

Attachment B – Ecology Required Changes to City of Blaine 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 PROVISION	TOPIC	BILL FORMAT CHANGES (<u>underline = additions</u> ; strikethrough = deletions)	RATIONALE
Chapter 17.81 – Shoreline Management Permit Procedures				
01	17.81.030.D	Permit Procedure	<u>16. On all variance applications, the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and uses.</u>	The additional application requirement for variance requests is required for consistency with WAC 173-27-180(9)(m) – Application requirements for substantial development, conditional use, or variance permit.
02	17.81 (030).H	Permit Procedure	Notice of the final action on a permit application, whether it is an approval, a denial or a revision, shall be provided to the applicant and all parties of record and shall be filed with the Department of Ecology in a manner set forth in WAC 173-27- 090 <u>130</u>	Citation correction to WAC 173-27-130 – Filing with department.
03	17.81.050.A	Conditional Use Permit Criteria	The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the 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.	This change deletes 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 review of a shoreline variance (WAC 173-27-170).
04	17.81.050.B.4	Conditional Use Permit Criteria	That the proposed use will cause no unreasonable <u>significant</u> adverse effects to the shoreline environment in which it is to be located; and	Change required for consistency with WAC 173-27-160 – Review criteria for conditional use permits.
05	17.81.060.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 17.81.050 of the Program. <u>Variances from the use regulations of this Program are prohibited.</u>	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.
06	17.81.070	Permit Conditions	In granting, revising or extending a shoreline permit or shoreline exemption, the City may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other features of the proposed development deemed necessary to assure that the development is generally consistent with the permit criteria set forth in, Sections 17.81.040, .050 and .060 of this Chapter, with the provisions of the State Environmental Policy Act, RCW 43.21C, with the applicable goals, policies and regulations of the Blaine Shoreline Master Program and to meet the intent of RCW 90.58.020.	Change required for consistency with WAC 173-27-040 – Developments exempt from substantial development permit requirement, WAC 173-27-150 – Review criteria for substantial development permits, and WAC 173-27-160 – Review criteria for conditional use permits.
07	17.81.070.C	Permit Conditions	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(34) 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 <u>based on reasonable factors, and if the</u>	The first change is a citation correction associated with the definition of effective date. The second change is required for consistency with WAC 173-27-090 – Time requirements of permit.

			<u>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 to the Department of Ecology.</u>	
08	17.81.090.A	Enforcement	The enforcement provisions of RCW 58.17 <u>90.58</u> and WAC 173-27-240 through 173-27-310 shall apply	This change corrects a citation error.
Section 1.0 - Introduction				
09	1.5.A.22	Definitions	<u>22. DEVELOPMENT</u> – Means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; <u>bulkheading; driving of piling;</u> placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use, at any state of water level, of the surface of the waters overlying lands subject to Chapter 90.58 RCW. <u>Development does not include dismantling or removing structures if there is no other associated development or re-development.</u>	Bulkheading and driving of piling added to the definition of development to be consistent with RCW 90.58.030(3)(a). The second change clarifies that the definition of development does not include demolition and dismantling of existing structures if there is no other associated development requiring a permit. Ecology amended permit rules in WAC 173-27-030(6) to reflect this change, which became effective on September 7, 2017.
10	1.5.A.79	Definitions	<u>79. SHORELINE STABILIZATION</u> – Means actions taken to address erosion impacts to property, housing, businesses, or structures caused by natural processes. Shoreline stabilization includes both nonstructural and structural shoreline stabilization. Non-structural shoreline stabilization includes setbacks, relocation of structures to avoid the need for structural stabilization, groundwater management <u>drainage control</u> , planning and regulatory measures to avoid the need for structural stabilization. Structural shoreline stabilization includes erosion protection features <u>ranging from softer, more natural appearing solutions (vegetation enhancement, bioengineering, beach feeding, woody debris, gravel replacement), such as engineered shoreline modification (woody debris, beach feeding, and bioengineered planting), to harder solutions (rock revetments, gabions, groins, retaining walls, and bulkheads).</u> the placement of rip-rap, concrete, or similar materials to armor the shoreline and structures such as jetties, groins and bulkheads. Expansion or enlargement of existing structural stabilization features is included in this definition.	These changes make the definition of shoreline stabilization consistent with the standards for shoreline stabilization found in WAC 173-26-231(3)(a).
11	1.5.A.92	Definitions	<u>92. STATEMENT OF EXEMPTION</u> – Means a written statement by the Administrator that a particular development proposal is exempt from the substantial development permit requirement and is generally consistent with this Program and the policy of the Act.	Required change for consistency with WAC 173-27-040.
12	1.5.A.95	Definitions	<u>95. SUBSTANTIAL DEVELOPMENT</u> – Means any development of which the total coast or fair market value exceeds \$6,416.00 <u>\$7,047.00</u> or other threshold amount established by the Washington State Office of Financial Management, 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 3.4A of this Program shall not be considered substantial developments.	The Washington State Office of Financial Management amended the substantial development dollar threshold effective September 2, 2017. This change reflects the increase.
13	1.7	Interpretation	1.7 INTERPRETATION As used in this Program, the words “shall” and “must” are mandatory and the words “should” and “may” are permissive. Refer to Definitions.	The terms “May” and “Should” as defined in the SMA guidelines are not necessarily permissive and are to be interpreted as defined in Section 1.5.A of the SMP.
Section 3.0 - Applicability				
14	<u>3.5.C</u>	Statement of Exemption	<u>C. Whenever a development is determined by the Administrator to be exempt from the substantial development permit requirements and which development also requires a U.S. Army Corps of Engineers Section 10 permit under the</u>	This addition is required for consistency with WAC 173-27-050.

