

Attachment C:

Ecology Recommended Changes

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

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE																																								
1.	26.20.40	Shoreline Vegetation Conservation	A. A vegetation management plan for City parks and recreation areas, including both developed and undeveloped lands, shall be developed and implemented in coordination with the US Army Corps of Engineers that protects ecological functions, and results in no net loss of these functions through operations, maintenance, or restoration actions in these areas. Include integrated vegetation management for control of invasive weeds, and replace existing invasive species with native or compatible species that perform ecological functions similar to native species. <u>Native species are preferred in undeveloped areas of the shoreline.</u>	City proposed change in response to comments received.																																								
2.	26.30.11	Use Table	<table border="1"> <thead> <tr> <th>Land Use</th> <th>Natural</th> <th>Recreation Conservancy</th> <th>Recreation</th> <th>Rural</th> <th>Residential</th> <th>Waterfront</th> <th>Industrial Conservancy</th> </tr> </thead> <tbody> <tr> <td>Marine Equipment Rentals</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>P</td> <td>X</td> </tr> <tr> <td>Marine Gas Sales</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>SU</td> <td>X</td> </tr> <tr> <td>Marine Repair</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>X</td> <td>P</td> <td>X</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Land Use	Natural	Recreation Conservancy	Recreation	Rural	Residential	Waterfront	Industrial Conservancy	Marine Equipment Rentals	X	X	X	X	X	P	X	Marine Gas Sales	X	X	X	X	X	SU	X	Marine Repair	X	X	X	X	X	P	X									Fill-in blank spaces in matrix to indicate uses which are prohibited in the Industrial Conservancy Environmental Designation.
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4.	26.30.12	Bulk and Dimensional Chart.	3. Building height may be increased to up to 55 feet in the Waterfront Environment subject to the provisions of RMC 26.30.013.	Editorial. Punctuation added.
5.	26.30.30	Aquaculture	F. Aquaculture activities shall make all feasible provisions to maintain the general aesthetic quality of the shoreline.	Editorial. Punctuation added.
6.	26.30.40(F)(b)	Commercial Development	<p>b. Public open space plazas may earn additional bonus floor area, of may earn 4 square feet of building floor area for each square foot of open space, up to 10,000 square feet in addition to any area earned by subsection F.2.a, above, if the facility meets the following criteria:</p> <ul style="list-style-type: none"> i. The open space area must abut the Waterfront Trail on at least 20% of its total perimeter ii. It must be at the elevation of the trail iii. It may extend no further than 75 feet from the edge of the trail iv. It must be accessible to the public at all times v. It must consist of a hard surface of concrete, brick, pavers, or similar materials. Permeable surfaces are encouraged to the extent feasible. vi. Shade shall be required by trees planted in grates at grade level allowing pedestrian passage over grates at a minimum ratio of one tree per 1,600 square feet of plaza area. vii. At least one bench or table with chairs open to the public must be provided for every 2,000 square feet of open space. viii. It must be abutted by building frontage at the same elevation as the plaza and with ground floor clear vision glass and door access at a spacing of no less than 50 feet on at least 50% of its total perimeter. ix. At least 50% of the building perimeter must be retail or restaurant use. x. Planting areas for ornamental vegetation at the perimeter of the plaza in areas without clear glass building frontage may be allowed on up to 10 percent of the plaza area if the beds of such landscaping are within 18 inches of the plaza elevation. 	Edited for clarity. Multiple punctuation added.
7.	26.30.50	Industrial Development and Port Facilities	A. The area of industrial use designated in this program which is accessible to navigable water is the Port of Benton site in North Richland. This program provides for continued operation of barging facilities and may permit additional water-dependent use directly related to transfer of materials from waterborne conveyance to the land. The portions of the site not used for said water-dependent use shall preserve the generally undeveloped nature of adjacent	Edit to add punctuation.

			shoreline areas. Public access shall be provided through the shoreline portion of the site for use when it does not interfere with barge loading or unloading. An alternative route to the west shall be provided for conducting non-motorized traffic around the site when water-dependent use interrupts transit on the trail.	
8.	26.30.101 (A)(1) and (2)	Utilities	<ol style="list-style-type: none"> 1. The facility is needed within the shoreline jurisdiction to support permitted shoreline activities; <u>and</u> 2. No feasible alternative exists based on analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or is set back further from the land/water interface.; and 	Editorial change so that this list of two items is formatted accurately.
9.	26.50.20(B)(2)	Exemptions from Substantial Development Permit	<ol style="list-style-type: none"> 2. Projects valued at or below <u>\$6,416</u> the amount established by RCW 90.58.030(3)(e) as amended for consumer price index inflations. 	Recommend stating the actual dollar amount here for ease of implementation. RCW 90.58.030(3)(e) has been updated and does not reflect the current amended project value.
10.	26.50.20(B)(7)	Exemptions from Substantial Development Permit	<ol style="list-style-type: none"> 1. Construction of Non-Commercial Docks: Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences. This exception applies if: <ol style="list-style-type: none"> a. <u>The fair market value of the dock does not exceed twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or</u> The fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall require a substantial development permit; and 	Change to reflect ESHB 1090 that modified exemptions for docks.

