

Attachment C – Ecology Recommended Changes

The following changes are recommended to clarify elements of the City’s SMP and have been determined consistent with SMA (RCW 90.58) policy and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Provision	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	5.010(c)(h)	Shoreline Substantial Development Permit Process Exemptions	<u>(17) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.</u>	Consistency with RCW 90.58.030(3)(e)(xiii). The legislature added subsection (xiii) in 2016. This SDP Exemption exists regardless of whether it is explicitly in the City’s SMP it may be more likely to be utilized if it is included within the City’s SMP.
2	7.010(b)(4)	Regulations: Shoreline Buffers and Setbacks – Habitat Management Plans	<u>(4) Habitat Management Plans: Within shoreline jurisdiction, the requirement for a Habitat Management Plan as provided in BMC 20.14.730(e) and depicted within Table 2: Wildlife Habitat Conservation Areas shall be determined on a case-by-case basis only as needed to incorporate Fish & Wildlife Conservations Areas not addressed by the requirements of 7.030 Mitigation Sequencing for No Net Loss of Ecological Functions.</u> The provisions of the Critical Area Ordinance (BMC 20.14.740) relating to Habitat Management Plans may reduce <u>also be used to justify a reduction in</u> the width of a shoreline buffer, to no less than ten (10) feet, provided enhancement features are installed that will provide a greater habitat function than the prescribed buffer would.	City staff requested a recommended change to clarify how the incorporation of CAO provision BMC 20.14.730(e) and Table 2 of the same subsection will be implemented within shoreline jurisdiction. This CAO provision requires a Habitat Management Plan to establish appropriate CAO buffers for all properties located within 200 feet of fish and wildlife conservation areas such as the City’s marine waters. Ecology concurs with City staff that individualized buffer standard for marine shorelines established through a Habitat Management Plan would not foster coordinated predicable development along the City’s shoreline. The City completed an Inventory & Characterization and Cumulative Impacts Assessment which informed the City’s shoreline buffers and evaluated the SMP for no net loss of shoreline ecological functions as part of the City’s SMP Comprehensive Update completed in 2013. Proposed language was developed in collaboration with City staff to provide clarification that only Fish & Wildlife Conservation Areas not reviewed as part of a standard no net loss analysis would require the submittal of separate Habitat Management Plan.