

Attachment C – Ecology Recommended Changes to City of Sumas SMP

The following changes are recommended to clarify elements of the City’s amended SMP

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
01	Policy 2.7	Historical/Cultural Resources	Addition of the following policy: <u>Policy 2.7C: Protection and rehabilitation of significant archaeological, historic, and cultural sites should be encouraged and, where appropriate, should be required.</u>	These changes were requested by the City of Sumas in response to comments received by the Washington State Department of Archaeology and Historic Preservation.
02	Policy 6.1B	Archaeological Areas and Historic Sites	Policy 6.1B: In areas documented to contain archaeological or cultural resources, developers shall <u>should</u> be required to have the site inspected <u>and evaluated</u> by a professional archaeologist in consultation with affected Indian tribes prior to permit issuance.	
03	Policy 6.1C	Archaeological Areas and Historic Sites	Policy 6.1C: Developers shall <u>should</u> be required to stop work immediately and notify City officials, affected Indian tribes and the state department or archaeology and historic preservation if sites containing archaeological or cultural resources are uncovered during excavation.	
04	Policy 6.1E	Archaeological Areas and Historic Sites	Policy 6.1E: In accordance with state law, all activities and development within shoreline jurisdiction shall comply with the applicable requirements of RCW 27.44, RCW 27.53, <u>RCW 68.58, RCW 68.60</u> and WAC 25-48-060.	
05	15.04.530.J.c	Utilities	Major utility facilities, <u>which include transmission lines, treatment plants and other similar facilities,</u> shall only be permitted as conditional uses.	The added language defines the term major utility facility based on language suggested by the City of Sumas.
06	15.04.200.F.4	Permit Revisions	For each approved permit revision, the Administrator shall transit <u>transmit</u> said revised permit to the Department and notify parties of record consistent with the provisions set forth under subsection 16.04.160(H) of this program.	Minor scrivener’s error.
07	15.04.030	Definitions	<u>SUBSTANTIAL DEVELOPMENT</u> – Means any development of which the total cost or fair market value exceeds \$5,000.00 <u>6,416.00</u> or as this amount is hereafter adjusted for inflation pursuant to RCW 90.58.030(3)(e), or any development which materially interferes with normal public use of the water or shorelines of the state; EXCEPT that the classes of development listed under Section 16.04.090(A)(1) through (14) shall not be considered substantial developments.	The substantial development dollar threshold was increased to \$6,416.00 on September 15, 2012.
08	Policy 7.7	Recreational Development	<u>Policy 7.7J: The City should work in cooperation with the Washington Departments of Ecology and Fish and Wildlife to explore opportunities to reconfigure stream channel morphology in that segment of Johnson Creek between Cherry Street and Sumas Avenue to provide safe access for fishing and other water-dependent recreational activities while protecting, restoring and enhancing the shoreline functions provided in that area.</u>	These changes are requested by the City of Sumas. In 2012, the Sumas Planning Commission recommended to the City Council add these provisions to the draft master program. The recommended policies and regulations were presented to the City Council at the June 2012 public hearing. The City Council supported the additions, however the provisions were inadvertently not included in the final draft adopted in 2014.
09	15.04.530.G.2	Recreational Development	i. <u>Any reconfiguration of stream channel morphology to provide safe access for fishing and other water-dependent recreational activities shall mitigate impacts to ensure no net loss of shoreline ecological functions and ecosystem-wide processes. Any such proposed action shall require approval of a City shoreline conditional use permit as well as Hydraulics Project Approval from the Washington Department of Fish and Wildlife.</u>	

