

Attachment B – Ecology Required Changes to City of Everson SMP

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

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
01	EMC 16.04.180.A	Conditional Use Permit Criteria	The purpose of a conditional use permit is to allow greater flexibility in the application of the use regulations of this program in a manner consistent with the policies of RCW 90.58.020: PROVIDED that, conditional use permits may also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached by the city of the Department of Ecology to prevent undesirable effects of the proposed use and/or to ensure consistency of the project with the act and this master program.	These changes delete language that is inconsistent with the review criteria for conditional use permits. WAC 173-27-160(3) allows uses that are not classified or set forth in a master program to be considered through the conditional use permit process as long as the applicant can demonstrate consistency with the conditional use criteria. The requirement to demonstrate extraordinary circumstances that preclude reasonable use of property and approval where denial would thwart RCW 90.58.020, are criteria associated with a shoreline variance request (WAC 173-27-170).
02	EMC 16.04.180.C	Conditional Use Permit Criteria	Other uses which are not classified or set forth in this program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the this master program and that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.	
03	EMC 16.04.190.E	Variance Permit Criteria	Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in Section 16.04.180 of this program.	WAC 173-27-170(5) prohibits a variance from the use regulations of a master program. The purpose of a conditional use permit is to provide flexibility in the application of use regulations for specific uses classified within a master program or for unlisted uses.
04	EMC 16.04.200.C	Permit Conditions, Expiration, Rescission and Revision	Construction authorized pursuant to a shoreline permit of any type shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years from the effective date of the permit as defined in WAC 173-27-090(4) and shall be completed within five years from the effective date; PROVIDED, the City Council may authorize a one-year extension to either or both of these timing requirements based on reasonable factors, <u>if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the permit and notice of the proposed extension is given to parties of record on the permit and to the Department of Ecology.</u>	These changes are necessary for compliance with WAC 173-27-090(2).
05	EMC 16.04.470.B	Wetlands	Except as established under subsections (1) and through (23) , below, the regulation of wetlands within shoreline jurisdiction shall be pursuant to Section 16.12.071 EMC, adopted by Ordinance No. 634 in December of 2005 <u>769-16 in June 2016</u> , which is incorporated by reference as part of the Everson Shoreline Management Master Program. <ol style="list-style-type: none"> 1. Wetlands shall be identified and delineated according to the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0, 2010 or as revised). 2. In addition to the requirements set forth in Chapter 16.12 EMC, mitigation for impacts to wetlands shall include compensation for lost time when the wetland is unavailable to perform its function. 3. <u>The following buffer reduction provisions shall replace those listed in Chapter 16.12.071.3.a EMC within shoreline jurisdiction:</u> 	These changes are necessary to make the SMP consistent with the most current, accurate and complete scientific and technical information available as required by RCW 90.58.100(1) and WAC 173-26-201(2)(a).

			<p>a. <u>Buffer Reduction Based on Mitigation. Where mitigation is provided at a 1:1 ratio, standard buffers may be reduced; provided, that the standard buffer for a Category II, III or IV wetland is not reduced by more than 25 percent. Reduction of the standard buffer for a Category I wetland is prohibited. Buffer reductions shall only be permitted when all impacts to wetlands and their required buffers are compensated at the expense of the developer through implementation of a mitigation plan prepared by a qualified wetland biologist consistent with 16.12.071.E EMC. Buffer reductions of Category II, III or IV wetland buffers by more than 25% but not by more than 40% may be approved through review of a shoreline conditional use permit. Any buffer reduction greater than 40% shall require approval of a shoreline variance.</u></p>	
06	EMC 16.04.470.C.1	Floodplains	Development on shorelands within the floodplain shall comply with the provisions of this Program as well as those contained in Chapter 15.10 EMC, adopted through Ordinance No. 618 in 2003 <u>752-15 in April 2015</u> , which is incorporated as part of this Program by reference; PROVIDED that, in the event of conflict between the provisions contained in each, the more restrictive provision shall apply.	These citation changes were requested by the City of Everson to incorporate the most recent Critical Areas and Flood Ordinances into the SMP.
07	EMC 16.04.470.C.3	Floodplains	Development of hazardous waste treatment and storage facilities within floodplain areas shall be limited to expansion of the Everson wastewater treatment plant and shall comply with the provisions of this master program, Chapter 15.10 EMC, adopted through Ordinance No. 618 in 2003 <u>752-15 in April 2015</u> , which is incorporated as part of this Program by reference, and the requirements of the State Dangerous Waste Regulations, WAC 173-303; PROVIDED that, in the event of conflict between the provisions contained in each, the more restrictive provision shall apply	
08	EMC 16.04.470.D.1	Rivers and streams – Critical Freshwater Habitat	The regulation of rivers and streams within shoreline jurisdiction shall be pursuant to Section 16.12.073 EMC, adopted by Ordinance No. 634 in December 2005 <u>769-16 in June of 2016</u> , which is incorporated by reference as a part of the Everson Shoreline Management Master Program.	
09	EMC 16.04.470.E.1	Steep Slopes	All development shall comply with the applicable provisions set forth in section 16.12.075 EMC, adopted by Ordinance No. 634 in December of 2005 <u>769-16 in June of 2016</u> , which is incorporated by reference as a part of the Everson Shoreline Management Master Program.	
10	EMC 16.04.470.F	Fish and Wildlife Habitat Conservation Areas	The regulation of fish and wildlife habitat conservation areas within shoreline jurisdiction shall be pursuant to Section 16.12.073 EMC, adopted by Ordinance No. 634 in December of 2005 <u>769-16 in June of 2016</u> , which is incorporated by reference as part of the Everson Shoreline Management Master Program.	