

The following changes are recommended to clarify elements of the City's updated SMP.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>striktthrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE	OLYMPIA STAFF COMMENTS
A	Chapter 1.1 Page 1	Introduction	Washington's Shoreline Management Act (SMA or Act) (revised Code of Washington [RCW] 90.58 <del>48</del> ) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum.	<i>This change is recommended to correct an incorrect citation.</i>	City staff concurs
B	Chapter 1.1 (B) Page 3	City's Role in Implementing the SMA	In addition, policy statements are developed to provide a bridge between the goals of the Master Program and the use <u>and modification activity</u> regulations developed to address different types of <u>activities and</u> development along the shoreline.	<i>The first change is recommended because policies inform regulations relating to shoreline modifications as well as to shoreline uses (section 2.30). The second change is recommended to clarify that all development and uses within shoreline jurisdiction, regardless of whether or not a development (as defined in the SMA) permit is required, must be carried out consistent with the Master Program.</i>	City staff concurs
C	Chapter 1.1 Page 3	City's Role in Implementing the SMA	<del>The purposes of this Master Program are:</del>	<i>This change is recommended to remove what appears to be a typographic error (typo).</i>	City staff concurs
D	Chapter 1.1 Page 4	How to Use This Document	If you intend to develop or use lands adjacent to a shoreline ( <u>"shoreline jurisdiction" generally includes water areas and lands within 200 feet of the ordinary high water mark - see chapter 3.16 for the complete definition</u> ), consult first with the City of Olympia's Community Planning and Development Department to determine if you need a shoreline permit; they will also tell you about other necessary government approvals.	<i>This change is recommended because the term "shoreline jurisdiction" is used multiple times in Sections 1 and 2 of the document but is not defined until Section 3.16.</i>	City staff concurs
E	Chapter 2.10 (G) Page 14	Shoreline Residential Management Policies	Encourage bulkhead removal and replacement of hardened shoreline with soft structural stabilization measures <del>watef</del> <u>water</u> -ward of OHWM.	<i>This change is recommended to correct a typo.</i>	City staff concurs
F	Chapter 2.11 (B) Page 14	Urban Intensity Management Policies	Shorelines in this <u>shoreline environment designation (SED)</u> are highly altered and restoration opportunities are limited.	<i>This change/addition is recommended for clarity; this is the first time this acronym is used in the document.</i>	City staff concurs
G	Chapter 2.11 (D) & (E) Page 14	Urban Intensity Management Policies	D. <del>W</del> <u>Preferred uses include</u> water-oriented recreation such as trails and viewing areas, water access, water-related recreation, active playgrounds, and significant art installations, performance space, or interpretive features. <del>;</del> <u>and</u> E. Provide for the restoration, repair and replacement of Percival Landing including consideration of sea level rise protection. <del>;</del> <u>and</u>	<i>These changes are recommended to correct what appear to be grammatical errors. The first sentence was incomplete as written. The second sentence (and the first) were written as if they were part of a series ("and"), but this relationship is not clear.</i>	Staff recommends that the second sentence instead be edited to read, " <u>The Urban Intensity environment</u> provides for the restoration, repair and replacement of Percival Landing and consideration of sea level rise protection.
