

Attachment C: The following changes are recommended to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
1.	16.08 Definition	Drift Cell Definition.	<u>Drift Cell: "Drift cell" means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.</u>	This change reflects the definition of "drift cell" in WAC 173-26-020(12).
2.	16.16.070 Circulation element	Circulation system plans objectives	<p><u>Objective 2: Encourage citizens to use non-motorized means of transportation by enhancing and expanding pedestrian and bicycle routes, including enhancing direct access to public transit routes per the Comprehensive Plan.</u></p> <p><u>Objective 3: Encourage and support the development of a fully accessible public transportation system that will accommodate the present and future travel demands of the community per the Comprehensive Plan.</u></p>	Recommended changes address consistency with the city's comprehensive plan for pedestrian, bicycle, and public transportation, and WAC 173-26-241(3) (k).
3.	16.16.100 Shoreline Restoration.	Shoreline Restoration Goals and Objectives	<p><u>16.16.100 Shoreline Restoration:</u></p> <p><u>This is an element for the preservation and restoration of the natural character and functions of the shoreline as identified in the restoration plan that has been adopted along with this Shoreline Master Program.</u></p> <p><u>Goal: This element is to foster habitat and natural system enhancement projects, provided the primary purpose is restoration of the natural character and functions of the shoreline and only when consistent with implementation of the restoration plan that has been adopted with this Shoreline Master Program pursuant to WAC 173-26-201(2)(f).</u></p> <p><u>Objective 1: Improve water quality within the City's surface waters.</u></p> <p><u>Policy 1: Improve water quality and reduce the level of effective impervious surface coverage by implementing LID techniques on public projects within the City and encouraging and incentivizing property owners to reduce impervious surface coverage.</u></p>	These recommended changes incorporate restoration plan goals (table 2) into the SMP within a new policy section entitled "Shoreline restoration."

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			<p><u>Policy 2: Target public streets and private access drives in areas within and draining to the shoreline jurisdiction for focused improvements to storm water systems to improve water quality. Prioritize based on potential for positive impact and support of local residents.</u></p> <p><u>Policy 3: Encourage the use of appropriate natural herbicides and pesticides, and encourage the convenient location of hazardous waste disposal sites outside of shoreline areas.</u></p> <p><u>Policy 4: The City and community can work with the Southwest Sewer District to determine if opportunities for cleaner discharge into Puget Sound at the mouth of Miller Creek is needed and possible. If needed, storm water discharge to the sanitary sewer could be disconnected to prevent more frequent sewer overflows.</u></p> <p><u>Objective 2: Protect and improve vegetation and habitat functions in upland and wetland areas.</u></p> <p><u>Policy 1: At Marine View Park, use both planned limited improvements and more long term redevelopment as opportunities to improve vegetation, hydrologic, and habitat functions. Obtain input from resource experts, agencies, and residents on balancing restoration with human use. Continue to encourage and/or incentivize residents to work with King County Conservation District to improve vegetation, habitat, and hydrologic functions along their shoreline properties.</u></p> <p><u>Policy 2: Continue to maintain and improve wetland and riparian habitat within Miller and Walker Creeks.</u></p> <p><u>Objective 3: Enhance and restore shorelines that have been modified through installation of bulkheads and other forms of hard armoring.</u></p> <p><u>Policy 1: Where feasible and safe for residents, incentivize the removal of bulkheads and other forms of hard shoreline armoring on private properties and restore to natural shoreline.</u></p> <p><u>Policy 2: Encourage the coordinated implementation of soft shoreline stabilization measures across multiple adjacent properties.</u></p>	

