

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)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	5.010(c)(2) Applicability – Development Permit Compliance	Incorporation of Critical Areas Regulations	(2) Critical Areas in the shoreline jurisdiction are regulated by the Critical Areas Regulations, (Ordinance 4965-2008) <u>(Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4965 §7 (part), 2006)</u> , codified under BMC 20.14 which is herein incorporated into this SMP however, the following sections of the Critical Area Ordinance do not apply: (i) BMC 20.14.145(d) Exemptions for Forest Practices; (ii) BMC 20.14.145(f) Exemptions for activities within improved right-of-Way; and (iii) BMC 20.14.155 Reasonable Use Exception; <u>(iv) BMC 20.14.330(f) & (g) & (h)(3); and</u> <u>(v) BMC 20.14.730(d)(5) Buffer Reduction</u>	PART 1: The City has incorporated their CAO regulations by reference and one of the stated purposes of this amendment is to incorporate the updated CAO provisions completed in 2016 as part of Ord. 5301. Therefore the Critical Areas Ordinance references throughout the SMP need to be updated to reflect the correct version of the CAO the City intends to utilize for regulating critical areas within the Shoreline jurisdiction. PART 2: Allowances included within BMC 20.14.330(f), (g), (h)(3) & 20.14.730(d)(5) - This is not consistent with the mitigation sequencing requirements of WAC 173-26-(2)(c)(i)(F) or No Net Loss of shoreline function and value principal of the SMA. This type of deviation from the BAS standard wetland protection and buffer standards should require a Shoreline Variance.
2	7.010 Buffers and Setbacks. Regulations:	Incorporation of Critical Areas Regulations	(a) Critical Area Ordinance Applicability: Critical Areas that are within the shoreline jurisdiction are regulated by the Critical Areas Regulations, (Ordinance 4965-2008) <u>(Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 4965 §7 (part), 2006)</u> , codified under BMC 20.14 which is herein incorporated into this SMP however, the following sections of the Critical Area Ordinance do not apply:	See Rationale above.

ATTACHMENT B –DEPARTMENT OF ECOLOGY REQUIRED CHANGES – CITY OF BREMERTON SHORELINE MASTER PROGRAM- (ORDINANCE No. 5300)

			<ul style="list-style-type: none"> • BMC 20.14.145(d) Exemptions for Forest Practices; • BMC 20.14.145(f) Exemptions for activities within improved Right-of-Way; • BMC 20.14.155 Reasonable Use Exception; • <u>BMC 20.14.330(f) Category III and IV Wetlands;</u> • <u>BMC 20.14.330(g) Category IV Wetlands;</u> • <u>BMC 20.14.330(h)(3) Reducing Wetland Buffer Widths; and</u> • <u>BMC 20.14.730(d)(5) Buffer Reduction</u> 	
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