

## Attachment B – Ecology Required Changes

The following changes are necessary to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) or improve clarity:

ITEM	SMP Submittal PROVISION (Cite)	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions) *Text below appears as locally adopted by City of Port Orchard within Ordinance 031-16 & 032-16 with strikethroughs and underlines representing changes required by Ecology.	RATIONALE
1	<b>Section 6.5 Public Access – Development Regulations</b>	<b><u>G-DR-12</u></b> All waterfront development proposals <u>within the High Intensity environment shall provide public physical access to the City’s waterfront pedestrian boardwalk and/or other public waterfront amenities where feasible, except in cases of public safety, security, or impacts to the shoreline environment. If such access is provided, no additional public shoreline physical access will be required. If such access is not feasible, alternative public physical or view access to the shoreline, such as open space or a viewing deck or platform, shall be provided. All new non-water oriented commercial or industrial uses shall provide public access or ecological restoration, where feasible, to ensure the proposed use provides a significant public benefit with respect to the SMA objectives.</u>	<p>The City has proposed to delete development regulations G DR 12 and G DR 13 relating to dedication and installation of the Mosquito Fleet Trail within the High Intensity shoreline environment designation and for public projects. If G-DR-12 and G-DR-13 are removed from the City’s SMP will the remaining sections of 6.5 Public Access be sufficient to provide consistency with WAC 173-26-221(4)(d)(iii)?</p> <p>After discussions with Ecology, City staff proposed these Bill format changes to G-DR-12 maintain consistency with WAC 173-26-221(4)(d)(iii) by clarifying that the Mosquito Fleet Trail Plan will still be implemented by the City as a Public Works effort. And to provide that development within the high intensity SED will still strive to provide other public access opportunities or additional facilities along the City installed Mosquito Fleet Trail. Proposed modifications make this section consistent with the City’s Shoreline Restoration Plan (3.3 Mosquito Fleet Trail), Recreation policies of 7.11 including SMP-SU-49, public access policies of 6.5 enumerated by SMP-GP-20, SMP-GP-24, SMP-GP-26, SMP-GP-28, and the High-Intensity Environment Management Policy of 4.3.2(d) which states that visual and physical public access should be required as provided for in WAC 173-26-221(4)(d).</p> <p>Consistent with WAC 173-26-221(4)(d)(ii), the City has proposed to achieve more effective public access through its own installation of the Mosquito Fleet Trail Plan and has opted to remove this individual project by project regulation.</p> <p>Additional language added by Ecology to ensure compliance with WAC 173-26-241(3)(d) and WAC 173-26-241(3)(f).</p>
2	<b>Section 7.2 Shoreline Development</b>	Proposed new footnote 1 to Development Standards Matrix- <del>1. Lawfully constructed conforming structures within a shoreline buffer may be expanded or redeveloped in accordance with this Master Program. Refer to Appendix E for more information.</del>	Modifications to this Table were discussed with City staff and determined necessary to meet the intent of the proposed revision and to maintain internal consistency within the SMP.