			<u>Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a written statement of exemption shall be prepared by the Administrator pursuant to SMP Section 3.5A above and a copy sent to the applicant/proponent and the Department of Ecology.</u>	
15	3.9.C	Nonconforming Development	Non-conforming structures may be maintained, repaired, renovated, or remodeled to the extent that non-conformance with the standards and regulations of this Program is not increased; provided that nonconforming development, which is moved any distance, must be brought into conformance with the requirements of this Program. Provisions of SMP Section 3.4 shall apply to nonconforming structures and uses. No shoreline related permits are required for exterior or interior improvements that are within a nonconforming structure's building envelope.	This change is required for consistency with WAC 173-27-140. It is possible that development undertaken under this provision may exceed the thresholds established in Section 3.4 of this Program. Permit requirements are determined on a case-by-case basis at the time of the proposed development.

Section 7.0 – Shoreline Jurisdiction and Environment Designations

16	7.9.4	Special Management Unit – Wharf District – Special Permit Requirements.	A shoreline substantial development permit is required for all shoreline development in the Wharf District not otherwise exempt as provided in SMP Section 3.4 of this program. No building permit applications for development in the Wharf Management Unit Shoreline without prior approval of a Shoreline Substantial Development Permit or Statement of Exemption as applicable, except that no shoreline related permits are required for interior or exterior alterations or renovations of existing structures, provide that the alterations or renovations are within an existing structure's building envelope and the alteration or renovation conforms to the Wharf District Master Plan.	This change is required for consistency with WAC 173-27-140. It is possible that development undertaken under this provision may exceed the thresholds established in Section 3.4 of this Program. Permit requirements are determined on a case-by-case basis at the time of the proposed development.
17	7.9.8	Special Management Unit – Semiahmoo Spit District – Special Permit Requirements	A shoreline substantial development permit is required for all shoreline development in the Semiahmoo Spit Management Unit not otherwise exempt as provided in this section or SMP Section 3.4. No building permit applications for development in the Semiahmoo Spit Management Unit will be accepted without prior approval of a Shoreline Substantial Development Permit or Statement of Exemption as applicable, except that no shoreline related permits are required for interior or exterior alterations or renovations of existing structures, provide that the alterations or renovations are within an existing structure's building envelope and the alteration or renovation conforms to the Resort Semiahmoo Master Plan.	This change is required for consistency with WAC 173-27-140. It is possible that development undertaken under this provision may exceed the thresholds established in Section 3.4 of this Program. Permit requirements are determined on a case-by-case basis at the time of the proposed development.