H	Chapter 2.32 (C) and (F) Page 23	Fill Policies	C. Fill should be allowed to accommodate berms or other structures to prevent flooding caused by sea level rise. Any such fill should include mitigation assuring no net loss of ecological functions and system- <del>s</del> <u>wide</u> processes.	<i>The first change is recommended to correct a typographical error. See also required change E. The second change is recommended for administrative clarity at the request of City staff; "approved" may suggest the activity must be approved by a specific plan or</i>	City staff concurs

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			F. Fill for the purpose of creating new uplands should be prohibited unless it is part of an <del>approved</del> <u>authorized</u> restoration activity.	<i>document. 'Authorized' is more all-encompassing.</i>	
I	Chapter 2.33 (J) Page 24	Moorage Policies	J. Encourage design elements that increase light penetration to the water below existing or new moorage facilities, such as increasing the structure's height, modifying orientation and size, and use of grating as a surface material. No new over-water <del>coverage</del> <u>covered</u> moorage or boathouses should be allowed.	<i>This change is recommended to correct a typo.</i>	City staff concurs
J	Chapter 2.34 (L) Page 24	Restoration and Enhancement Policies	L. <del>No p</del> Permanent <u>in-stream</u> structures should be <del>permitted</del> <u>prohibited within streams</u> except for restoration and enhancement structures, and <del>road</del> <u>transportation</u> and utility crossings as described elsewhere in this Program. <del>All such</del> <u>in-stream</u> structures should provide for the protection and preservation of ecosystem-wide processes, ecological functions, and cultural resources. The location and planning of in-stream structures should give due consideration to the full range of public interests, watershed functions and processes, and environmental concerns, with special emphasis on protecting and restoring priority habitat and species.	<i>This change is recommended for clarity, readability and consistency. See also required change H.</i>	City staff concurs
K	Chapter 2.35 (D) Page 25	Shoreline Stabilization Policies	D. The reconstruction or expansion of existing hard armoring should only be permitted where necessary to protect an existing primary structure <u>or legally existing shoreline use</u> that is in danger of loss or substantial damage, and where mitigation of impacts is sufficient to assure no net loss of shoreline ecological functions and processes.	<i>This change is recommended because the sentence includes reference to reconstruction of existing hard armoring. WAC 173-26-231 (3)(a)(iii)(C) allows replacement stabilization structures to protect principal uses in addition to just structures. Furthermore, the overall shoreline modification principles in WAC 173-26-231 (2)(a) allow shoreline modifications when necessary to support or protect legally existing shoreline uses.</i>	City staff supports this change. It would allow the same protection of valuable land uses in addition to valuable structures. Many such uses exist along Olympia's shorelines and as noted, this approach is supported by state rules.
L	Chapter 3.2 (C) Page 26	Relationship to Other Plans and Regulations	C. In the event Olympia's Shoreline Program conflicts with other applicable City policies or regulations, all regulations shall apply and unless otherwise stated, the <del>more</del> provisions most protective of the resource shall prevail.	<i>This change is recommended to correct a typo.</i>	City staff concurs
M	Chapter 3.3 (C) Page 28	Interpretation and Definitions	<p><del>Access, public: The opportunity for the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and the shoreline from adjacent locations.</del></p> <p><b>Administrator:</b> That person designated by the City <u>of Olympia</u> to administer the provisions of Olympia's Shoreline Program. <u>References to 'the City' in this Shoreline Program may be construed as referring to the Administrator.</u></p> <p><b>Alteration:</b> Any human-induced change in existing conditions <del>on</del> <u>in</u> a shoreline, <u>critical area</u> and/or its buffer. Alterations include, but are not limited to excavation, grading, filling, channelization (straightening,</p>	<p><i>This first change is recommended because public access is already defined in this section (page 32).</i></p> <p><i>This change is recommended for administrative clarity at the request of City staff.</i></p> <p><i>This change is recommended to correct a typo and for clarity; shoreline buffers have not been established by name in the SMP. This change would align this definition with the</i></p>	<p>Staff recommends that this first clause instead read: "Access, public: See 'public access' definition below."</p> <p>The staff concurs with all of the other recommendation in "M."</p>