	<p>- Standards Matrix</p>	<p><u><sup>1</sup>Within the High Intensity environment, lawfully constructed non-water-oriented structures and uses that are nonconforming to this shoreline master program because of their location within a shoreline buffer may be redeveloped in accordance with this Master Program. Refer to Appendix E for more information.</u></p> <p><sup>2</sup>Height limits are subject to zoning and overlay district regulations found in POMC Title 46 <u>20</u>.</p> <p><sup>3</sup>If a public road lies between a proposed residential use and the shoreline, the regular front yard zoning setbacks shall apply.</p> <p><u><sup>4</sup>Commercial uses are allowed in the Shoreline Residential environment only as a secondary component of a mixed-use development (i.e. a combination of residential and commercial uses in the same building), and only when consistent with the underlying zoning.</u></p>	<p>The modification to proposed footnote 1 clarifies that this allowance only applies to existing lawfully constructed structures within the High Intensity SED. Further clarifications are also provided within the definitions section and Appendix E.</p> <p>The remaining footnotes have been renumbered and the Port Orchard Municipal Code (POMC) reference in footnote 2 has been updated to reflect reorganization that occurred during the City’s 2016 Comprehensive Plan update.</p> <p>Additionally, the City has suggested adding footnote 4 for consistency with the City’s 2016 Comprehensive Plan and currently zoning code regulations which allow accessory and mixed-use development within some residential areas. This footnote clarifies that mixed-use residential and commercial uses are allowed within the Shoreline Residential SED.</p> <p>These required changes create internal consistency.</p>
<p>3</p>	<p><b>Section 7.10 Moorage: Docks, Piers and Mooring Buoys – Development Standards</b></p>	<p><b>Development Standards for New Piers and Docks</b> Docks, piers, and floats should be designed, located and operated to minimize interference with adjacent water uses and impacts to fish, shellfish and habitat. The maximum length, width and surface area of a pier or dock should be consistent with the requirements of WAC 220-660-380 or its successor, and should be the minimum necessary to accomplish moorage and shore access based on site-specific circumstances as determined by a marine engineer, as well as potential impacts and mitigation requirements. <u>The maximum width of a residential pier or dock is 6 feet. The maximum width of a ramp is 4 feet.</u> Ells are not permitted on single-family residential docks, piers or floats. Unless otherwise recommended by the Department of Ecology and/or Department of Fish and Wildlife based on site-specific review, all decking, and floats 6 feet or less in width shall include a minimum of thirty percent (30%) functional grating, floats greater than 6 feet in width shall have a minimum of fifty percent (50%) functional grating, and ramps shall be fully grated. Functional grating shall not be covered or used as a storage area, and must be maintained in a condition free of algae, mud or other debris that may impede light transmission.</p>	<p>As proposed, this amendment removes some of the City’s specific bulk and dimensional standards which are necessary for consistency with WAC 173-26-231(3)(b). These include maximum pier, ramp, and pile diameter standards.</p> <p><b>WAC 173-26-231(3)(b)</b> provides in relevant part,  <i>...Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.</i>          .....  <i>Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift. See WAC 173-26-221 (2)(c)(iii) and (iv). Master programs should require that structures be made of materials that have been approved by applicable state agencies.</i></p> <p>Ecology has proposed these modifications for consistency with WAC 173-26-231(3)(b). These SMP standards are necessary to meet the obligation to provide specific standards to ensure development minimizes and mitigates</p>

		<p>The diameter of piling shall not exceed 12 inches and shall be the minimum required for the purpose based on site-specific circumstances as determined by a marine engineer. New or replaced piles or structural members of a pile in direct contact with the water shall be constructed of concrete or steel in accordance with current best management practices and shall not be treated or coated with herbicides, fungicides or pentachlorophenol. Existing piles may be maintained or reinforced with pile wrapping composed of marine grade materials. No creosote, pentachlorophenol, CCA or comparable toxic compounds not approved for marine use, shall be used for any portion of the overwater or in-water structure of a new or replacement pile, or a pile wrapping. ACZA treated wood may be used for overwater pile structures as long as it meets the most recent, Post Treatment Procedures establish as best management practices by the American Wood Preservers' Association and Western Wood Preservers Institute.</p>	<p>for impacts to ecological functions per WAC 173-26-191(2)(a)(ii). The reference to HPA standards of WAC 220-660-380 was requested by the Washington State Department of Fish and Wildlife to provide better coordination between local and state permitting requirements for ease of implementation.</p>
<p>4</p>	<p><b>Section 9 Existing Development</b> – Introduction</p>	<p><del>Primary shoreline uses and structures Nonconforming development and uses includes shoreline uses and structures which were lawfully constructed, established, or created prior to the effective date of the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the Act. In such cases, the standards of this Chapter shall apply. Redevelopment or expansion of nonconforming development and uses located within the High Intensity shoreline environment may occur consistent with the requirements of Appendix E. including those approved through a variance or conditional use permit, shall be considered legal conforming. Lawfully constructed appurtenant structures that do not conform to present regulations or standards of this Master Program or the Act, and lawfully constructed existing over water residences and other non-water dependent over water or in-water structures, shall be considered legal nonconforming. Any structure or use that was not lawfully constructed or established shall be considered illegal nonconforming and may be subject to enforcement or abatement action pursuant to the Port Orchard Municipal Code.</del></p>	<p>RCW 90.58 carves out an allowance to consider existing non-conforming single family residential development as conforming and the City has already opted to utilize this allowance in the existing 2013 SMP. It is not clear that RCW 90.58 or WAC 173-26 supports extending this allowance to all primary uses, developments, and structures as the City is proposing.</p> <p>However, after discussions with Ecology, City Staff proposed this further modification to this definition in combination with additional modifications to 9.1, 9.2 and the non-conforming definition in Chapter 12 to provide additional clarification consistent with the purpose and intent of the SMA.</p> <p>These modification are necessary for internal consistency.</p>
<p>5</p>	<p><b>Section 9.1 Existing Uses</b></p>	<p>9.1 Existing Legal-Conforming and Nonconforming Uses</p>	<p>The City's proposed amendments to 9.1 Subsection 1) allowed expansion and intensification of a conforming use. While this makes sense, the City's proposed definition of a nonconforming use only applied to appurtenant</p>