Critical Areas Management Regulations			
18	1.4	Relationship Between this Shoreline Master Program and CAO	<p>Critical Areas as defined in Chapter 17.82 BMC that are located within the jurisdictional limits of this Shoreline Master Program (see Element 7.1) are managed and regulated by the provisions contained herein and are not subject to the critical area management provisions of Chapter 17.82 BMC, provided that where this program references a provision or provisions of Chapter 17.82 BMC or any other chapter of the Blaine Municipal Code the provision(s) so referenced shall apply as identified. <u>The City of Blaine Critical Areas Management Regulations included in Appendix A of this Program (compiled from Ordinance #09-2729 and amended Ordinance #10-2762) is hereby adopted in whole as part of this program with exception of the following sections:</u></p> <p><u>SMP – A-17.82.065 – Authorizations Required</u> <u>SMP – A-17.82.070 – Administrative Procedures</u> <u>SMP – A-17.82.075 – Appeals</u> <u>SMP – A-17.82.090 – Violations and Enforcement</u> <u>SMP – A-17.82.100 – Exemption from Standard Critical Area Review Requirements</u> <u>SMP – A-17.82.110 – Nonconforming Development</u> <u>SMP – A-17.82.120 – Critical Areas Exception for Minor Additions & Remodels</u> <u>SMP – A-17.82.130 – Critical Areas Variances</u> <u>SMP – A-17.82.140 – Reasonable Use Exceptions</u></p> <p><u>All references to the Critical Areas Management Regulations within this Program are specific for the version included as Appendix A.</u></p>
19	8.2	Critical Areas	<p>Impacts to critical areas can result in significant adverse effects to public health and safety, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. Critical Areas include wetlands, fish and wildlife habitat conservation areas, frequently flooded areas, aquifer recharge areas and geologically hazardous areas. Where not specifically addressed within this Program, either directly or through reference, regulation of critical areas within shoreline jurisdiction shall be pursuant to applicable provisions contained in those portions of BMC Chapter 17.82 adopted by Ordinance No. 09-2729 in 2009 and Ordinance 10-2762 in 2010, <u>included within this Program as Appendix A – Critical Area Management Regulations. In the event that provisions of this Program conflict with those Critical Area Management Regulations included in Appendix A, those most protective of shoreline resources shall prevail.</u></p>
20	8.2.1.A	Wetlands – Development Regulations	<p>The regulation of wetlands within shoreline jurisdiction shall be pursuant to Chapter 17.82 BMC, adopted by Ordinance No. 09.2729 in 2009 <u>and 10-2762 in 2010,</u> which is are combined and incorporated by reference as a part of the Blaine Shoreline Master Program with the exception of sections 17.140 Reasonable Use Exception and 17.82.120 Exception for Minor Additions & Remodels, both of which shall not apply in the shorelands.</p> <p>A. <u>The following provisions of Chapter 17.82 BMC shall be modified as follows within shoreline jurisdiction:</u></p> <ol style="list-style-type: none"> 1. <u>Section 17.82.350.A – Surface Water Discharge to Wetlands shall not apply.</u> 2. <u>Wetlands shall be designated based on the most current approved federal delineation manual and applicable regional supplements as the state manual referenced in 17.82.300 BMC was superseded in 2011.</u> 3. <u>Wetlands shall be rated according to the <i>Washington State Wetland Rating System for Western Washington – 2014 Update</i> (Ecology Publication #14-06-029) or most recent update. This document supersedes the rating</u>

system referred to in 17.82.310 BMC.

- 4. Fill or disturbance of a documented Category IV wetland under 2,500 square feet shall be mitigated according to 17.82.360 BMC and not solely by using an approved stormwater system as referenced in 17.82.340.A BMC.
- 5. Wetland buffers within shoreline jurisdiction shall be established using the following tables:

A. Standard buffers where no minimizing measures are required.

The following standard buffers shall be established for all wetlands where no minimizing measures are required based on the classification (rating) and level of functions for wildlife habitat. Standard buffers are assumed to be comprised of an intact native vegetation community that is adequate to protect the functions and values of the wetland at the time of the proposed activity.

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I (based on total score)	100	140	220	300
Category II (based on total score)	100	140	220	300
Category III (based on total score)	80	140	220	300
Category IV (based on total score)	50	50	50	50

B. Standard buffers where minimizing measures are required.

The following standard buffers shall be established for all wetlands where minimizing measures as set forth under subsection (C), below, are required and buffers are based on classification (rating) and level of functions for wildlife habitat. Standard buffers are assumed to be comprised of an intact native vegetation community.