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			<p><u>Policy 3: Provide education, permitting assistance, and other work with Beachwatchers, King County, WRIA 9 groups and other stewards to provide outreach.</u></p> <p><u>Policy 4: Incentivize the use of alternative soft armoring for shoreline stabilization design in currently armored areas where armoring is being reconstructed or repaired.</u></p> <p><u>Objective 4: Remove regulatory impediments to restoration and enhancement projects, and introduce incentive programs to encourage private restoration actions.</u></p> <p><u>Policy 1: The City should, and private entities are encouraged to, seek funding from State, Federal, private, and other sources to implement restoration, enhancement, and acquisition projects.</u></p> <p><u>Policy 2: Develop processing guidelines that will streamline review of restoration-only projects.</u></p> <p><u>Policy 3: Allow for the use of tax incentive programs, mitigation banking, grants, land swaps, or other programs, as they are developed, to encourage restoration and enhancement of shoreline ecological functions and to protect habitat for fish, wildlife, and plants.</u></p>	
4.	16.20.010 Figure 2 Shoreline Permit Matrix	Dredging	In the row for Dredging, change “Prohibited” to “ <u>CUP</u> ” in the column for the Aquatic environment.	Freshwater stream mouths like Miller and Walker Creek – they are not in the Aquatic environment. Requiring a CUP is consistent with upland shoreline environments.
5.	SMP § 16.20.195	Shoreline vegetation conservation	16.20.195 (e) Trimming of trees and vegetation is allowed within shoreline setback areas without a landscape plan, provided that: (iv) Trimming is not within a wetland or wetland buffer or FWHCA <u>stream</u> buffer; and	Clarification and Consistency with other vegetation conservation regulations (16.20.195) is recommended.
6.	SMP § 16.20.210	Residential element	16.20.210 (5) Residential development, when permitted by the zoning code... (f) Minimum building setbacks from the OHWM and sensitive areas (e.g., eroding bluffs or shores, wetlands marshes, bogs, swamps , and streams where setbacks shall be measured from the top of the bluff or nearest wetland edge);	Clarification and consistency with other SMP wetland terminology is recommended.
7.	<u>16.20.215 Summary of Shoreline Development Standards</u>	<u>Development Standards Table</u>	<u>16.20.215 Summary of Shoreline Development Standards</u> <u>The shoreline buffer and vegetation conservation buffers shown in Figure 3 in 16.20.015 Development Standards In Shoreline Designations apply to new development, new structures, and additions/expansion of legally existing structures.</u>	Ecology recommends incorporating applicable CAO standards into a new Summary table and provide cross references.