		<p><del>1) Conforming Uses. Conforming uses may continue, and may be expanded or intensified, in accordance with the Act and this Master Program.</del></p> <p><del>2) Nonconforming Uses. The continuance of a nonconforming use is subject to the following standards:</del>  <u>Nonconforming uses include shoreline uses which were lawfully established prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present regulations or standards of the Master Program or policies of the Act. The continuance of a nonconforming use is subject to the following:</u></p> <ol style="list-style-type: none"> <li>a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided, that the use does not intensify.</li> <li>b. Additional development of any property on which a nonconforming use exists shall require that all new uses conform to this Master Program and the Act. <u>Except as allowed in the High Intensity designation in accordance with Appendix E.</u></li> <li>c. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed without obtaining a shoreline <del>variance</del> <u>conditional use permit</u>.</li> <li>d. If a nonconforming use is discontinued for a period of 365 or more consecutive calendar days, it shall lose its nonconforming status, and the continued use of the property shall be required to conform to the provisions of this Master Program and the Act, or obtain a shoreline <del>variance</del> <u>conditional use permit</u>.</li> </ol> <p><u>A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.</u></p>	<p>buildings, over-water residences, and other non-water dependent over-water or in-water buildings excluding all other primary structures (most existing development) from this definition. After Ecology expressed concerns regarding the consistency of the proposed amendment with the Use Preferences outlined in the SMA the City proposed retaining the pre-amendment language of the City’s current 2013 SMP with the addition of alternative language clarifying that nonconforming uses may be expanded or redeveloped in the High Intensity SED in accordance with Appendix E. Additional changes correctly identify a shoreline conditional use permit rather than a variance as the appropriate permit path consistent with WAC 173-27. Therefore changes to Section 9.1 are required for consistency to correct procedural permitting requirements consistent with WAC 173-27, to improve internal consistency and consistency with the SMA use preferences of WAC 173-26-201(2)(d).</p>
6	<b>Section 9.2 Existing Structures</b>	<p><del>9.2 Existing Legal Conforming and Nonconforming Structures</del>  <del>1) Conforming Structures.</del></p>	<p>Changes needed for internal consistency. Restoring some of the language proposed to be removed as part of this amendment. Clarifying language around non-conforming structures and referencing the new Appendix E for</p>