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I	75	105	165	225
Category II	75	105	165	225
Category III	60	105	165	225
Category IV	40	40	40	40

C. Minimizing Measures.

The smaller standard buffers set forth under subsection (B), above, shall be applicable where the minimizing measures established in the following table are required AND in those cases where the wetland has a habitat score of five or more and undisturbed vegetated corridor at least 100 feet wide is provided between the wetland and another priority habitat:

Disturbance	Required Measure to Minimize Impacts
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<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer edge of the wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not de-watered</u> • <u>Establish covenants limiting use of pesticides within 150 feet of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Impact Development techniques</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

6. Non-motorized trail systems within wetlands and their buffers may be allowed as follows:
 - A. When no alternatives are feasible, trails within wetlands shall be limited to minor crossings that result in no adverse impacts to water quality.
 - B. Trails should generally parallel the perimeter of a wetland and located only within the outer 25% of the wetland buffer.
 - C. Trails should be located to avoid removal of significant trees.
 - D. Trails should be limited to pervious surfaces no more than five (5) feet in width and for pedestrian use only. Raised boardwalks using non-treated pilings may be acceptable.

7. Impacts to wetlands and buffers within shoreline jurisdiction shall be established using the following tables:
 - A. The following ratios shall be used as a guide to determine the acreage of wetland or buffer to be created, restored or enhanced in relation to the acreage of wetland or buffer area lost:

<u>Wetland Category</u>	<u>Mitigation Ratio</u>		
	<u>Creation or Reestablishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>Category I</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

Section 9.0 – Shoreline Use Polices & Regulations				
21	9.1.1.V	Aquaculture - Use Regulations	The planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit <u>only if a specific product or practice causes substantial interference with normal public use of the surface waters, but not otherwise. All new commercial geoduck aquaculture requires a conditional use permit. not a conditional use permit as in 9.11.B of this section. If a substantial interference with the normal public use of surface waters is not anticipated neither permit is required.</u>	Change is required for consistency with WAC 173-26-241.
22	9.2	Commercial Development	<p>Commercial developments are those uses that are involved in wholesale and retail trade or business activities. Because most commercial developments depend on people to support their various activities, these developments lead to concentrations of people and traffic, which in turn have a great effect on the condition of the shoreline. Water dependent commercial developments require a shoreline location. Many require a location navigable at low tide. If unregulated, however, these activities can have an undesirable impact on the shoreline.</p> <p>This Program distinguishes between water dependent commercial development, water- related commercial development, and water-enjoyment commercial development <u>and non water-oriented commercial development. The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water-related or water-enjoyment uses. such as restaurants, conference centers, and related hotels, specialty retail shops, and recreation facilities which, while not necessarily related to the water, enable more people to enjoy the shorelines and can benefit from such a location.</u></p> <ol style="list-style-type: none"> 1. Commercial development includes those uses that are involved in wholesale and retail trade or business activities, but does not include industrial or light manufacturing uses or marinas. Because most commercial developments depend on people to support their certain activities, these developments lead to concentrations of people and traffic, which in turn can have a great effect on the condition of the shoreline. 2. Because of the vast number of activities that could conceivably be included in this section, the administrator shall determine at the time of application if the proposed activity falls into this use classification. As a general rule all retail and wholesale enterprises that operate for a profit would be included in this category. 3. Commercial uses are allowed in the following order of preference: Allowed commercial uses include: <ol style="list-style-type: none"> (1) <u>Water-dependent uses.</u> (2) <u>Water-related uses.</u> (3) <u>Water-enjoyment uses.</u> (4) <u>Non water-oriented uses, where part of a mixed use project that includes a water-oriented use and where the use provides significant public benefit with respect to the objective of the Act.</u> 	These changes are is required for consistency with WAC 173-26-241(3)(d) – Commercial Development.
23	Policy 9.2C	Commercial Development	Shoreline locations on water navigable at low tide should be set aside for only those commercial activities which, because of the nature of their business, could not locate elsewhere (water-dependent), or water-related or other commercial development which provides public access or <u>and</u> is approved as part of a planned zone.	This change clarifies that non-water oriented commercial uses, even if allowed by underlying zoning, must provide a public benefit or be part of a mixed use development with water-oriented uses.
24	Policy 9.2I	Commercial Development	New water-dependent <u>oriented</u> commercial uses should provide public access, <u>and</u> should be encouraged to provide on-site ecological restoration, where feasible. New non-water <u>oriented</u> uses are prohibited unless they are part of a mixed-use project that includes water-oriented uses and provide significant benefit as determined by the objectives of the Shoreline Management Act.	These changes are required for consistency with WAC 173-26-241(3)(d). Encouraging public access and ecological restoration is not limited to water dependent uses.
25	9.2.1	Commercial Development – Use Regulations	<u>J. Non-water dependent commercial uses are not allowed over water except in existing structures or in limited instances where they are auxiliary to and necessary in support of water-dependent uses.</u>	These changes are required for consistency with WAC 173-26-241(d)(d).

