

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

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strike-through-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
<i>SECTION 1: AUTHORITY – 20.25E.010 General</i>			
1	20.25E.010 B. 1. c. SMP Elements	c. Part 20.25H LUC, Critical Areas Overlay District ( <a href="#">as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]</a> ) <del>exclusive of sections listed in 20.25E.010.C.1.c.</del>	<i>This amendment is intended to clarify which sections of the City’s Critical Areas Ordinance are formally included as part of the updated SMP. Under WAC 173-26-191(2)(b), “shoreline master programs may include other policies and regulations by referencing a specific, dated edition” and when the incorporated provision is consistent with the SMA, or SMP-Guideline requirements.</i>
2	20.25E.010 C. 1. d. Scope Relation to other Regulations	d. <a href="#">The following regulations from the Critical Areas Overlay Code, LUC 20.25H (as set forth in the Land Use Code on [INSERT DATE of ordinance adoption]) now or as hereafter amended, do not apply in the Shoreline Overlay District:</a>  i. <a href="#">20.25H.190 Reasonable use exception – Purpose.</a> ii. <a href="#">20.25H.195 Reasonable use exception – Process.</a> iii. <a href="#">20.25H.200 Reasonable use exception – Applicability.</a> iv. <a href="#">20.25H.205 Reasonable use exception – Performance standards.</a>	<i>Similar intent to item #1 (above). The identified changes clarify that the listed exceptions from the City’s Critical Areas Ordinance will not be implemented through the updated SMP, as the exceptions are not authorized by the SMA or SMP-Guidelines.</i>
<i>SECTION 2: USES – 20.25E.040 Nonconforming Shoreline Conditions</i>			
3	20.25E.040 G.2.c. Regulations Applicable to Nonconforming Shoreline Dev.	c. Limitations on Alterations. Alterations may be approved only if consistent with the following limitations:  i. No increase in structure footprint shall be permitted. ii. No increase in net square footage shall be permitted. iii. No increase in parking areas or other non-structural exterior site development shall be permitted. iv. No footprint associated with a nonconforming shoreline development shall be moved any distance, unless the movement reduces nonconformities to the SMP, and ecological functions are restored in the areas vacated pursuant to a mitigation plan approved by the Director under LUC 20.25E.060.D (Mitigation Requirements and Sequencing).  <a href="#">v. Alterations are consistent with Shoreline Modifications as set forth in LUC 20.25E.080 to the maximum extent practical.</a>	<i>The identified language provided in subsection v. is added for internal consistency with LUC 20.25E.080, which implements requirements of WAC 173-26-231 in managing shoreline modifications. Therefore, the change is also intended to ensure that shoreline modification provisions are considered in managing redevelopment of existing shoreline development that may be nonconforming to current development standards.</i>
4	20.25E.040 G. 2. e. Nonconforming Shoreline Dev. Regulations	e. Required Improvements associated with Alterations. When alterations meet the threshold in paragraph G.2.d of this section, nonconforming shoreline development shall be brought toward compliance in the following areas:  i. Accessory Parking, Loading Space and Maintenance Access requirements as set forth in LUC 20.25E.060.H. ii. Public Access requirements as set forth in LUC 20.25E.060.I. iii. Water quality, stormwater, and nonpoint pollution requirements as set forth in LUC 20.25E.060.L.  <a href="#">iv. Shoreline Modifications as set forth in LUC 20.25E.080.</a>	<i>(Same as above) The change is necessary for internal consistency with LUC 20.25E.080 which implements requirements of WAC 173-26-231 in managing shoreline modifications.</i>