	<p><del>a. Conforming primary structures may be repaired, maintained, expanded or redeveloped in accordance with the Act, this Master Program, and the standards of Appendix E.</del></p> <p><del>b. Conforming appurtenant structures may be repaired, maintained, expanded or redeveloped in accordance with the city's land use code and other applicable city policies and regulations, except that they may not be expanded or redeveloped within the shoreline buffer unless a shoreline variance is obtained.</del></p> <p><u>1) Nonconforming structures include shoreline structures which were lawfully constructed or placed prior to the effective date of the Act or the Master Program, or amendments thereto, but which do not conform to present bulk, height, dimensional, setback, or density requirements. Nonconforming structures may continue even though the structures fail to conform to the present requirements of the environmental district in which they are located.</u></p> <p><del>2) Nonconforming structures.</del> A nonconforming structure may be maintained as follows:</p> <p>a. Necessary repairs and alterations that do not increase the degree of nonconformity may be made to nonconforming structures.</p> <p>b. A <del>primary or appurtenant</del> nonconforming building or structure may be repaired and, maintained as provided in and as limited by this section and by Appendix E. Any maintenance or repair shall be within the existing building or structure footprint and shall not increase the degree of nonconformity.</p> <p>c. Changes to interior walls or non-structural improvements may be made to nonconforming buildings or structures.</p> <p><u>d. A nonconforming building or structure located within the High Intensity shoreline designation, nonconforming as to the bulk, dimensional and density requirements of this Master Program, may be added to or enlarged if such addition or enlargement conforms to the regulations of the zoning district and the shoreline environment designation in which it is located, provided that the addition or enlargement is consistent with the standards of Appendix E.</u></p> <p><u>e. A structure for which a variance has been issued shall be considered a legal nonconforming structure and the</u></p>	<p>redevelopment and expansion in the High Intensity SED. Also see comments above under 9.1.</p>
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		<p><u>requirements of this section shall apply as they apply to preexisting nonconformities.</u></p> <p><u>2) Residential structures shall be deemed “conforming” and not subject to the provisions of this Section 9.2 under the following conditions:</u></p> <ul style="list-style-type: none"> <li><u>a. the residential structure or appurtenant structure was <i>legally</i> established and used for a conforming use when established;</u></li> <li><u>b. the residential structure or appurtenant structure is not an over-water structure;</u></li> <li><u>c. the residential structure or appurtenant structure is non-conforming solely because it no longer meets the current standards for: setbacks, buffers, or yards; area; bulk; height; or density; and</u></li> <li><u>d. redevelopment, expansion, change of occupancy class, or replacement of the residential structure is consistent with the master program and the shoreline environment designation, including requirements for no net loss of shoreline ecological functions.</u></li> </ul> <p><u>For purposes of this provision, "appurtenant structures" means garages, sheds, and other legally established structures. "Appurtenant structures" does not include bulkheads and other shoreline modifications or over-water structures. Nothing in this section affects the application of other federal, state, or local government requirements to residential structures.</u></p>	
7	<b>Section 12 – Definitions</b>	<p><b>Development</b> – For the purposes of this Master Program, <del>development means (1) any construction or expansion of a building, structure, or use; or change in the use of a building or structure; or (2) paving, landscaping, tree or vegetation removal, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, or pile driving; or (3) placement of any obstruction, or any project of a permanent or temporary nature, which interferes with the normal public use of the waters overlying lands subject to this Master Program at any state of water level a</del> <u>use consisting of the construction or exterior alteration of</u></p>	<p>Modifications to these proposed definitions are necessary for consistency with the SMA or Guideline definitions contained in RCW 90.58.030, WAC 173-26-020, and/or WAC 173-27-030.</p> <ul style="list-style-type: none"> <li>a. Development Return to previously approved definition. This modification is necessary for consistency with the SMA definition. RCW 90.58.030(3) (a) <i>which reads "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary</i></li> </ul>

		<p><u>structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.</u></p> <p><b>Non-conforming Use or Development, Legal</b> – Any appurtenant building or other structure, an over-water residence, or other non-water dependent over-water or in-water building shoreline use or structures, or portion thereof, which was lawfully constructed or established prior to the effective date of the Act or this Master Program or amendments, but which no longer conforms to the polices and regulations of the Master Program.</p> <p><b>Mixed-Use</b> – A mixed-use development contains residential and commercial uses within the same building.</p> <p><b>Structure</b> – <del>“Structure” means a combination of materials constructed and erected permanently on or under the ground, or attached to something having a permanent location on or under the ground. .</del> <u>“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.</u></p>	<p><i>nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;</i></p> <p>b. Non-Conforming Use or Development, Legal RCW 90.58 carves out an allowance to consider existing non-conforming single family residential development as conforming and the City has already opted to utilize this allowance in the existing 2013 SMP. It is not clear that RCW 90.58 or WAC 173-26 supports extending this allowance to all primary uses, developments, and structures as the City is proposing. However, after discussions with Ecology, City Staff proposed this further modification to this definition in combination with additional modifications to Chapter 9 Introduction, 9.1 and 9.2 amendments to provide additional clarification consistent with the purpose and intent of the SMA. See also changes required to subsections of Chapter 9, above. These modification are necessary for internal consistency.</p> <p>c. Mix-Use City staff proposed to add another definition for clarity. Ecology has no objections to this modification.</p> <p>d. Structure Proposed modifications to this definition are not consistent with WAC 173-27-030(15) which provides the following definition, <i>“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.</i> This definition should be restored to pre-amendment language.</p>
8	Appendix E –	<p>Appendix E is a 4-page document titled <i>Mitigation and Restoration for Redevelopment Activities</i>. It consists of 6 parts: Applicability; Mitigation Sequencing; Mitigation Standards; Restoration Standards; Redevelopment within a shoreline buffer; and Monitoring and Maintenance of Mitigation and Restoration Activities.</p> <p>*See track changes on proceeding pages.</p>	<p>Changes necessary for internal consistency and to provide sufficient scope and detail for effective implementation consistent with WAC 173-26-191(2)(a)(ii)(A).</p> <p>Based on discussion with City Staff, Appendix E is intended to clarify redevelopment and expansion options for existing sites within the High Intensity SED. The following required changes are intended to provide clarification and internal consistency.</p>

