

The following changes are recommended, to clarify provisions of the SMP, and are consistent with SMA (RCW 90.58) policy, 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>Chapter 2: Shoreline Environments</i>			
A	Section B.5 Shoreline Environment Purposes and Designation Criteria (Natural Environment)	<p><b>Designation Criteria:</b> The designated areas and criteria used for including land within the Natural Environment are as follows:</p> <ul style="list-style-type: none"> <li>a. Are substantially ecologically intact; <del>and</del></li> <li>b. Have high ecological value in the shoreline ecosystem; <u>and</u></li> <li>c. <u>Are located waterward of any public rights-of-way existing as of January 1, 2020.</u></li> </ul>	<p><b>The City of Snoqualmie requested Ecology’s consideration of this revision.</b> According to the City, the amendment is intended to ensure that the Natural Shoreline Environment designation criteria contains areas that are substantially ecologically intact and have high ecological value and do not include the presence of existing roadways. The City justified this change as consistent with WAC 173-26-211(5)(a)(ii)(B) and (5)(a)(iii), which provides guidance related to management policies and designation criteria applicable to the Natural environment. Therefore, Ecology finds that the changes clarify that disturbed areas or development such as transportation infrastructure or public right-of-ways are not not consistent with designation criteria or purpose of the natural environment, which are stated as areas free of human influences pursuant to WAC 173-26-211(5)(a)(i).</p>
<i>Chapter 4: Shoreline Regulations – 19.08.070 Substantial development permits</i>			
B	19.08.070 Substantial development permits	<p>B.7.(a) For docks that are constructed to replace existing docks, the fair market value of the dock does not exceed <del>\$20,000</del> <u>\$22,500</u> and the square footage is of equal or lesser square footage than the existing dock being replaced <u>or any other value as defined in WAC 173-26-040(2)(h);</u> or</p> <p>(b) For all other docks, the fair market value of the dock does not exceed <del>\$10,000</del> <u>\$11,200</u> <u>or any other value as defined in WAC 173-26-040(2)(h);</u></p>	<p><b>Ecology suggest the City consider this change to improve implementation consistent with WAC 173-27-040(2)(h).</b> The revision corrects the exemption threshold for freshwater docks to match the updated dollar amounts from the Office of Financial Management that occurred in 2018. The shoreline Substantial Development Permit (SDP) exemptions listed in WAC 173-27-040 would apply in cases of conflict with the SDP exemptions listed in City’s SMP. Therefore, this change is not required to ensure compliance, but would ensure current alignment between the WAC and the City’s SMP.</p>
<i>CHAPTER 4: SHORELINE REGULATIONS – 19.08.350 - Lot size, setbacks or yards and height requirements.</i>			
C	19.08.350.A Lot size, setbacks or yards and height requirements.	<p>Lot size, <u>yard</u> setbacks and height requirements for structures and uses permitted within shoreline jurisdiction shall be those established for such structure or use by the underlying zoning in Title 17 SMC.</p>	<p><b>The City of Snoqualmie requested Ecology’s consideration of this revision.</b> The City intends for the amendment to clearly distinguish “yard” (e.g. Zoning Code) setbacks from “shoreline” (e.g. Shoreline Master Program) setbacks. Ecology finds that this clarification does not result in a substantive change and therefore can be included in the final version of the updated SMP, as long as the City “accepts” this change in responding to Ecology’s conditional approval.</p>
D	19.08.350.C Lot size, setbacks or yards and height requirements.	<p><u>5. Except for water dependent, structural shoreline stabilization (revetments), shoreline physical and/or visual public access, transportation facilities (SMC 19.08.525), and utilities (SMC 19.08.530), no structures may be constructed / located within the shoreline setbacks identified above, except as allowed by this chapter.</u></p>	<p><b>The City of Snoqualmie requested Ecology’s consideration of this revision.</b> The City intends for the amendment to clarify that water dependent structures or shoreline modifications (if allowed by the SMP), water-related public access, transportation facilities and utilities (when locations outside of shoreline jurisdiction are infeasible), could be considered for locations within the shoreline setback, if no net loss can be demonstrated pursuant to SMC 19.08.310 The City argues that without</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strike-through-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