26	9.4.1.D	Marina – Use Regulations	Marinas should <u>shall</u> be designed and constructed to avoid, minimize or mitigate adverse impacts to the shoreline environment and be in compliance with Section Six of this Program	Changes is necessary to assure that new or expanded marinas will not result in a net loss of shoreline ecological functions.
27	9.7.1	Recreational Development – Use Regulations	<u>J. Commercial recreational development shall also be consistent with commercial use policies and regulations in Section 9.2 of this Program.</u>	This change clarifies that commercial recreational developments must also comply with commercial standards of the SMP per WAC 173-26-241(i).
28	9.8.1.C	Residential Development – Use Regulations	Residential development shall <u>avoid and minimize</u> mitigate impacts to wetlands. <u>If impacts are unavoidable, mitigation through wetland replacement, enhancement 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 may be approved by of the City. In all instances, no net loss of shoreline ecological functions shall occur as a result of new or expanded residential development.</u>	
29	9.8.1	Residential Development – Use Regulations	<u>N. All residential development shall be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.</u>	WAC 173-26-241(j)(iii).
30	10.7.1.M	Landfill and Excavation – Use Regulations	Landfill waterward of the ordinary high water mark, not incorporated in a shoreline restoration project, shall be a conditional use and shall only be permitted in conformance with Policy 10.7B and the policies and regulations of Section 7.4 Aquatic Environment of this Program. <u>Such fills shall only be allowed when consistent with the uses listed in WAC 173-26-231(3)(c).</u>	
31	10.9.1.B	Shoreline Protection – Use Regulations	Where flood protection measures are planned, they shall be placed landward of the shoreline, including associated <u>wetlands as defined in section 1.5 of this program.</u> swamps and marshes and other wetlands directly interrelated and interdependent with the water body	
32	10.9.1.E	Shoreline Protection – Use Regulations	Proposed shoreline protection projects which could alter wetland or intertidal areas 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, <u>minimized</u> or mitigated consistent with applicable City requirements, and recommendations from state, federal and tribal agencies.	This change eliminates a conflict with 10.9.1.B which prohibits flood protection measures on shorelines and associated wetlands. Second change recognizes minimization as part of the mitigation sequence required by the guidelines.
33	<u>10.9.1.F</u>	<u>Shoreline Protection – Use Regulations</u>	<u>Shoreline protection measures that include erosion control measures shall be consistent with the shoreline stabilization provisions of section 10.10 of this program.</u>	10.9.1.A includes erosion control as a form of shoreline protection (flood control), whereas it is technically shoreline stabilization. This change would include the review of the shoreline stabilization policies and regulations when flood control projects are designed to stop erosion.
34	Policy 10.10I	Shoreline Stabilization	<u>Harder forms of</u> S structural stabilization should only be used where other <u>softer, more natural appearing and less damaging</u> methods of shoreline stabilization are not feasible.	This change clarifies the intent of this provision which is to promote use of softer forms or structural shoreline stabilization over harder more damaging forms of structural stabilization.