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			<p>deepening or lining of stream channels except dredging of sediment or debris alone), dredging, clearing vegetation, draining, constructing structures, compaction, or any other activity that changes the character of a site.</p> <p><u>Compensation Project: Projects that compensate for unavoidable impacts by replacing or providing substitute resources or environments.</u></p> <p><b>Shoreline Setback:</b> The horizontal distance required between an upland structure or improvement and the Ordinary High Water Mark; usually measured in feet. (Note that in general setbacks are only applicable to structures having a height greater than 30 inches.) <u>Shoreline setbacks outlined in Table 6.3 include and are not in addition to the VCAs outlined in Table 6.3.</u></p> <p><b>Vegetation Conservation Area:</b> That area within which vegetation conservation actions take place, as required by this Chapter. Vegetation management provisions may be independent of a permit or approval requirement. <u>VCAs outlined in Table 6.3 are measured from the Ordinary High Water Mark and are located within the shoreline setbacks outlined in Table 6.3.</u></p>	<p><i>definition of enhancement in this subsection.</i></p> <p><i>This change (addition) is recommended for administrative clarity at the request of City staff.</i></p> <p><i>The changes to these two definitions are recommended for administrative clarity at the request of City staff; addition of this language will help make clear that the VCA is part of the larger setback and not in addition to the setback.</i></p>	
N	Chapter 3.8 Page 36	Shoreline Variances	<p><del>18.34.240 G. In the granting of any shoreline variance, consideration shall be given to the cumulative impact of additional requests for like actions in the area. In other words, if shoreline variances were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.</del></p>	<p><i>This change is recommended to correct a typo; this provision (G) is also at the end of this subsection and appears to have been mistakenly pasted at the beginning of the subsection as well.</i></p>	City staff concurs
O	Chapter 3.9 (A) Page 37	Unclassified Uses	<p>A. Other uses not specifically classified or set forth in this Chapter, <del>including the expansion or resumption of a nonconforming use,</del> may be authorized as shoreline conditional uses provided the applicant can <del>demonstrate all of the following:</del></p> <p><del>1. The proposal will satisfy the shoreline conditional use permit criteria set forth above. ;</del></p> <p><del>2. The use clearly requires a specific site location on the shoreline not provided for under this Chapter; and</del></p> <p><del>3. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this Chapter.</del></p>	<p><i>These changes are recommended because this section is about unclassified uses, not nonconforming uses. Ecology recommends the nonconforming use-related provisions be moved to section 3.82; see recommended change PPP.</i></p>	City staff concurs
P	Chapter 3.12 Page 38	Shoreline Substantial Development,	<p><del>18.34.280 D. Pursuant to WAC 173-27-110, notice of the application and hearing shall be published in the manner prescribed therein, and mailed to the latest recorded real property owners as shown by the</del></p>	<p><i>This change is recommended to correct a typo; this provision (D) is included later in this subsection and appears to have mistakenly been pasted at the beginning of the subsection</i></p>	City staff concurs

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		Conditional Use and Variance Permits	<del>records of the county assessor within at least three hundred feet of the boundary of the subject property, at least fifteen (15) days before the hearing. In addition, the planning department, in its discretion, may give notice in any other manner deemed appropriate.</del>	as well.	
Q	Chapter 3.12 (C) and (F) Page 38	Shoreline Substantial Development, Conditional Use and Variance Permits	<p>C. Applications for those shoreline <u>substantial</u> development permits or <u>shoreline exemptions</u> that are exempt from the State Environmental Policy Act and entirely upland of the Ordinary High Water Mark may be decided by the <del>Site Plan Review Committee</del> <u>Administrator</u> if a public hearing is not requested by an interested party. The Hearing Examiner shall hold a public hearing and render a decision regarding other applications identified in subsection A of this section.</p> <p>F. Pursuant to WAC 173-27-090 and 173-27-100, the <u>Administrator</u> <del>director or the director's designee</del> shall review and decide requests for time extensions and permit revisions. The decision of the <u>Administrator</u> <del>director</del> may be appealed pursuant to <u>OMC 18.34.290 City ordinance</u>. <u>If the revision to the original permit involves a conditional use permit or variance, the City shall submit the revision to the Department of Ecology for its final decision.</u></p>	<p><i>These changes are recommended for internal consistency and clarity. The definitions in section 3.3 (C) of the SMP name the party responsible for administration of the SMP as the "Administrator". The changes to (C) clarify which types of permit decisions the Administrator is authorized to make consistent with other City administrative codes. See also required change K.</i></p> <p><i>The changes to (F) clarify that section 3.14 (OMC 18.34.290) contains the process for appeals of administrative decisions under the SMP. Finally, WAC 173-27-100 (6) reiterates that Ecology is the final authority for decisions on shoreline CUPs and variances, which also applies to revisions affecting these types of shoreline permits.</i></p>	Olympia's current shoreline program provides that substantial shoreline development permits not requiring a hearing are decided by the Site Plan Review Committee (SPRC). A separate development code amendment now pending before Council would make SPRC advisory to the Community Planning and Development (CP&D) Director. A CP&D staff member has customarily been the City's Shoreline Administrator. Therefore staff supports Ecology's recommendations as being consistent with the spirit of the pending code amendment.