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5	20.25E.040 G. 3. c. Nonconforming Shoreline Dev. Regulations	<p>c. Limitations on Replacements. Replacement of a nonconforming shoreline development in the O or OLB Land Use Districts may be approved only if consistent with the following limitations:</p> <ul style="list-style-type: none"> <li>i. Replacement structures shall only be permitted to accommodate a shoreline use allowed pursuant to LUC Chart 20.25E.030.</li> <li>ii. No increase in structure footprint shall be permitted.</li> <li>iii. No increase in net square footage shall be permitted.</li> <li>iv. No increase in parking areas or other non-structural development shall be permitted.</li> <li>v. The area of the replacement structure footprint may be moved to a less sensitive portion of the site if the movement reduces nonconformities to the SMP or identified critical areas, and shoreline vegetation or critical area functions are restored in the areas vacated pursuant to a mitigation plan approved by the Director under LUC 20.25E.060.D (Mitigation Requirements and Sequencing).</li> <li><u>vi. Consistent with Shoreline Modifications as set forth in LUC 20.25E.080 to the maximum extent practical.</u></li> </ul>	<p>(Same as above) The change is necessary for internal consistency with LUC 20.25E.080 which implements requirements of WAC 173-26-231 in managing shoreline modifications.</p>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.050 Dimensional Requirements</i>			
6	20.25E.050 B. 2. Measurement of Shoreline Structure Setbacks	<p>On Lake Sammamish, the shoreline structure setback may be measured landward from elevation <u>determined to be equivalent to ordinary high water mark as provided in RCW 90.58.030(2)(c), 31.2 NAVD</u> <del>88 on a horizontal plane and</del> to a point that results in the required dimension, or from that point identified in a site-specific ordinary high water mark determination prepared by a qualified professional.</p>	<p>The change is intended to maintain consistency with RCW 90.58.030(2)(c) in appropriately identifying the Ordinary High Water Mark to determine shoreline jurisdiction and administer other SMP provisions, such as measuring structure setbacks. See further discussion under “OHWM elevation” in the Findings &amp; Conclusions (Attachment B).</p>
<i>SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.065 Residential Shoreline Requirements</i>			
7	20.25E.065 E. 1. b. Residential Structure Setback Measurement	<p>On Lake Sammamish, the shoreline structure setback may be measured landward from <u>an</u> elevation <del>31.2 NAVD 88</del> <u>equivalent to the ordinary high water mark measured</u> on a horizontal plane and to a point that results in the required dimension, or from that point identified in a site specific ordinary high water mark determination prepared by a qualified professional at the sole discretion of the applicant.</p>	<p>Same rationale as item 6 – above.</p>
8	20.25E.065 E. 2. a. Residential Structure Setback Allowances within 25 feet of OHWM.	<p>a. Expansion of the exterior footprint of an existing legally established structure within <del>the</del> <u>25 feet of the OHWM-foot shoreline structure setback</u> is allowed when:</p> <ul style="list-style-type: none"> <li>i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface laying within the shoreline structure setback by more than 200 square feet over the existing before [insert effective date of ordinance]; and [...]</li> </ul>	<p>The change reflects amendments requested by the City in response to comment C-5 as provided in Attachment D, clarifying the limited circumstances where expansion is allowed for structures currently located within 25-feet of the OHWM.</p>
9	20.25E.065 F. 8. h. i. Residential Dock grating mitigation.	<p>Replacement of solid decking with grated decking in the nearshore area <u>when not already required as mitigation for associated dock expansion or dock replacement</u> earns 50 units of mitigation credit.</p>	<p>The clarifying change is intended to ensure appropriate allocation of mitigation credit for voluntary actions not already required by a different section of the SMP. Therefore, the clarification is necessary satisfy no net loss requirements in WAC 173-26-186 (8) by ensuring appropriate application of compensatory mitigation.</p>