			<p>b. <u>Ten thousand dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in this subsection, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</u></p> <p>c. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities, or other appurtenances.</p> <p>d. The dock meets all requirements of this code. A private dock generally is prohibited.</p>		
11.	26.50.50(C)(1) and (2)	Special Use Permit	<p>C. Applicants shall disclose as part of the permit process: 1. Any applicable federal, state or local regulatory permit requirements; <u>and</u> 2. The status of any contact with those agencies having permit jurisdictions over the proposed project and status of any permits that may have been applied for.</p>		Editorial, punctuation and addition of 'and' to provide clarity for this list as well as to create consistencies with lists throughout this document.
12.	26.50.121(D)	Violations - Penalties	<p>D. In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: Provided That <u>provided that</u> the fine for the third and all subsequent violations in any five year period shall be not less than five hundred nor more than ten thousand dollars.: Provided further:</p>		Editorial, capitalization and unnecessary words at the end of this provision.
13.	Table 26.60.024	Land Use Intensity Table	<p>Level of Impact from Proposed Change in Land Use</p> <p>High</p>	<p>Types of Land Use Based on Common Zoning Designations</p> <ul style="list-style-type: none"> • Commercial • Urban • Industrial 	Recommended changes have been made to this table to reflect all the types of land use included in Ecology's updated wetland rating guidance.

				<ul style="list-style-type: none"> • Institutional • Retail Sales • Residential (more than 1 unit/acre) • High intensity recreation (golf courses, ball fields, etc.) • <u>Conversion to high intensity agriculture (dairies, nurseries, greenhouses, growing and harvesting crops requiring annual tilling and raising and maintaining animals, etc.)</u> • <u>Hobby Farms</u> 	
			Moderate	<ul style="list-style-type: none"> • Residential (1 unit/acre or less) • Moderate intensity open space (parks with biking, jogging, etc.) • Paved driveways and gravel driveways serving 3 or more residences • Paved trails • <u>Conversion to moderate intensity agriculture (orchards, hay fields, etc.)</u> • <u>Utility corridor or right-of-way shared by several utilities and including access/maintenance road</u> 	
			Low	<ul style="list-style-type: none"> • Low intensity open space (hiking, bird-watching, preservation of natural resources, etc.) • Timber management (<u>cutting of trees only</u>) 	

				<ul style="list-style-type: none"> • Gravel driveways serving 2 or fewer residences • Unpaved trails • Utility corridor without a maintenance road and little or no vegetation management 	
14.	26.60.25 (E)	Buffer Modifications	<ol style="list-style-type: none"> 1. When the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a threatened or endangered species), (<u>listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees</u>), the width of the buffer should be increased to provide adequate protection for the species based on its particular life-history needs; <u>or</u> 2. When the minimum buffer for a wetland extends into an area with a slope of greater than 25 percent, the buffer shall be the greater of: <u>increased by 50 percent.</u> <ol style="list-style-type: none"> a. The minimum buffer for that particular wetland; or b. Twenty-five feet beyond the point where the slope becomes 25 percent or less. 	City proposed change in response to comments received.	
15.	26.60.27	Stormwater runoff	New development within 150 feet of a wetland buffer shall contain stormwater runoff within the developed portions of the site. No stormwater runoff shall drain into the wetland. Deviations from this standard may be approved by the City, provided, that a study undertaken by a qualified consultant in accordance with the provisions of RMC 26.60.028 indicated that the potential discharge of stormwater runoff from a development site into a wetland is adequately mitigated to protect the functions and values of the wetland. In the case of a Category 3 <u>III</u> or Category 4 <u>IV</u> wetland, stormwater management facilities may be located within the outer 25 percent of the required wetland buffer, provided,	For consistency with the rest of this document and with Ecology's wetland rating system these should be roman numerals rather than numbers.	

			that a determination is made that no other location is feasible and the location of such facilities will not have an adverse impact on the functions and values of the wetland.	
16.	26.60.31	Wetland monitoring program and contingency plan	<p>3. <u>Shrub and tree vegetation success can be defined as eighty (80) percent survival of the original number of plants planted, with the following beginning density of vegetation planted: trees planted on ten (10)-foot centers, with shrubs planted on three to five (3 to 5) foot centers underneath and between the trees. Percent cover goals that mimic local natural healthy reference wetlands can be established for percent cover goals at year five (5) as an alternative to percent survival goals.</u> Vegetative success will be defined as 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species;</p>	Vegetative success can be determined in a variety of ways and the way this provision is worded it could be misinterpreted. The language that is recommended provides more specificity and should eliminate potential misinterpretation.
17.	Table 26.60.42	Riparian Buffer Width	<p>⁽¹⁾ Measured from the OHWM or top of bank, as applicable</p> <p>⁽²⁾ Accompanied by other sensitive area protections and stormwater management measures, as applicable</p> <p>⁽³⁾ Administrative Buffer Adjustments do not apply. <u>Buffer can be widened, if applicable, or other protection provisions related to geologic hazards can be applied.</u></p>	City proposed change in response to comments received.
18.	26.60.42 (D)	Administrative Buffer Adjustments	<p>1. Standard Buffer Reduction. Reductions of up to twenty-five (25) percent of the standard buffer may be approved if the applicant demonstrates to the satisfaction of the Shoreline Administrator that a mitigation plan developed by a qualified professional pursuant to GCC 24.12.520 (g) indicates that enhancing the buffer (by removing invasive plants or impervious surfaces, planting native vegetation, or installing habitat features or other means) will result in a reduced buffer that functions at a higher level than the existing standard buffer.</p>	Qualified Professional is defined in this SMP, an additional citation is not needed.

