

ATTACHMENT B – Department of Ecology Required Changes, resulting from the City of Monroe's Shoreline Master Program (SMP) Periodic Review.

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
1.	Chapter 1 – Introduction Section D. Shoreline Jurisdiction	Shoreline Jurisdiction	<p>The Shoreline Management Act defines “shorelines of the state” as the total of all “shorelines” and “shorelines of statewide significance” within the state. “Shorelands” are defined as including contiguous floodplain and those lands extending landward for 200’ in all directions from the ordinary high water mark or FEMA mapped floodway.</p> <p>Shorelines of the state within the City’s municipal boundary include the Skykomish River and Woods Creek.</p> <p><u>The City has used its discretion to designate as regulated shorelands the larger of:</u></p> <ul style="list-style-type: none"> <li>(A) <u>Contiguous 100-year designated floodplain (except for specified areas of: Frylands, east of Al Borlin Park, and the City’s Wastewater Treatment Plant), or</u></li> <li>(B) <u>Areas landward 200 feet from the ordinary high water mark, or</u></li> <li>(C) <u>Areas landward 200 feet from the most current FEMA mapped floodway.</u></li> </ul> <p>Therefore, in Monroe, the shoreline area to be regulated by the City’s Program includes:</p> <ul style="list-style-type: none"> <li>• The Skykomish River and Woods Creek within the City’s municipal boundary;</li> <li>• The upland area landward 200 feet of the ordinary high water mark (OHWM) of the Skykomish River and Woods Creek;</li> <li>• Tye Stormwater Facility and shorelands 200 feet from its ordinary high water mark;</li> <li>• All associated wetlands;</li> <li>• <u>Contiguous floodplain areas 200 feet landward of the mapped floodway areas associated with the Skykomish River as identified within the <del>Federal Emergency Management Agency’s Preliminary Flood Insurance Study for Snohomish County, Washington and Incorporated Areas and accompanying flood insurance rate map (FIRM) (November 8, 1999), or a more recent</del> most current Federal Emergency Management Agency <del>adopted</del> Flood Insurance Study and <u>accompanying flood insurance rate map (FIRM) as adopted by the City and consistent with MMC Chapter 22.80.120 – Flood hazard area development standards;</u></u></li> <li>• The mapped 100-year floodplain areas as depicted on effective FIRM mapping consistent with MMC Chapter 22.80.120 – Flood hazard area development standards.</li> </ul> <p><del>The Skykomish River and associated shorelands is a shoreline of statewide significance within Monroe, as defined by RCW 90.58.030 and designated by WAC 173-18.</del></p> <p><b><u>Specified Areas not included in Shoreline Jurisdiction:</u></b></p> <p><u>For the purposes of the Shoreline Master Program, the City has locally modified the shoreline boundary to exclude portions of the floodplain to correct for local topography</u></p>	<p><i>The identified changes clarify the City’s definition of shoreline jurisdiction in a manner consistent with the City’s intent to maintain SMP jurisdiction as defined under the comprehensive SMP update, while demonstrating consistency with RCW 90.58.030 shoreline jurisdiction, as provided in sub section (2) (d) below:</i></p> <p><i>"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.</i></p> <p>These changes are necessary for internal consistency with Chapter 7 – Section 2. Shoreline Boundary and the City’s Shoreline Environment Designations map.</p> <p><b>Chapter 7 – Section 2.</b> Shoreline Boundary which identifies the City’s intent to continue to utilize its option to extend the shoreline jurisdiction as provided by RCW 90.58:</p> <p><i>The City has used its discretion to designate as regulated shoreline the larger of the 100-year floodplain or those areas landward 200 feet from the ordinary high water mark along the Skykomish River and Woods Creek shorelines where the waterbody is partially or fully encompassed by the City. The City reviewed maps showing the extent of both the 100-year floodplain and 200 feet from the floodway jurisdiction options, and found that the differences were minor. The only properties affected by the increase in shoreline jurisdiction were City parks and Cadman. Under the minimum shoreline jurisdiction, only</i></p>

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			<p><del>and site-specific conditions not available to FEMA. The Snohomish River floodplain as it extends into the Fryelands area is not part of shoreline jurisdiction, nor is the Skykomish River floodplain area east of Al Borlin Park. Finally, the optional inclusion of areas up to the 100-year floodplain into shoreline jurisdiction was not extended to cover fully developed parcels, including the City's Wastewater Treatment Plant.</del></p> <p><b><u>Shorelines of Statewide Significance:</u></b></p> <p><u>The Act further designates some shorelines as "shorelines of statewide significance". The Skykomish River is designated as a "shorelines of statewide significance" within the City of Monroe.</u></p> <p>Shorelines thus designated are important to the entire state. Because the shorelines of the Skykomish River are a major source of benefit for all people in the state, the Monroe Shoreline Master Program gives preference to the shoreline uses that favor public and long range goals. Accordingly, this Shoreline Master Program gives preference to uses that meet the principles outlined below, listed in the order of preference. These principles, defined in RCW 90.58.020, are incorporated into the City of Monroe Shoreline Master Program:</p> <ol style="list-style-type: none"> <li>1. Recognize and protect the statewide interest over local interest.</li> <li>2. Preserve the natural character of the shoreline.</li> <li>3. Result in long-term over short-term benefit.</li> <li>4. Protect the resources and ecology of shorelines.</li> <li>5. Increase public access to publicly owned areas of the shoreline.</li> <li>6. Increase recreational opportunities for the public on the shoreline.</li> </ol> <p>In the implementation of this policy, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible, consistent with the overall best interests of the state and the people. To this end, uses shall be preferred that are consistent with control of pollution and prevention of damage to the natural environment or are unique to, or dependent on use of, the state's shorelines. Alteration of the natural condition of the shorelines of the state, in those limited instances when authorized by this Shoreline Master Program, shall be given priority for parks, open space, and limited commercial developments particularly dependent on their location on or use of the shorelines of the state, and other development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state.</p> <p><del>For the purposes of the Shoreline Master Program, the City has locally modified the shoreline boundary to exclude portions of the floodplain to correct for local topography and site-specific conditions not available to FEMA. The Snohomish River floodplain as it</del></p>	<p><i>small areas (primarily wetland buffer) within the Cadman Site would be outside of shoreline jurisdiction.</i></p> <p>The City's Shoreline Environment Designations map is an approximation so the associated text needs to be clear enough for consistent accurate implementation.</p> <p>The required changes here are intended to clarify the text to match the City's intent as outlined in Chapter 7 section 2 and as illustrated by the Shoreline Environment Designations map.</p>