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10	20.25E.065.H.4 Chart New and Reconfigured Residential Dock Standards		Lake Washington (1):	Lake Sammamish (1):	Phantom Lake (1):	Residential Canal Env. (1)	Alt. Standard or Limitation - When Allowed	<p>The addition of footnote "(5)" is described below under item 11.</p> <p>The change to maximum width standards from 5-feet to 4-feet is necessary to satisfy Shoreline modification requirements in WAC 173-26-231(3) (b).</p> <p>The addition of the Shoreline Variance requirement for deviation to the maximum width standard is intended to minimize deviation from the 4-foot width standard and preserve the sequence of review starting with project authorization by local government before proceeding to state and federal authorization.</p> <p>See additional discussion on Shoreline Modifications associated with Pier/Dock structures in the Findings and Conclusions (Attachment B).</p>
	Maximum Dock Size – sq. ft.	480 sq. ft. <a href="#">(5)</a>	480 sq. ft. <a href="#">(5)</a>	250 sq. ft.	100 sq. ft.	State and Federal Approval (4)		
	Maximum Walkway width	<del>5'4'</del> for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways	<del>5'4'</del> for portion of pier or dock located within 30 ft. of the OHWM; otherwise, 6 ft. for walkways	5'	Walkway Prohibited  N/A	<del>State and Federal Approval (4)</del> <a href="#">Shoreline Variance (3)</a>		
11	20.25E.065.H.5 Chart (Notes) New/Reconfigured Res. Dock Standards	<a href="#">(5) Existing dock size (total square footage) may be maintained for reconfigured docks as long as other requirements of this chapter can be satisfied.</a>						In recognition that most of the existing docks along Lake Washington and Lake Sammamish are much larger than the 480-square-foot limit required for new docks, proposed footnote (5) is intended to clarify that a reconfigured dock can maintain the overall square footage of the existing dock.
12	20.25E.065 H. 5. Residential Dock Repair	<p>5. Repair <del>and Replacement</del> of Existing Residential Docks.</p> <p>Existing legally established residential docks may be repaired <del>or replaced</del> in the existing configuration, provided that <a href="#">less than 50 percent of the existing support piles are not replaced within a five-year period</a> <del>and</del> the materials used for dock repairs shall meet the requirements established in paragraph 20.25E.065.H.3.a. <a href="#">Repairs exceeding this threshold shall be reviewed as a new, or reconfigured dock, subject to requirements established in section 20.25E.065.H.4.</a></p>						The changes are intended to clarify a necessary distinction between repair and reconfiguration (replacement) of an existing residential dock. The 50-percent threshold is intended to match similar requirement in the SMP applicable to non-residential docks (See LUC 20.25E.080.E.5.b.ii.).
SECTION 3: DEVELOPMENT REGULATIONS – 20.25E.080 Residential Shoreline Modifications								
13	20.25E.080 F. 5. Modifications Repair of Existing Shoreline Stabilization	Repair is defined as any actions <a href="#">to less than 75 percent of the existing structure over a five-year period that are</a> designed to restore a stabilization measure to its original condition and configuration provided that damage and destruction is not so significant as to cause loss of structural integrity sufficient to jeopardize its erosion protection function. <a href="#">Cumulative repairs within a five-year period exceeding this threshold shall be considered a complete replacement subject to the standards set forth in paragraph F.6 of this section.</a>						The changes are necessary to clarify the extent of shoreline stabilization repair actions, to appropriately distinguish maintenance from a complete replacement of an existing stabilization structure. The SMA allow for repair and maintenance of existing structures, but clarifies in WAC 173-26-231(3)(a)(iii)(C) of the SMP-Guidelines additional considerations that are necessary prior to authorizing in-kind replacement of stabilization structures. See further discussion in Attachment B.
14	20.25E.080 F. 6. Modifications Stabilization Replacement	6. Replacement of Existing Shoreline Stabilization. <a href="#">Except in situations where an existing residential structure is located within 10 feet of the ordinary high water mark</a> <del>All</del> legally established shoreline stabilization measures on Lake Washington and Lake Sammamish <del>are presumed</del> <a href="#">when determined to be necessary to protect existing shoreline structures and/or property</a> <del>and</del> may be replaced with <del>a comparable</del> <a href="#">soft stabilization or a hard stabilization structure in accordance with standards set forth in paragraph F.4 of this section. If hard stabilization structures are determined to be necessary, then the existing stabilization may be replaced with a comparable structure</a> when the proposal meets applicable requirements.						<p>Similar to item 13 (above) the changes are intended to clarify a necessary distinction between repair and replacement of shoreline stabilization measures. In addition, the changes reflect the intent of WAC 173-26-231(3)(a)(iii)(C) in applying appropriate consideration of alternative stabilization measures for stabilization replacements, based on site specific factors..</p> <p>An exception has been added for situations where an existing upland structure is located close (within 10') of the shoreline, in which case a demonstration of need for stabilization is recognized, for which in-kind replacement should be allowed without further consideration of alternative stabilization measures.</p>

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<i>SECTION 5: PERMITS AND DECISIONS – 20.25E.160 Shoreline Substantial Development Permits</i>			
15	20.25E.160 E. 2. Review Process Special Shoreline Reports	Requests for modifications to the requirements of this part through a special shoreline report shall be processed through a shoreline substantial development permit, <u>shoreline variance, or shoreline conditional use permit, depending on the proposal.</u>	<i>The identified clarification adds a reference to all three shoreline permit types that could potentially be associated with a project where a modification to a SMP provision may be requested.</i>
16	20.25E.160 G. Review Process Special Shoreline Reports	Construction pursuant to an effective Shoreline Substantial Development Permit, <u>Shoreline Conditional Use Permit, or Shoreline Variance</u> shall not begin and is not authorized until 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130(6), or until all Shoreline Hearings Board petition for review proceedings initiated within 21 days from the date of filing have been terminated; except as provided in RCW 90.58.140(5)(a) and (b).	<i>The identified change is necessary to clarify timing of appeal period for all three types of shoreline permits, not just related to a Substantial Development Permit.</i>