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10	15.04.030	Definitions	<u>BUFFER</u> – Means an upland land area adjacent to a shoreline, river, stream, wetland or critical area that protects the water feature or area from human disturbance by providing separation between the area and the adjacent land uses. A buffer shall be measured horizontally from the wetland edge or ordinary high water mark where appropriate. <u>Buffers shall not apply to areas functionally and effectively disconnected from a stream, wetland or other critical area beyond a developed structure, such as a residence, roadway or other impervious surfaces, where such disconnection has been lawfully established.</u>	This change is requested by the City of Sumas. In 2012, the Sumas Planning Commission recommended the change to the City Council. The change was presented and supported by the Council during the June 2012 public hearing on the draft SMP. The change was inadvertently not included in the final draft SMP adopted by the City Council in 2014.
11	15.04.030	Definitions	REGULATORY STREAM LIMIT (RSL) – Means the outer edge of a river or stream system that is established to determine the minimum shoreline setback. The RSL shall be defined as the top of the bank where it can reasonably be identified. If the stream does not have a reasonably located top of bank, then the RSL shall be 10 feet landward of the ordinary high water mark.	This change is requested by the City of Sumas as the term Regulatory Stream Limit is not referenced within the updated SMP and is no longer relevant.
12	15.04.100	Statement of Exemption	B. No statement of exemption from the substantial development permit process is required for developments normally exempt by Section 15.04.090 SMC unless specifically required elsewhere in this program, PROVIDED however that a statement of exemption shall be obtained from the Administrator prior to beginning development on shorelines under the jurisdiction of this program if uncertainty exists about the exemption status of the development.	This change is recommended to eliminate the conflict with the language in 15.04.100.A which requires that all statements of exemption be in writing and include a summary of the Administrator’s analysis of the consistency with the Act and SMP. Written exemptions are also recommended as a method of tracking shoreline development and no net loss over time.
13	15.04.410	Urban Conservancy-Wetland Environment	The purpose of the “urban conservancy-wetland” environment is to protect and restore ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings in proximity to wetlands located within the 100-year floodplain, while allowing for a variety of compatible uses. <u>Development within wetlands shall comply with Sections 15.04.471 through 15.04.475 of this program.</u>	This change is recommended to remind the reader of the specific regulations applicable to wetlands within the SMP.
14	15.04.420.B	Urban Conservancy-Wetland Environment –	Industrial development, outside of Conservancy wetlands when measures have been taken to avoid, minimize and mitigate impacts to wetlands and where the development results in no net loss of shoreline ecological functions and processes.	These changes are recommended to clarify that developments are not allowed within wetlands.
15	15.04.420.F	Permitted Uses	<u>Residential development, except in Conservancy wetlands when measures have been taken to avoid, minimize and mitigate impacts to wetlands and where the development results in no net loss of shoreline ecological functions and processes.</u>	

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16	15.04.478	Fish and wildlife habitat conservation areas – Performance requirements	<p>B. Buffers.</p> <p>Buffers are upland areas adjacent to fish and wildlife HCAs that are intended to provide sufficient separation between the habitat feature and the surrounding areas and uses to protect the habitat from disturbance from human activities. Buffers also provide vital upland habitat for wildlife species that require stream habitat as part of their life cycle. Buffers shall be measured horizontally in a landward direction from the ordinary high water mark <u>(OHWM) or top of bank, as noted below</u>, for stream habitats and from the outermost edge of upland habitat areas.</p> <p>C. Standard Buffers.</p> <p>1. The following standard buffers shall be established for the following fish and wildlife HCAs based on designation and classification. Standard buffers are assumed to be comprised of a moderately intact native vegetation community that is adequate to protect the functions and values of the resource at the time of the proposed activity.</p> <p>Stream Habitat – Standard Buffers.</p> <p>The following standard buffers shall be established for all Stream Habitats based on their classification:</p> <table border="1" data-bbox="801 1076 1774 1439"> <thead> <tr> <th data-bbox="801 1076 1165 1130">River/Stream</th> <th data-bbox="1165 1076 1774 1130">Standard Buffer</th> </tr> </thead> <tbody> <tr> <td data-bbox="801 1130 1165 1342">Sumas River / Johnson Creek</td> <td data-bbox="1165 1130 1774 1342">In some locations site-specific buffers have been established through this Master Program and are identified as such on the Official Shoreline Map. In those areas where site-specific buffers have not been established, the stream buffer shall be 100 feet <u>from the OHWM</u>.</td> </tr> <tr> <td data-bbox="801 1342 1165 1393">Sumas Creek</td> <td data-bbox="1165 1342 1774 1393">50 feet <u>from top of bank</u></td> </tr> <tr> <td data-bbox="801 1393 1165 1439">Bone Creek</td> <td data-bbox="1165 1393 1774 1439">50 feet <u>from top of bank</u></td> </tr> </tbody> </table>	River/Stream	Standard Buffer	Sumas River / Johnson Creek	In some locations site-specific buffers have been established through this Master Program and are identified as such on the Official Shoreline Map. In those areas where site-specific buffers have not been established, the stream buffer shall be 100 feet <u>from the OHWM</u> .	Sumas Creek	50 feet <u>from top of bank</u>	Bone Creek	50 feet <u>from top of bank</u>	This change is requested by the City of Sumas. Historically, the City measured shoreline setbacks from the top of bank instead of from OHWM. The City would like to retain the top of bank requirement on Sumas and Bone Creeks to simplify the review process on these features which contain distinct grade breaks.
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Sumas River / Johnson Creek	In some locations site-specific buffers have been established through this Master Program and are identified as such on the Official Shoreline Map. In those areas where site-specific buffers have not been established, the stream buffer shall be 100 feet <u>from the OHWM</u> .											
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17	15.04.470.C	Floodplains	5. Development on shorelands within the floodplain shall comply with the <u>Endangered Species Act and the FEMA Biological Opinion</u> .	This addition recommended to acknowledge federal requirements for development within floodplain areas.								
18	15.04.475.D.4	Activities allowed in wetlands, streams, and buffers	The storm water facility meets applicable County or state storm water management standards <u>including but not limited to local and state wetland and storm water codes, manuals, and permits</u> ; and	The change provides further clarification on what standards may be applicable.								