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			<p><del>extends into the Fryelands area is not part of shoreline jurisdiction, nor is the Skykomish River floodplain area east of Al Borlin Park. Finally, the optional inclusion of areas up to the 100-year floodplain into shoreline jurisdiction was not extended to cover fully developed parcels, including the City's Wastewater Treatment Plant.</del></p> <p>The policies and regulations of this program shall apply to the waters of the Skykomish River, Woods Creek, and the Tye Stormwater Facility and adjacent "shorelands" within the Monroe City Limits. See the official Shoreline Environmental Designations Map for depiction of the area regulated by this Program. All shoreline jurisdiction boundaries depicted on the map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed at the project level to confirm the extent of shoreline jurisdiction shown on this map, particularly with respect to the actual location of the ordinary high water mark, the edges of wetlands, and the determination that a wetland is associated with a shoreline waterbody.</p> <p><del>The Act further designates some shorelines as "shorelines of statewide significance". The Skykomish River is designated as a "shorelines of statewide significance" within the City of Monroe.</del></p>	
2.	<p>Chapter 1 – Introduction Section E. How the Shoreline Master Program is used</p> <p>Subsection 4. Relationship of the Shoreline Master Program to Other Plans</p>	Critical Areas Regulations Referencing	<p>In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Monroe Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Monroe Comprehensive Plan and the City's Critical Areas Regulations (MMC Chapter 22.82-80, as adopted by Ordinance <u>No. 005 015/2019</u>), as incorporated into this Shoreline Master Program by reference. The Monroe SMP must also be mutually consistent with the regulations developed by the City to implement its plans, including the zoning code, subdivision regulations, and other development standards, as well as building construction and safety requirements. When there is a conflict, the most restrictive regulations, as determined by the City, should apply.</p>	<p><i>The identified change is necessary to update the SMP's reference to the current version of the City's critical areas ordinance, which was adopted by the Monroe City Council on August 13, 2019.</i></p> <p>The City has chosen to adopt its critical area code by reference as allowed by WAC 173-26-191(2)(b). Ecology finds that revisions are needed to ensure the SMP is consistent with this provision which requires that incorporated sections include a specific dated version.</p>

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3.	Chapter 3 – General Provisions Section D. Critical Areas Subsection 2 Regulations	Critical Areas Ordinance (CAO) Reference	<p>The City of Monroe Critical Areas Regulations, as codified in MMC 22.80, <u>Ordinance No. 015/2019</u> are herein incorporated into this Program except for the following:</p> <ul style="list-style-type: none"> <li>• 22.80.050(B), Exemptions.</li> <li>• 22.80.050(C), Exceptions, including public agency and utility exception (subsection C.1) and reasonable use exception (subsection C.2), and innovative development design (subsection C.3).</li> <li>• 22.80.060, Nonconforming uses.</li> </ul> <p>In the event of a contradiction between this SMP and the Critical Areas Regulations (MMC 22.80), the provision more protective of the environment shall apply, as determined by the City.</p>	<i>Same as item #2 above.</i>
4.	Chapter 3 – General Provisions Section D. Critical Areas Subsection 2 Regulations	Update CAR Stream Development Standards	<p>MMC 22.80.<del>099</del> <u>100.D</u> (Stream Development Standards) (<u>Minimum Buffers</u>) requires a <u>minimum buffer extending from the OHWM as required by the City of Monroe Shoreline Master Program.</u> <del>minimum buffer of two hundred (200) feet from Type 1 streams</del> <u>Type S streams to have a</u> The Skykomish River and Woods Creek are both classified as Type <u>± S</u> streams. MMC 22.80.<u>100.E</u> (Additional Buffers) also include provisions for increasing the stream buffer as necessary to protect streams when either the stream is particularly sensitive to disturbances or the development poses unusual impacts.</p>	<i>The identified change is necessary to maintain consistency with updated sections of the City's Critical Areas Regulations at MMC 22.80.100 D. and specific to Stream Development Standards, which were amended by the City in 2019 to reflect water typing standards from WAC 222-16-030 (Water Typing System).</i>
5.	Chapter 8, Definitions	Definitions	<p><u>Fish Habitat - Means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.</u></p>	<i>The Fish Habitat definition is necessary to maintain internal consistency with WAC 222-16-030 (Water Typing System). This change also addresses an SMP public comment received in regards to the periodic review.</i>