**APPENDIX E –  
Mitigation and Restoration for Redevelopment Activities in the High Intensity Shoreline Environment Designation**

Shoreline redevelopment, as defined in this Master Plan, shall be designed and conducted in a manner that protects the current ecological condition of the shoreline, and prevents or mitigates adverse impacts, while encouraging revitalization and improvements within the City’s waterfront areas. Redevelopment proposals shall preserve existing native habitat and shoreline functions to the maximum extent feasible, and shoreline restoration may be required for redevelopment within the shoreline buffer.

**A. Applicability.**

The provisions of this Appendix must be referenced in conjunction with other requirements of this Master Program and with other city policies and regulations. If a conflict appears to exist between this Appendix and another section of this Master Program or other city policies or regulations, the redevelopment proposal shall comply with ~~this Appendix~~ the more stringent requirement, unless otherwise indicated herein.

**B. Mitigation Sequencing**

1. When redevelopment is proposed that ~~will~~ could result in adverse impacts to the shoreline, mitigation measures shall be applied in the following sequence of steps, listed in order of priority:
  - a. Avoid the impact altogether by not taking a certain action or parts of an action;
  - b. Minimize impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
  - c. Rectify the impact by repairing, rehabilitating or restoring the affected environment;
  - d. Reduce or eliminate the impact over time by preservation and maintenance operations;
  - e. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments, including utilization of the in-lieu fee process where appropriate; and
  - f. Monitor the impact and the mitigation projects, and take appropriate corrective measures.
2. Application of the mitigation sequence shall achieve no net loss of ecological functions for each redevelopment proposal.
3. After mitigation sequencing is applied in accordance with 1. and 2. above, compensatory mitigation selection shall be guided by the following sections of this Appendix.
4. Failure to demonstrate that the mitigation sequencing standards have been met may result in permit denial, or the city may restrict or reduce development or land uses, or impose additional conditions.

**C. Mitigation Standards**

1. Some redevelopment projects may result in multiple types of impacts to shoreline ecological functions, each of which may require compensatory mitigation.
2. Mitigation is not required outside of the standard shoreline buffer established for the relevant use and shoreline environment in Table 7.2 of this Master Program, unless the redevelopment impact is to aquatic lands, critical saltwater or freshwater habitat, or water quality. All other requirements of this Master Plan are applicable to the site, as are all other applicable city policies and regulations, including but not limited to, the land use and zoning code, critical areas ordinance, stormwater regulations, clearing and grading ordinance, and permit requirements.



3. A Shoreline Mitigation Plan shall be prepared for any redevelopment project that will result in adverse impacts to the shoreline, including removal of native vegetation within the shoreline buffer. If the project will also involve restoration, a combined Shoreline Mitigation and Restoration Plan may be submitted by the applicant.
4. Shoreline Mitigation Plans shall be prepared using site-specific data according to the requirements of WAC 173-26-201(2)(e) and WAC 197-11-660, to ensure no net loss of shoreline habitat values and functions or impacts to priority species. If critical areas will be impacted, the applicable requirements of the city's critical areas ordinance shall also be addressed in the mitigation plan.
5. Mitigation plantings or other mitigation options shall occur adjacent and parallel to the OHWM of the shoreline as a first preference. Depending on site conditions, mitigation may be allowed away from the shoreline edge, if the actions are replacing in-kind functions and would achieve greater ecological benefit.
6. All mitigation activities shall protect the integrity of adjacent natural resources, including critical areas, aquatic habitats and water quality, and shall be compatible with adjacent shoreline uses.
7. Removal of vegetation within a shoreline buffer shall comply with the following replacement ratios based on the area measurement of the vegetation to be removed, unless an alternative proposal can be demonstrated to have greater ecological benefit:
  - a. Removal of grass/lawn: 1:1 replacement with native vegetation.
  - b. Removal of non-native landscaping (groundcover other than lawn, shrubs, trees): 2:1 replacement with native vegetation.
  - c. Removal of native vegetation: 4:1 replacement with native vegetation.

