

**ATTACHMENT B: DEPARTMENT OF ECOLOGY RECOMMENDED CHANGES TO THE  
CITY OF LAKEWOOD 5/6/2019 SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT - (ORDINANCE No. 711) 9/20/2019**

The following changes are recommended to ensure compliance with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III) and to improve the document for implementation:

ITEM	Locally-Approved SMP PROVISION	BILL FORMAT CHANGES [ <u>underline</u> = additions; <del>strikethrough</del> = deletions]	ECOLOGY'S DISCUSSION/RATIONALE
1.	Overall		<p>Global Formatting - Correct/add page numbering throughout the document to sync with Table of Contents, and to aid reader navigation.</p> <p>Eliminate large spaces within chapters/sections, such as those at pages 3, 6, 93, 106, and 110.</p> <p>This document becomes a chapter of the state Master Program regardless of City codification to an online format.</p>
2.	2. Shoreline Environments	<p><b>C. City of Lakewood Shoreline Jurisdiction</b> ... the City will rely upon common boundary descriptions and the criteria in RCW 90.58.030(2) and Chapter 173-22 WAC to determine shorelands and the extent of each environment designation.</p> <p><del>When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail, consistent with the following rules:</del></p> <p><del>1. Boundaries indicated as approximately following parcel, trac or section lines shall be so construed.</del></p> <p><del>2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment of this Shoreline Master Program (SMP).</del></p> <p><del>3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right-of-way edge.</del></p> <p><del>4. Boundaries indicated as approximately parallel to or extensions of features indicated in XXX section of this SMP shall be so construed.</del></p>	<p>Move the environment designation boundary interpretation language from C. Shoreline Jurisdiction to D. Environment Designations, as a more intuitive location.</p> <p>See also Item #3 below.</p>
3.	2. Shoreline Environments	<p><b>D. City of Lakewood Shoreline Environment Designations</b> ...These shoreline environment designations for the City are illustrated in Figure 1 (Shoreline Management Environment Designations), at the end of <u>this chapter page</u> and described in the text below. ... Development standards pertaining to all shoreline areas are covered in Chapter 3 and development standards for particular uses are detailed in Chapter 4.</p> <p><u>When interpreting the exact location of an environment designation boundary line, the location shown on the Official Shorelines Map shall prevail, consistent with the following:</u></p> <p><u>1. Boundaries indicated as approximately following parcel, trac or section lines shall be so construed.</u></p>	<p>Revise text to clarify Figure 1 location.</p>

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		<p><u>2. In cases of boundary line adjustments or subdivisions, the designation of the parent parcel shall not change as a result, except if pursuant to an amendment of this Shoreline Master Program (SMP).</u></p> <p><u>3. Boundaries indicated as approximately following roads shall be construed to follow the nearest right-of-way edge.</u></p> <p><u>4. Boundaries indicated as approximately parallel to or extensions of features indicated in XXX section of this SMP shall be so construed.</u></p> <p>Please see Figure 1 for the Shoreline Environment Designations Map.</p>	
4.	3. General Shoreline Provisions	<p><b>A. Introduction</b> The following policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of Lakewood <del>except for those listed in WAC 173-27-044.</del></p>	<p>Periodic Review (PR) Checklist #2017.c - Exceptions to local review &amp; permitting</p> <p>Delete reference to -044, better addressed at Chapter 6.A.</p> <p>See also items #5, 7, 9, and 10 below for related edits; the overall construct is to remove the WAC citations for this issue from multiple locations throughout the document and address it once at 6.A.</p>
5.	3. General Shoreline Provisions	<p><b>B. Policies &amp; Regulations</b></p> <p><b>6. Restoration</b></p> <p><b>b) System-Wide Restoration Policies</b></p> <p>5) A public education plan should be developed to inform private property owners in the shoreline zone and in the remainder of the City about the effects of land management practices and other unregulated activities (such as pesticide/herbicide use, car washing) on fish and wildlife habitats. <u>The City should strive to coordinate outreach and education efforts with those of local groups such as Tahoma Audubon Society, Chambers/Clover Creek Watershed Council, the Clover Creek Council and other appropriate partners and stakeholder groups.</u> <del>In 2018, the Tahoma Audubon Society launched an outreach program targeted at property owners adjacent to creeks and Steilacoom Lake. Mailings, online resources and workshops educate about: pesticides' effects on water quality and backyard plantings that attract birds and wildlife and could increase salmon runs in Chambers and Clover Creeks over time. This effort is conducted in cooperation with the Chambers/Clover Creek Watershed Council and the Clover Creek Council.</del></p>	<p>The proposed language reads as a status update of recent events – great local work, but not a restoration policy.</p> <p>Revise text to add City intent to partner with local groups, and to phrase as a policy for internal consistency.</p> <p>Suggest moving the deleted text about recent outreach efforts to the Restoration Plan, which can be further revised by the City without a formal SMP amendment process:</p> <p>“In 2018, the Tahoma Audubon Society launched an outreach program targeted at property owners adjacent to creeks and Steilacoom Lake. Mailings, online resources and workshops educate about: pesticides’ effects on water quality and backyard plantings that attract birds and wildlife and could increase salmon runs in Chambers and Clover Creeks over time. This effort is conducted in cooperation with the Chambers/Clover Creek Watershed Council and the Clover Creek Council.”</p>