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19	15.04.530.D.2.e	Industrial Development	Industrial developments shall mitigate impacts to wetlands through wetland replacement, enhancement <u>pursuant to Section 15.04.474</u> or, alternatively, provide other comparable means of enhancing the water resource and the public's visual and aesthetic enjoyment of these resources with the approval of the City.	This change is recommended to provide a cross-reference to the applicable wetland regulations in the SMP.
20	15.04.530.G.f	Recreational Development	Associated parking is prohibited in the shoreline area, with the exception of scenic pull-outs, view points, and trailheads; provided that designated parking areas for public parks shall be allowed, but shall be setback at least 100 feet from the ordinary high water mark <u>or from required HCA and/or wetland buffers, whichever is greater.</u>	This change is recommended as a reminder that buffers still apply in addition to the setback requirement for new recreational parking.
21	15.04.530.H.d	Residential Development	Residential development shall mitigate impacts to wetlands through wetland replacement, enhancement or equivalent mitigation <u>pursuant to Section 15.04.474.</u>	This change is recommend to provide a cross-reference to the applicable wetland regulations in the SMP.
22	15.04.530.I.I	Transportation – Roads and Parking	Parking facilities are not a water-dependent use and shall only be permitted in the shoreline area to support an authorized use where it can be demonstrated that there is no feasible alternative location away from the shoreline. Parking facilities shall be set back from the waters' edge <u>(including wetlands)</u> and screened from less intense adjacent land uses by vegetation, undeveloped space, or structures developed for the authorized primary use.	This change adds emphasis that shoreline areas include associated wetlands.
23	15.04.530.J.2.a	Utilities	Construction of utilities is permitted provided that there is appropriate documentation that the facility cannot be feasibly located outside of shoreline jurisdiction <u>including wetlands, streams, and their buffers,</u> due to uses served or the need to cross shorelands to connect specific end points.	This change adds emphasis that shoreline jurisdiction includes wetlands, streams and buffer areas.
24	15.04.540.H.2.o	Shoreline Stabilization	<u>Proposed shoreline stabilization projects which could alter wetlands as a result of landfill or other shoreline activity shall be assessed relative to impacts upon the area's physical and biological characteristics. Impacts identified with a proposed action shall be avoided or mitigated consistent with applicable City requirements, and recommendations from applicable state, federal and tribal agencies.</u>	This change is recommended to acknowledge that new shoreline stabilization on streams can also impact associated wetlands.