35	Policy 10.10J	Shoreline Stabilization	The use of natural appearing rock and other material should be encouraged in construction of structural stabilization.	This policy is redundant with Policy 10.10I
36	Policy 10.10K	Shoreline Stabilization	Where bulkheads <u>structural stabilization measures</u> are determined necessary, open type construction of bulkheads should be used as feasible <u>the size of the stabilization measures shall be limited to the minimum necessary and softer stabilization treatments used unless demonstrated not to be sufficient to provide the necessary protection.</u>	
37	Policy 10.10L	Shoreline Stabilization	Bulkheads, and other forms of structural stabilization, should only be used for the purpose of protecting upland areas and not for the purpose of creating new uplands.	
38	10.10.1.C	Shoreline Stabilization – Use Regulations	Shoreline stabilization structures and facilities shall be designed and constructed based on approved plans prepared by a licensed professional engineer. A geotechnical analysis, <u>as required by 10.10.1.F,</u> must include the rate of erosion, and the urgency of the need <u>associated with the specific situations. For hard armoring solutions, the report shall confirm that there is a significant possibility that a structure will be damaged based on expected damage within three years, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions, and shall explore alternative actions. Where a geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years, that report may still be used to justify more immediate authorization using soft stabilization measures.</u>	These changes are necessary for consistency with the geotechnical reporting requirements for shoreline stabilization per WAC 173-26-231(3)(a)(iii)(D).
39	10.10.1F	Shoreline Stabilization – Use Regulations	New or expanded structural shore stabilization for existing primary structures, including but not limited to roads, railroads, public facilities, <u>and residences</u> is prohibited unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by stream processes, tidal action or waves and only when significant adverse impacts are mitigated and then only if no net loss of ecological functions will result. <u>Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structure shoreline stabilization.</u>	These changes are necessary for consistency with the requirements to demonstrate need for new and expanded shoreline stabilization per WAC 173-26-231(3)(a)(iii)(B)(I).
40	10.10.1.H	Shoreline Stabilization – Use Regulations	The construction of bulkheads <u>or other wall-like stabilization structures</u> shall be permitted only where they provide protection to upland facilities, not for the purpose of creating land by filling behind the bulkhead. Construction of bulkheads <u>these types of stabilization</u> shall only be authorized through approval of a conditional use permit. <ol style="list-style-type: none"> 1) Bulkheads shall only be permitted in those instances where the applicant is able to demonstrate that other less artificial methods or erosion protection such as anchored logs and root wads, and the establishment to dense rooted vegetation are not feasible. 2) Bulkheads shall be constructed of a natural appearing material whenever located in any shoreline designation outside a Special Management Unit. 3) Bulkheads shall be constructed of materials not deleterious to water quality. 4) Bulkheads shall be constructed no higher than necessary to protect adjoining property and shall be no more than four feet above the ordinary high water mark unless additional height is demonstrated to be necessary due to wave height. 5) Bulkheads shall be located landward of the ordinary high water mark, unless determined infeasible by a geotechnical analysis. Bulkheads located waterward of the ordinary high water mark shall be located the minimum 	These changes remove redundancies with the other shoreline stabilization standards outlined in this section as bulkheads represent only one form of hard structural shoreline stabilization. The changes do not remove the City's desire to require a conditional use permit for bulkheads or other wall-like forms of stabilization and as well as retaining the requirement to analyze impacts to adjacent properties for all forms of stabilization.

			<p>distance waterward necessary to be structurally stable and protect the applicable upland facilities.</p> <p>6) Bulkheads shall be designed and constructed based on approved plans prepared by a licensed professional engineer.</p> <p>7) Prior to granting a permit for a bulkhead, the effect on adjacent properties and on public access to publicly owned shorelines shall be determined and shall be considered in the permit process.</p>	
41	10.10.1.I	Shoreline Stabilization – Use Regulations	<p><u>Replacement of existing stabilization structures with a similar structure, if there is a demonstrated need to protect principal uses or structures from erosion. Waterward encroachment of replacement structures is only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions. For purposes of this section, “replacement” means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.</u></p>	These changes are necessary for compliance with the standards for replacement stabilization per WAC 173-26-231(3)(a)(iii)(C).
42	<u>10.10.1.L</u>	Shoreline Stabilization – Use Regulations	<p><u>When any structural shoreline stabilization measures are demonstrated to be necessary pursuant to this section, the size of the stabilization measures shall be the minimum necessary and shall be designed to assure no net loss of shoreline ecological functions. Soft stabilization approaches shall be used unless demonstrated not to be sufficient to protect primary structures.</u></p>	These changes are necessary to compliance with the stabilization standards found in WAC 173-26-231(3)(a)(iii)(E).
43	<u>10.10.1.M</u>	Shoreline Stabilization - Use Regulations	<p><u>Prior to granting a permit for structural shoreline stabilization, the effect on adjacent properties and on public access to publicly owned shorelines shall be determined and shall be considered in the permit process.</u></p>	See comment on Section 10.10.1.H above.