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6.	4. Shoreline Use Provisions	<p><b>C. Shoreline Use &amp; Development Standards</b>                      Table I and Table II indicate the allowable uses by shoreline environment designation and the key standards that apply to development. The standards in this section are supplemental to standards in other portions of this SMP. <del>See WAC 173-27-040, 044, and 045 for permit exemptions and when SMP permits do not apply.</del></p>	<p>PR Checklist #2017.c - Exceptions to local review &amp; permitting                      Delete WAC references, better addressed at Chapter 6.A.</p>
7.	4. Shoreline Use Provisions	<p><b>D. Specific Shoreline Uses Policies &amp; Regulations</b>  <b>7. Signs <u>See LMC Chapter 18A.100</u></b>  <del>a) <b>Applicability</b> – A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign directing attention to a business, professional service, community, site, facility, or entertainment conducted or sold either on or off premises.</del>  <b>ba) Policies</b>                      1) Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.                      2) Signs should not block or otherwise interfere with visual access to the water or shorelines.  <del>eb) Regulations</del>                      1) Signs shall comply with the City's sign regulations, <del>found in LMC Section 18A.50.600 – Sign Regulations in addition to the sign regulations in the SMP.</del>  <del>2) Sign plans and designs shall be submitted for review and approval at the time of shoreline permit approval.</del>  <del>3) All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.</del>  <del>4) Temporary signs shall be removed subject to the requirements of LMC Section 18A.50.665 – Signs for Temporary Display. Examples of temporary signs can include real estate signs, directions to events, political advertisements, event or holiday signs, and construction signs.</del>  <del>5) Signs that do not meet the policies and regulations of this program shall be removed or required to conform within two (2) years of the SMP's effective date.</del>  <del>6) The following types of signs may be allowed in all shoreline environment designations:</del>                      a. Water navigational signs and highway signs necessary for operation, safety, and direction.                      b. Public information signs directly relating to a shoreline use or activity.                      c. Off-premise, freestanding signs for community identification, information, or directional purposes.                      d. Site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.  <del>7) The following signs are prohibited:</del>                      a. <del>Off-premises freestanding outdoor advertising signs and billboards.</del></p>	<p>PR Checklist – Other Items #2019.a                      Revise text to keep those policies and regulations that protect shoreline views as consistent with SMA, and to remove LMC citation based on recodification for local sign code.</p>

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		<p><del>b. Spinners, streamers, pennants, flashing lights, and other animated signs used for commercial purposes.</del>  <del>c. Signs placed on trees or other natural features.</del>  <del>d. Commercial signs for products, services, or facilities located off site.</del></p>	
8.	5. Shoreline Modification Provisions	<p><b>C. Policies and Regulations</b>  <b>1. General Policies and Regulations</b>  a) Applicability  The following provisions apply to all shoreline modifications <del>except for those listed in WAC 173-27-044</del> whether such proposal addresses a single property or multiple properties. Additional requirements as contained in other Chapters of this SMP apply. Where a general standard, environmental standard or use standard conflicts with the provisions contained in this chapter, the more restrictive shall apply.</p>	<p>PR Checklist #2017.c - Exceptions to local review &amp; permitting  Delete reference to -044, better addressed at Chapter 6.A.</p>
9.	5. Shoreline Modification Provisions	<p><b>C. Policies and Regulations</b>  <b>5. Overwater Structures and Launching Facilities</b>  b) Exemptions - <del>Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.</del></p> <p>The City will review all development proposals for overwater structures to determine if:</p> <p>1) The proposal is or is not exempt from the requirement for a Substantial Development Permit per WAC 173-27-040. <del>This exemption applies in freshwater when the fair market value of the dock does not exceed:</del></p> <p><del>A) Twenty-two thousand five hundred dollars (\$22,500) for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or</del>  <del>B) Eleven thousand two hundred (\$11,200) dollars for all other docks constructed in fresh waters.</del></p> <p><del>However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.</del></p> <p>2) The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and</p>	<p>PR Checklist #2014.a notes the language was revised for the new \$ values, but the SMP at 5.C.5.b.1 shows the dock exemption language deleted with an added reference to WAC 173-27-040.</p> <p>Revise text to keep the exemption here as a courtesy reference for applicants and practitioners, to delete the non-applicable saltwater provision, and to correct the dollar threshold amounts.</p>

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		3) The proposal is consistent with the intent, policies, and regulations of the SMA, the SMP Guidelines, and this SMP.	
10.	6. Administration	<p><b>A. Purpose and Applicability</b>                      There is hereby established an administrative system...                      ...Nothing in the SMP shall affect and rights established by treaty to which the United States is a party.</p> <p><u>1. Exceptions to Local Review and Permitting</u>  <u>a. Developments not required to obtain shoreline permits or local reviews. Consistent with WAC 173-27-044 and -045, requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:</u></p> <p><u>1) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to RCW 70.105D, or to the Department of Ecology when it conducts a remedial action under RCW 70.105D.</u></p> <p><u>2) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.</u></p> <p><u>3) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.</u></p> <p><u>4) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</u></p> <p><u>5) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to RCW 80.50.</u></p>	<p>PR Checklist #2017.c - Exceptions to local review &amp; permitting</p> <p>Add text in one location to clarify those development actions that do not require local shoreline review or permits, and to distinguish as separate from SDP exemptions.</p>
11.	6. Administration	<p><b>C. Substantial Development</b>  <b>1. Exemptions</b>                      a) Developments, which are exempt from the requirement for a substantial development permit, are identified in WAC 173-27-<del>040</del> <del>044</del> or as subsequently amended.</p>	<p>PR Checklist #2017.c - Exceptions to local review &amp; permitting</p> <p>Revise text to keep the correct -040 reference.</p>