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			<p><u>Figure 3. Development Standards In Shoreline Designations</u></p> <table border="1" data-bbox="647 305 1921 1425"> <thead> <tr> <th data-bbox="647 305 935 479"><u>Development Standard</u></th> <th colspan="5" data-bbox="935 305 1921 479"><u>Shoreline Designations</u> (See Chapter 16.12 for shoreline designation descriptions and Figure 1 for a map of the shoreline designations)</th> </tr> <tr> <th data-bbox="647 479 935 581"></th> <th data-bbox="935 479 1131 581"><u>Rural Residential</u></th> <th data-bbox="1131 479 1327 581"><u>Urban Conservancy</u></th> <th data-bbox="1327 479 1524 581"><u>Bluff Conservancy</u></th> <th data-bbox="1524 479 1720 581"><u>Beach Community</u></th> <th data-bbox="1720 479 1921 581"><u>Aquatic</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="647 581 935 755"><u>Maximum height limit of single-family residence (16.24.040(2)(f))</u></td> <td data-bbox="935 581 1131 755"><u>35 feet</u></td> <td data-bbox="1131 581 1327 755"><u>35 feet</u></td> <td data-bbox="1327 581 1524 755"><u>35 feet</u></td> <td data-bbox="1524 581 1720 755"><u>35 feet</u></td> <td data-bbox="1720 581 1921 755"><u>N/A</u></td> </tr> <tr> <td data-bbox="647 755 935 1040"><u>Maximum non-commercial boathouse height limit² (16.20.210(5)(h))</u></td> <td data-bbox="935 755 1131 1040"><u>Site obscuring portion, no more than 12 feet above average grade level</u></td> <td data-bbox="1131 755 1327 1040"><u>Site obscuring portion, no more than 12 feet above average grade level</u></td> <td data-bbox="1327 755 1524 1040"><u>N/A</u></td> <td data-bbox="1524 755 1720 1040"><u>Site obscuring portion, no more than 12 feet above average grade level</u></td> <td data-bbox="1720 755 1921 1040"><u>Site obscuring portion, no more than 12 feet above average grade level</u></td> </tr> <tr> <td data-bbox="647 1040 935 1214"><u>Maximum height limit of a new and repaired bulkhead (16.20.190(b)(i))</u></td> <td data-bbox="935 1040 1131 1214"><u>3 feet above the OHWM</u></td> <td data-bbox="1131 1040 1327 1214"><u>N/A</u></td> <td data-bbox="1327 1040 1524 1214"><u>N/A</u></td> <td data-bbox="1524 1040 1720 1214"><u>3 feet above the OHWM</u></td> <td data-bbox="1720 1040 1921 1214"><u>N/A</u></td> </tr> <tr> <td data-bbox="647 1214 935 1425"><u>New single-family residence shoreline setback¹ (18.36.640(4), 16.20.210(5)(g))</u></td> <td data-bbox="935 1214 1131 1425"><u>115 feet from OHWM</u></td> <td data-bbox="1131 1214 1327 1425"><u>N/A</u></td> <td data-bbox="1327 1214 1524 1425"><u>N/A</u></td> <td data-bbox="1524 1214 1720 1425"><u>115 feet from OHWM</u></td> <td data-bbox="1720 1214 1921 1425"><u>N/A</u></td> </tr> </tbody> </table>	<u>Development Standard</u>	<u>Shoreline Designations</u> (See Chapter 16.12 for shoreline designation descriptions and Figure 1 for a map of the shoreline designations)						<u>Rural Residential</u>	<u>Urban Conservancy</u>	<u>Bluff Conservancy</u>	<u>Beach Community</u>	<u>Aquatic</u>	<u>Maximum height limit of single-family residence (16.24.040(2)(f))</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>	<u>N/A</u>	<u>Maximum non-commercial boathouse height limit² (16.20.210(5)(h))</u>	<u>Site obscuring portion, no more than 12 feet above average grade level</u>	<u>Site obscuring portion, no more than 12 feet above average grade level</u>	<u>N/A</u>	<u>Site obscuring portion, no more than 12 feet above average grade level</u>	<u>Site obscuring portion, no more than 12 feet above average grade level</u>	<u>Maximum height limit of a new and repaired bulkhead (16.20.190(b)(i))</u>	<u>3 feet above the OHWM</u>	<u>N/A</u>	<u>N/A</u>	<u>3 feet above the OHWM</u>	<u>N/A</u>	<u>New single-family residence shoreline setback¹ (18.36.640(4), 16.20.210(5)(g))</u>	<u>115 feet from OHWM</u>	<u>N/A</u>	<u>N/A</u>	<u>115 feet from OHWM</u>	<u>N/A</u>	
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			<u>Density (dwelling units per acre)</u>	<u>R-20, 2 units/acre</u>	<u>R-20, 2 units/acre</u>	<u>N/A</u>	<u>R-15, 2.7 units/acre</u>	<u>N/A</u>	
			<u>Minimum lot size (18.15.020)</u>	<u>20,000 square feet</u>	<u>20,000 square feet</u>	<u>N/A</u>	<u>15,000 square feet</u>	<u>N/A</u>	
			<u>Gross floor area ratio (GFAR)³ (18.15.020)</u>	<u>0.25</u>	<u>0.25</u>	<u>N/A</u>	<u>0.25</u>	<u>N/A</u>	
			<u>Single-family residence front, back, and side-yard setback (18.15.020)</u>	<u>20, 25, 5 feet</u>	<u>20, 25, 5 feet</u>	<u>N/A</u>	<u>20, 25, 5 feet</u>	<u>N/A</u>	
			<u>Single-family residence setback from top of bluff in landslide hazard areas</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>N/A</u>	
			<u>Impervious surface limits</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>N/A</u>	
			<p>¹ <u>Minimum building setbacks from the OHWM and sensitive areas (e.g., eroding bluffs or shores, wetlands, and streams where setbacks shall be measured from the top of the bluff or nearest wetland edge) shall be no less than setbacks specified in NPMC 18.36 Critical Areas Development Regulations. Actual building setbacks shall be determined on a case by case basis. The following factors shall be taken into account: underlying zoning requirements, height of bluff or bank, soils and groundwater characteristics and other factors affecting slope stability and environmental effects on sensitive areas such as streams and wetlands.</u></p>						