		<p>6. Notwithstanding the shoreline setback dimensions specified in subsection (C)(1), where a street or road existing as of January 1, 2020, within a shoreline setback, can be demonstrated through a critical areas report to materially interferes with, diminishes, or eliminates setback functions, the shoreline setback shall extend only to the waterward boundary of such existing street or road.</p>	<p><i>the amendment, the Shoreline Master Program is vague as to what may or may not be allowed within the shoreline setback, which they characterize as inconsistent with WAC 173-26-221 (see e.g. (3)(a), (5)(b), and (5)(c)). The City's request through proposed standard 19/08.350.C.6. is intended to ensure that the setbacks are appropriately applied in areas with ecologic function that need protection and would not extend past existing interruptions such as an existing roadway.</i></p> <p><i>Ecology, appreciates the City's intent in clarifying application of setback standards, road interruption of ecological functions within a setback is a technical determination that needs to be made on a site-by-site basis, for which Ecology is only comfortable suggesting this change, with submittal of a critical areas report confirming isolation of setback functions with the presence of the road interruption.</i></p>
<p>CHAPTER 4: SHORELINE REGULATIONS – 19.08.380.B Archeological areas and historical sites</p>			
E	<p>19.08.380.B. Archeological areas and historical sites</p>	<p>If potentially significant archaeological resources or human remains are discovered during construction, <del>the city all work shall immediately cause all work to be stopped stop</del> in the affected area, <del>and the affected area and shall cause the area to be flagged with construction tape or other identifying markers and.</del> <u>The property owner, developer, and/or contractor</u> shall immediately inform the City, <del>and the</del> Snoqualmie Indian Tribe, and the State Historic Preservation Officer, and shall comply with all requirements of Chapter 27.53 RCW or Chapter 27.44 RCW, as may be applicable.</p>	<p><b><i>Ecology suggests this change for consistency with WAC 173-26-191(2)(a)(ii).</i></b> This change provides clarity that contractors and developers are responsible for stopping work if cultural resources are identified, consistent with WAC 173-26-221(1)(c)(i) which states that the Shoreline Master Program should “Require that developers and property owners immediately stop work and notify the local government, the department of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation”.</p>
<p>CHAPTER 4: SHORELINE REGULATIONS – 19.08.490 Recreation facilities</p>			
F	<p>19.08.490. Recreation facilities</p>	<p>E. Pedestrian and bicycle trails, boardwalks, and a limited number of river and lake viewing areas and <del>platforms shall be permitted within</del> <u>consistent with the shoreline setback standards provided in SMC 19.08.350.C, applicable</u> buffer, and the vegetation management corridor of the Snoqualmie River, Kimball Creek, and Borst Lake, provided trail locations and design <del>shall be reviewed for compatibility</del> <u>are consistent</u> with the purposes of the environment in which they are located and approved by the Administrator.</p> <p>F. Construction of pedestrian and bicycle trails and boardwalks, river or lake viewing areas, or non-motorized boating put-in and take-out areas, <del>within buffers and vegetation management corridors</del> shall be subject to all conditions for mitigation that may be imposed as a result of an assessment of impacts of such facilities on shoreline ecological functions.</p>	<p><b><i>The City of Snoqualmie requested Ecology's consideration of this revision.</i></b> This additional language is necessary to clarify where specifically these structures are allowed within the Shoreline Jurisdiction in compliance with WAC 173-26-191(2)(a)(ii) which states regulations also need to “be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies of this chapter, and local master program policies”.</p> <p><i>A no net loss memorandum was provided in February of 2021 that provides an analysis of allowing water-oriented recreational uses at 25 feet but precluding non-water-oriented recreation uses and holding those developments to a standard buffer. This recommended change provides more clarity in regards to applicable buffers.</i></p>
<p>CHAPTER 4: SHORELINE REGULATIONS – 19.08.510 - Shoreline modifications and stabilization</p>			
G	<p>19.08.510. Shoreline modifications and stabilization</p>	<p>B. Shoreline stabilization measures are allowed when protecting existing primary structures; new nonwater-dependent development, including single-family residences; water-dependent development; restoration of ecological functions or hazardous substance remediation projects pursuant to chapter</p>	<p><b><i>The City of Snoqualmie requested Ecology's consideration of this revision.</i></b> The City's intent with the amendment, is to clarify that shoreline stabilization structures or modifications, when authorized by the SMP, can be located within the shoreline setback. The City is concerned that without the amendment, the Shoreline Master</p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
