The policies of this section are narrow and in effect establish time limitations for their implementation. They are worded more like permit conditions than policies of a comprehensive plan. The policies have been reworded allow their implementation beyond completion of the SR 520 project. WAC 173-26-191 (2) (a) (i)
17.12.010  Definitions
“Dolphin” means a spar, buoy or piling used for mooring watercraft.

Internal consistency of shoreline related definitions located in SMP.

20.60.213  “D” definitions.
“Dolphin” means a spar, buoy or piling used for mooring watercraft.
Internal consistency of shoreline related definitions located in SMP.

20.60.223  “N” definitions.
A. “Native plants” means plants which are native to the Puget Sound lowlands.
B. “Natural or existing topography” means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling.
C. “Non-water oriented uses” means uses that are not water-dependent, water-related, or water-enjoyment.
D. “Nonconforming structure” means a building or structure that does not comply with the required setbacks, height, structural coverage and other development requirements of the shoreline master program, but was lawfully constructed prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. This term applies whether or not the nonconformity was permitted by a variance.
E. “Nonconforming use” means any activity, development, or condition that by the shoreline master program is not permitted outright or permitted as an accessory use, or is not permitted by a conditional use permit or other special permitting process; but was lawfully created prior to the effective date of the Act or shoreline master program or subsequent amendments thereto and was continually maintained in accordance with MMC 20.66.090. A nonconforming use may or may not involve buildings or structures and may involve part of, or all of, a building or property.

Providing a definition for native plants provides consistency for landowners with Ecology requirements.

17.12.010  B  Other Definitions.
“Site area,” for the purpose of this title, means dry land area which is further defined as land area lying landward of the ordinary high water mark, exclusive of shorelands, except those which by recession of water have become dry land. Dry land created by bulkheading shall not be counted as site area except as specifically permitted by this code.

The term ‘shorelands’ is defined and includes lands landward 200’ of OHWM. This doesn’t appear to be the intent of this section. Changes have been made to maintain the intent of the definition.

Table 20.62.030  Shoreline Use Table
Urban Conservancy
Internal consistency

<table>
<thead>
<tr>
<th>Shoreline Use</th>
<th>Shoreline Residential</th>
<th>Urban Conservancy</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td>P</td>
<td>RX</td>
<td>X</td>
</tr>
</tbody>
</table>

Urban Conservancy designation criteria establishes the goals and policies for this environment designation. These goals and policies conflict with the uses allowed through Table 20.62.030. Changes have been made to the Table to achieve internal consistency of the SMP. These changes make them consistent with the Urban
<table>
<thead>
<tr>
<th>Accessory buildings/ uses located on the same lot as a single-family dwelling other than specifically listed in the table</th>
<th>P</th>
<th>PX</th>
<th>X</th>
<th>Conservancy environment designation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult family home</td>
<td>P</td>
<td>PX</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Detached single-family dwelling</td>
<td>P</td>
<td>PX</td>
<td>X</td>
<td>CU</td>
</tr>
<tr>
<td>Manufactured home</td>
<td>P</td>
<td>PX</td>
<td>X</td>
<td>CU</td>
</tr>
</tbody>
</table>

10 20.63.050 B Development standards for divisions of land and lot line adjustments. Development Standards

2. Minimum water frontage: A lot line adjustment or a division of land may be approved with less than the required water frontage provided:
   a. At least one of the existing lots has less than the required water frontage set forth in Table 20.63.050(A)(2); and
   b. The final lot configuration will neither cause an existing lot adjoining the lake to have less than the existing substandard water frontage nor cause a lot having the required water frontage to have less than the required minimum water frontage; or
   c. If two or more existing lots have less than the required water frontage set forth in Table 20.63.050(A)(2) then the final lot configuration can include more than one lot adjoining the lake having less than the required water frontage provided:
      i. Only one lot in the final configuration has a substandard water frontage reduced to less than its existing water frontage; and
      ii. The lot with the reduced water frontage does not have a water frontage less than the existing lot with the smallest water frontage; and
      iii. The number of lots having less than the required water frontage is not increased in the final lot configuration; and

11 20.65.600 Land surface modification Vegetation Conservation Standards

D. Where a land surface modification occurs within 50 feet of the ordinary high water line, the vegetation conservation requirements set forth in MMC 20.66.050 shall apply.

12 20.66.090 Nonconforming development Nonconforming existing lots

C. Nonconforming lots. Lots, tract, parcel, site or division which were created or segregated pursuant to all applicable laws, ordinances and regulations in effect at the time, but that is nonconforming as to the present lot size may be developed so long as such development conforms to other requirements of the shoreline master program.

1. Existing lots are not deemed nonconforming for failure to meet the minimum water frontage or lot width requirements.

This provision appears to have a misplaced 'and'. It has been moved to be consistent with the intent of the provision.

This provision appears to be duplicative. It has been removed to decrease inconsistencies which result from having vegetation regulations located in multiple sections.

This provision was located within MMC 20.63.050 A2. Given that this provision deals exclusively with nonconforming lots, it is recommended that it be located within MMC 20.66.090, Nonconforming development.