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ITEM	SMP PROVISION	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
Rec-1	<p>Add to 2.1 Applicability & Delete from 2.3.2 List of Exemptions (1.q)</p>	<p><u>12. Developments not required to obtain shoreline permits or local reviews. 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> <ul style="list-style-type: none"> i. <u>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> ii. <u>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 the requirements of a national pollutant discharge elimination system storm water general permit.</u> iii. <u>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> iv. <u>Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.</u> v. <u>Projects authorized through the Energy Facility Site Evaluation Council process pursuant to RCW 80.50.</u> 	<p>Recommended change: Ecology suggests a change, because this list of activities are not listed exemptions in RCW 90.58 or WAC 173-27-040. Ecology recommends deleting this provision from 2.3.2 List of Exemptions and relocating this list to 2.1 Applicability.</p>
Rec-2	2.2 Shoreline Substantial Development Permit	<p>2. A substantial development permit is required for any development with a total cost or fair market value exceeding six <u>seven thousand, four hundred, sixteen</u> forty-seven dollars (\$6,416 <u>7,047</u>) (or the value as amended or adjusted for inflation per RCW 90.58.030 [3] [e]) or any development which materially interferes with the normal public use of the water or shorelines</p>	<p>Recommended change: Revision is recommended to update the threshold value for substantial development as adjusted in 2017 by the Office of Financial Management and published in the State Register on August 3, 2017.</p>

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		<p>of the state, except those exempted developments set forth in WAC 173-27-040 (Developments Exempt from Substantial Development Permit Requirements) (also see Section 2.3.2).</p>	
<p>Rec-3 Rec-4</p>	<p>5.5 Critical Areas Protection 5.5.2 General Provisions</p>	<p>1. The City of Shelton Critical Area Protection Ordinance, SMC 21.64, found in Appendix A of the SMP, the Aquifer Recharge Areas provisions in SMC 21.66, and the Flood Damage Prevention provisions in SMC 18.10 are hereby adopted in whole as a part of this Program, except for the following: ...</p>	<p>Recommended change: Ecology recommends adding a reference to SMP Appendix A for clarity. The Ecology approved comprehensively updated SMP includes an appendix that contains the applicable critical areas protection standards from SMC 21.64. Ecology recommends providing a direct reference to that appendix here in the Critical Areas section for clarity and ease of implementation. Include the updated Appendix A with the SMP.</p> <p>Recommended change: Ecology suggests deleting reference to the Aquifer Recharge Areas code in SMC 21.66 and the Flood Damage Prevention code in SMC 18.10.</p> <p>The SMP Guidelines in WAC 173-26 have no standards related to aquifer recharge protection and these provisions are not required for consistency with the SMA or the SMP Guidelines.</p> <p>Ecology recommends the SMP contain a soft reference to its flood hazard regulations and that this code be implemented separately from the SMP. The CAO, in SMC 21.64.095 Frequently flooded areas, references the Flood Damage Prevention Ordinance. This citation is adequate as a soft reference to your flood hazard regulations. These flood hazard regulations are not necessary for consistency with RCW 90.58 or the SMP guidelines. The SMP would remain consistent with the requirements of WAC 173-26-221(3) through implementation of 3.6 Flood Hazard Reduction Goals and Policies and 6.19 Floodplain Management, Flood Control Works and In-stream Structures.</p> <p>The purpose of the SMC Chapter 18.10 regulations is for meeting the National Flood Insurance Program (NFIP), not the SMA. These regulations, by-and-large, are building codes. By incorporating these regulations into the SMP, any applicant that needs to deviate from these would need to apply for a shoreline variance, which could be hard to obtain. Making this revision:</p> <ul style="list-style-type: none"> • Ensures the City’s NFIP required flood ordinance will apply city-wide; • Removes the challenge of coordinating amendments to the SMP every time the flood code needs revision as may be required by the NFIP; and • Eliminates unnecessary SMA permitting and process steps that could impact the City’s ability to maintain its certification under the NFIP. <p>The City’s code will still apply but would be implemented independent of the SMP.</p>

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<p>Rec-5</p>	<p>8 Definitions</p>	<p>Effective Date of Permit - The effective date of shoreline substantial development, conditional use and variance permits shall be the date of filing (for shoreline substantial development permit the date of filing is the date Ecology receives the local government’s decision; for conditional use and variance permits the date of filing is the date Ecology’s decision is transmitted to the local government).</p>	<p>Recommended change: Revision is recommended for improved consistency with RCW 90.58.140(6) and WAC 173-27-130, and for internal consistency with the revisions in SMP Section 7.6. We recommend relying on the more specific “date of filing” information found in the above referenced sections, and removing the short hand version from this definition.</p>
<p>Rec-6</p>	<p>8 Definitions</p>	<p>Substantial Development - Any development of which the total cost or fair market value exceeds six seven thousand four hundred and sixteen forty-seven dollars (\$6,416 7,047), or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States Department of Labor. The Office of Financial Management must calculate the new dollar threshold and transmit it to the Office of the Code Reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. See also Development and Exemption.</p>	<p>Recommended change: Revision is recommended to update the threshold value for substantial development as adjusted in 2017 by the Office of Financial Management and published in the State Register on August 3, 2017.</p>