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			<p>²<u>Boathouses or other buildings or structures for the storage or shelter of boats may be permitted when set back at least five feet landward of the OHWM and when installed so that no sight-obscuring portion thereof extends 12 feet above the average grade level.</u></p> <p>³<u>GFAR –“Gross floor area ratio (GFAR)” means the floor area of the building or buildings divided by the area of the zoning lot.</u></p>	
8.	SMP § 16.20.220	Land clearing and grading activities	16.20.220 (2) For land clearing and grading practices, the following regulations shall apply: (b) Minimum land clearing and grading activity setbacks from the OHWM and sensitive areas (e.g., eroding bluffs, or shores, <u>wetlands</u> marshes, bogs, swamps , and streams...	Clarification and Consistency with other SMP wetland terminology is recommended.
9.	SMP § 16.24.050 NEW	In water and wetland permitting	<p>(1) 16.24.050 Statement of exemption.</p> <p>Applicants for all other permits or approvals within the shoreline area must obtain a written “statement of exemption” from securing a substantial development permit. The process provides for verifying that the action is exempt and offers an applicant an itemization of SMP and other requirements applicable to the proposed project. In the case of development subject to the policies and regulations of this master program but exempt from the substantial development permit process, the building official or other permit authorizing official shall attach shoreline management terms and conditions to the building permits and other permits and approval pursuant to RCW 90.58.140. For example, the approval of a building permit for a single-family residence can be conditioned with provisions from the master program. Other permit approvals may be conditioned on the basis of SMP policy and use regulations as well. <u>Exemption from this Master Program does not relieve an applicant of the need to obtain all other necessary state and federal approvals for work in-water or within wetlands.</u></p>	Reminder that other permitting is needed for projects below the ordinary high water and within wetlands.
10.	SMP § 16.24.060	Application for SDP, CUP or variance	(3)(b)(iv) <u>A copy</u> of completed environmental checklist, declaration of nonsignificance or environmental impact statement as is appropriate. Note that if the environmental review has not occurred prior to application for a shoreline permit, the time period for application review may be extended.	Typographical error and reference correction.
11.	SMP § 16.24.140	Administration	<p>16.24.140 Enforcement and penalties</p> <p><u>(1) For the purposes of improving enforcement of this SMP program, the shoreline administrator shall monitor activities along the Normandy Park shoreline through as follows:</u></p>	Normandy Park requested the addition of a city monitoring program.

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			<p><u>(a) Conduct a boat survey of the Normandy Park shoreline zone every six months to assess violations of this shoreline program. Provide an annual report of the results of these surveys to the City Council.</u></p> <p><u>(b) Assess whether the City is achieving no net loss of shoreline ecological functions on an annual basis and cumulatively from the issue date of this shoreline program. The report shall include an analysis of impacts from development (and where possible including unpermitted actions). This shall be reported annually to the City Council.</u></p>	
12.	16.24 Users Guide to program administration	Administrative Interpretation	<p>Add to 16.24.150 (Additional authority).</p> <p><u>(5) Make administrative decisions and interpretations of the policies and regulations of this SMP and the SMA.</u></p>	<p>This recommended change acknowledges that the city has authority to make administrative interpretations of development regulations including the shoreline master program. RCW 36.70B.110(11) & WAC 173-26-140.</p>
13.	16.24 Users Guide to program Administration	Constitutional Limitations	<p>Add to 16.24.150 (Additional authority).</p> <p><u>(6) The application of this Program should be consistent with constitutional and other legal limitations on the regulation of private property. The Administrator should give adequate consideration to mitigation measures, dimensional variances, and other possible methods to prevent undue or unreasonable hardships upon property owners.</u></p>	<p>Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A).</p>
14.	16.24 Users Guide to program Administration	16.24.060 Substantial Development Permits:	<p>16.24.060 Application for substantial development, conditional use or variance permit.</p> <p><u>1) Pursuant to WAC 173-27-150, a substantial development permit shall be granted only when the development proposed is consistent with:</u></p> <p><u>(a) The policies and procedures of the Shoreline Management Act; and</u></p> <p><u>(b) The provisions of this regulation.</u></p>	<p>Substantial Development Permits: Approved SDPs must comply with WAC 173-27-150.</p>

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15.	16.24 Users Guide to Program Administration 16.24.081 Permit tracking procedure.	No net loss of ecological functions tracking.	<p><u>16.24.081 Permit tracking procedure.</u></p> <p><u>City staff will develop a tracking system to track all land use and development activity, including exemptions, within shoreline jurisdiction for the purposes of assessing cumulative effects of all development activities and how the City SMP is meeting no net loss of ecological functions. A staff report will be assembled that provides basic project information, including location, permit type issued (including exemptions), project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Electronic records of tracked project information will be kept by the City and will be provided to Washington Department of Ecology upon request.</u></p>	<p>Normandy Park requested the addition of a specific mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions (permits and exemptions) in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)</p>