#### **D. Restoration Standards**

1. Restoration of ecological functions and processes shall be carried out in accordance with a city-approved Shoreline Restoration Plan and the requirements of this Master Program. Shoreline Restoration Plans shall be prepared using site-specific data according to the requirements of WAC 173-26-201(2)(e) and WAC 197-11-660, to ensure no net loss of shoreline habitat values and functions or impacts to priority species. If critical areas will be impacted, the applicable requirements of the city's critical areas ordinance shall also be addressed in the restoration plan.
2. All restoration activities shall protect the integrity of adjacent natural resources, including critical areas, aquatic habitats and water quality, and shall be compatible with adjacent shoreline uses.
3. Covered Activities. The following actions, individually or in combination, are allowed under this section:
  - a. Establishment or enhancement of native vegetation;
  - b. Removal of nonnative or invasive plants upland of the OHWM, or hard or impervious surfaces such as pavement or other existing structures, and replacement with native vegetation.
  - c. Conversion of existing hard structural shoreline stabilization to permitted soft shoreline stabilization, including associated clearing, dredging and filling necessary to implement the conversion; provided, that the primary purpose of such actions is clearly restoration of natural character and the ecological functions of the shoreline and that the actions are consistent with the requirements of this Master Program and this appendix.

#### **E. Redevelopment Within a Shoreline Buffer**

1. Within a shoreline buffer, redevelopment of an existing ~~primary, non-water-dependent,~~ legal conforming or nonconforming building or structure, or a portion of such building or structure, may be allowed subject to the following:
  - a. The shoreline designation of the redevelopment site is High Intensity ~~or Shoreline Residential~~.

- b. The redevelopment proposal shall not extend further waterward than the footprint of the existing primary building or structure, or the portion of such primary building or structure, which will be redeveloped. Areas located between the existing primary buildings, including planted landscaping and lawn, pavement and similar surface coverage, may be developed if the development will not extend further waterward than the existing primary buildings.
  - c. Any shoreline impacts anticipated to result from the redevelopment shall be subject to mitigation sequencing as provided in this appendix, and addressed in a Shoreline Mitigation Plan.
  - d. Regardless of whether a Shoreline Mitigation Plan is required, the redevelopment proposal shall include a Shoreline Restoration Plan consistent with subsection c. above and with Section 6.6 (Shoreline Vegetation Conservation) herein that will provide a substantive, measurable improvement to shoreline conditions within the site or in aquatic areas adjacent to the site, unless the site has an interrupted buffer pursuant to this section.
  - e. The redevelopment proposal shall not result in the loss of public access to the shoreline, including undeveloped easements or right of way.
  - f. Redevelopment within a shoreline buffer is not allowed in areas of special flood hazards as defined in POMC 15.38.110 or geologically hazardous areas as defined in POMC Section 15.38.020.
  - g. All portions of the shoreline buffer that will not be developed shall be maintained or replanted in native vegetation. Removal of existing native vegetation to accommodate development is not allowed within the shoreline buffer unless it is required for water-related or water-dependent uses and accompanied by mitigation according to this Master Plan.
  - h. The city may request that the applicant submit studies by qualified professionals, or that a submitted study, impact analysis, and/or shoreline mitigation or restoration plan be peer-reviewed by qualified professionals at the applicant's expense, in order to determine compliance with the mitigation and/or restoration requirements of this appendix.
  - i. The redevelopment proposal shall be consistent with other applicable city policies and regulations, including but not limited to the land use and zoning code, critical areas ordinance, stormwater regulations, clearing and grading ordinance, and permit processing requirements.
  - j. If the applicant is unable or unwilling to comply with subsections a. – i. above, the standard shoreline buffer for the shoreline environment designation of the site shall apply and all new development or redevelopment on the site shall be located outside the shoreline buffer unless otherwise allowed by the Act and this Master Plan.
2. Within a shoreline buffer, redevelopment of an existing appurtenant building or structure, or a portion of such building or structure, is not allowed without a shoreline variance. If a shoreline variance is obtained, the redevelopment is subject to the requirements of subsections D.1. a.- j. above.

**F. Monitoring and Maintenance of Mitigation and Restoration Activities**

- 1. Mitigation and restoration activities are subject to the requirements of Section 6.6 – Development Regulations G-DR-32.h. and G-DR-35 of this Master Program.
- 2. Mitigation and restoration activities that are unpermitted, are inconsistent with an approved mitigation plan or restoration plan, or are not maintained in accordance with subsection 1. above, are subject to enforcement per Chapter 10 of this Master Program.