19.	26.60.42 (E)	Administrative Buffer Adjustments	<p>A. The buffer width stated in subsection (B) of this section shall be increased when the qualified consultant determines, based upon a site-specific habitat analysis, that impacts on the habitat from a proposed development can only be mitigated by a greater buffer width. The standard habitat buffer width shall be increased:</p> <ol style="list-style-type: none"> 1. When the adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse habitat impacts; or 2. When the standard buffer has minimal or degraded vegetative cover that cannot be improved through enhancement; or 3. <u>When the wetland provides habitat for a species that is particularly sensitive to disturbance (such as a threatened or endangered species) (listed by the federal government or the state as endangered, threatened, candidate, monitored or documented priority species or habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees),</u> the width of the buffer should be increased to provide adequate protection for the species based on its particular, life-history needs; or 	City proposed change in response to comments received.
20.	26.60.43	Fish and wildlife habitat alteration.	<p>A. Adverse impacts to habitat functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur per in accordance with RMC 26.20.020 Ecological Functions, No Net Loss including the specified mitigation sequence.</p>	Edited for clarity

21.	26.60.44	Fish and wildlife habitat performance standards and incentives.	<p>A. A vegetation management plan shall be submitted consistent with the requirements, goals, and standards of this chapter. The plan shall reflect the report prepared pursuant to RMC 22.10.310-26.20.040. Any required mitigation, including supplemental buffer plantings, shall be guaranteed by a bond or other acceptable security device is required to ensure bond or other security device shall be required to assuring successful establishment including an appropriate monitoring period. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project for a period of five years. The City may agree to reduce the bond in phases in proportion to work successfully completed over the period of the bond.</p>	City proposed change in response to comments received.
22.	26.6059 (F)	General Exemptions	<p>1. Any pipeline facility (including gathering lines) regulated under:</p> <ol style="list-style-type: none"> a. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in Section 40.410.010(B)(3)(j)(1) or (2) of this definition; 	Reference in (c) is to an unknown citation.
23.	26.80	Definitions	<p>“Best management practices (BMPs)” excludes existing, ongoing, and new agricultural and land management activities inside and outside of sensitive areas and their buffers. Should not exclude new agricultural and land management activities, especially in sensitive areas and their buffers and should also encourage ongoing agricultural activities to minimize their effects on water quality, riparian ecology, salmonid populations, and downstream resources. BMPs are current and evolving conservation practices, or systems of practices, management or operational measures, or design and</p>	City proposed change in response to comments received.

			<p>construction techniques; or normal and accepted industry standards that are applied to land use activity in a manner which:</p> <p>A. Control soil loss and reduces water surface and ground water quality degradation caused by nutrients, wastes, toxics, and sediment;</p> <p><u>Minimize where possible and mMitigate where necessary</u> adverse impacts to the natural chemical, physical and biological environment of the city;</p> <p>Utilize the city's natural resources on a long-term, sustainable yield basis;</p> <p>B. Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and</p> <p>C. Prevent contamination of surface and groundwater resources, and protect from impacts to native and other desirable vegetation with BMPs for chemical pesticide, herbicide, and fertilizer applications.</p>	
24.	26.80	Definitions	<p><u>“Compensatory mitigation” means the restoration, creation, enhancement or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.</u></p>	Change proposed by City based on comments received.
25.	26.80	Definitions	<p>“Enhancement” (habitats in general) means the improvement of existing habitat such as by increasing plant density or structural diversity, or by removing- controlling nonindigenous or noxious species <u>by replacing with native species.</u></p>	Change proposed by City based on comments received.
26.	26.80	Definitions	<p>Enhancement (wetlands) means the manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve</p>	Change proposed by City based on comments received.

			<p>specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. [Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods <u>replacing with native species.</u>]</p>	
27.	26.80 (page 127)	Definitions	<p>“Priority species” means fish and wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration and/or their recreational, commercial, or tribal importance, as identified by the Washington Department of Fish and Wildlife.</p>	<p>This definition is out of alphabetical order and repeated in SMP with correct definition.</p>