		<p>70.105D RCW; public infrastructure; and property. <u>Shoreline stabilization measures may be constructed within the shoreline setback.</u></p> <p>[. . .]</p> <p>H. Replacement of existing shoreline stabilization structures may be allowed based on demonstrated need. Waterward encroachment of replacement shoreline <u>stabilization</u> structures is allowed only for residences occupied prior to January 1, 1992, and when there are overriding safety or environmental concerns.</p>	<p><i>Program is vague as to whether shoreline stabilization structures may or may not be allowed within the shoreline setback.</i></p> <p><i>Ecology recognizes the need for shoreline stabilization to be located within the shoreline setback, as the purpose of the stabilization is to minimize erosion at the waters edge from erosive forces directly associated with the river or shoreline waterbody. Therefore, shoreline stabilization could not serve its purpose from a upland location outside of shoreline setback areas and is thus dependent on a water edge location. Therefore, Ecology finds that the City could depend on the purpose of shoreline stabilization if questions were raised regarding application of the shoreline setback, but also cannot identify a reason for not allowing this clarification in the SMP.</i></p>
<p>CHAPTER 4: SHORELINE REGULATIONS – 19.08.525 Transportation and parking facilities</p>			
H	<p>19.08.525. Transportation and parking facilities</p>	<p>A. Existing transportation facilities may be maintained, repaired and replaced in all shoreline environments, <u>and within the shoreline setback.</u></p> <p>[. . .]</p> <p><u>J. New transportation facilities shall be located outside of shoreline setbacks, buffers, and vegetation management corridors to the greatest extent feasible. The Shoreline Administrator may allow new transportation facilities within the shoreline setback, buffer, and/or vegetation management corridor upon finding that:</u></p> <ol style="list-style-type: none"> <li><u>1. It is not feasible to locate new transportation facilities outside the shoreline setback;</u></li> <li><u>2. All reasonable measures have been incorporated in the design to ensure that the transportation facility is compatible with the purposes of the shoreline environment designation where the facility will be located to the maximum extent possible consistent with achieving the purpose for the utility; and</u></li> <li><u>3. The new transportation facility is subject to all mitigation conditions that may be imposed to address potential impacts of such facility on shoreline ecological functions.</u></li> </ol>	<p><i>The City of Snoqualmie requested Ecology consideration of this revision. The City’s amendment is intended to clarify that transportation facilities can be considered for locations within the shoreline setback, provided the additional criteria referenced is met. The City argues that without the amendment, the Shoreline Master Program is vague as to whether transportation facilities may or may not be allowed within the shoreline setback. These facilities could be allowed subject to an assessment of project compliance with the criteria outlined in 19.08.525.J.1 through 3.</i></p>
<p>CHAPTER 4: SHORELINE REGULATIONS – 19.08.530.F Utilities</p>			
I	<p>19.08.530.F. Utilities</p>	<p><u>F. New utilities and/or utility facilities shall be located outside of shoreline setbacks, buffers, and vegetation management corridors to the greatest extent feasible. The Shoreline Administrator may allow new utilities and/or utility facilities within the shoreline setback, buffer, and/or vegetation management corridor upon finding that:</u></p> <ol style="list-style-type: none"> <li><u>1. It is not feasible to locate new utilities and/or utility facilities outside the shoreline setback;</u></li> <li><u>2. All reasonable measures have been incorporated in the design to ensure that the utility is compatible with the purposes of the shoreline environment designation where the utility</u></li> </ol>	<p><i>The City of Snoqualmie requested Ecology consideration of this revision. The City’s amendment is intended to clarify that utilities can be considered for locations within the shoreline setback, provided the additional criteria referenced can be met. The City argues that without the amendment, the Shoreline Master Program is vague as to whether utilities may or may not be allowed within the shoreline setback. These facilities could be allowed subject to an assessment of project compliance with the criteria outlined in 19.08.53.F.1 through 3.</i></p>

ITEM	SMP PROVISION	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE
		<p><u>will be located to the maximum extent possible consistent with achieving the purpose for the utility; and</u></p> <p><u>3. The new utility and/or utility facility is subject to all mitigation conditions that may be imposed to address potential impacts of such facilities on shoreline ecological functions.</u></p>	
<p><b>References:</b></p> <p>Snoqualmie, 2019a. <i>City of Snoqualmie Shoreline Inventory and Characterization Report</i>. Original dated June 2013 and updated in April 2019. Prepared for the City of Snoqualmie by Otak Inc. AHBL, Inc. and ESA.</p> <p>Snoqualmie, 2019b. <i>City of Snoqualmie Shoreline Master Program Cumulative Impacts Analysis and No Net Loss Report</i>. Originally dated April 29, 2016 and updated April 2019. Prepared for the City of Snoqualmie by AHBL, Inc.</p> <p>Snoqualmie, 2021. <i>City of Snoqualmie Shoreline Master Program Cumulative Impacts Analysis Water-Enjoyment No Net Loss Memo</i>. Dated February 16, 2021. Prepared for the City of Snoqualmie by ESA.</p>			