R	Chapter 3.13 (D) Page 39	Amendments	D. If the proposed amendment is a map change of environmental designation, regardless of the size or number of parcels affected, or regardless of whether the applicant is a private person or governmental agency, notice of the proposed amendment shall be mailed to all the owners of the property which is proposed for redesignation, as shown by the records of the county assessor. In addition, notice shall be mailed to all the owners of property which lies within three hundred feet of the boundary of the property proposed for designation. <del>Notices given pursuant to this subsection shall be mailed at least ten calendar days before the date of the hearing.</del> The applicant shall furnish to the planning department the names and addresses of property owners who are to receive notice.	<i>This change is recommended because the subject language is repetitive of and potentially in conflict with other City notice procedures. Provision A in this section outlines map changes are processed in the same manner as any other SMP amendment. Provision C in this section outlines the Council (or Planning Commission) will hold a hearing on any proposed amendment. The notice procedures/timelines applicable to the hearing notices would then presumably apply to this situation as well.</i>	City staff concurs
S	Chapter 3.14 (A) Page 39	Appeals of Administrative Decisions	A. Any aggrieved person may appeal an administrative decision made pursuant to the master program by filing a written appeal with the planning department within <del>ten</del> <u>fourteen calendar</u> days from the date of decision. The appeal shall be filed on forms prescribed by the department and the appellant shall pay to the department the appeal fee prescribed by the approved fee schedule.	<i>This change is recommended for administrative clarity/consistency with other City codes at the request of City staff (OMC 18.75.040).</i>	City staff concurs
T	Chapter 3.14 (B) Page 39	Appeals of Administrative Decisions	B. Appeals of administrative decisions shall be decided by the hearings examiner, after public hearing, and shall be subject to the provisions of <del>Chapter</del> <u>OMC</u> 18.75. Notice of the hearing shall be mailed to the appellant and may be mailed to any other person who the planning department believes may be affected by or interested in the appeal.	<i>This change is recommended for consistency with the reference style used in the rest of the document and to clarify what publication 'Chapter 18.75' refers to.</i>	City staff concurs

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U	Chapter 3.16 (B) Page 39	Shoreline Jurisdiction	<p>Notice shall be mailed not later than ten days before the hearing.</p> <p>B. Olympia's "shorelands" include 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 200 feet from such floodways, and all wetlands and river deltas associated with the following bodies of water. <del>;-but no other</del> <u>The City has chosen not to regulate</u> 'optional' shorelands as described in RCW 90.58.030 <u>through this Shoreline Program</u>. Within its municipal boundaries, the City of Olympia shall have authority over the shorelines (water areas) and associated shorelands of Budd Inlet, Capitol Lake, Chambers Lake, Grass Lake, Ken Lake, Ward Lake, Black Lake Ditch and Percival Creek, including those waters of Budd Inlet seaward of extreme low tide which are shorelines of statewide significance.</p>	<p><i>This change is recommended for clarity.</i></p>	<p>City staff concurs</p>
V	Chapter 3.17 (B) Page 40	Official Shoreline Map	<p>B. The Shoreline Map (Figure 4.1) identifies shoreline environment designations and the approximate extent of shoreline jurisdiction within City boundaries. It does not identify or depict the lateral extent of shoreline jurisdiction or associated wetlands and floodplains. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis <u>by the project applicant or a qualified professional, as necessary</u>. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains.</p>	<p><i>This change is recommended for administrative clarity at the request of City staff (the location of the OHWM is an element of a complete shoreline permit application per WAC 173-27-180).</i></p>	<p>When contested the extent of shoreline jurisdiction is determined by Ecology staff, not the applicant, therefore City staff recommends that this provision be clarified by instead deleting the third sentence (which Ecology proposes be edited) and instead that the last sentence be edited to read, "The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the Ordinary High Water Mark (OHWM) and associated wetlands and/or floodplains <u>combined with lateral measurements</u>."</p>
W	Chapter 3.17 (C) Page 40	Official Shoreline Map	<p>C. Where uncertainty or conflict occurs in the exact location of a shoreline designation boundary, the Administrator shall interpret the boundaries based upon:</p> <p><del>1. The coordinates listed in Shoreline Environmental Designations for the City of Olympia;</del></p> <p><del>2. 1.</del> Boundaries indicated as approximately following lot, tract, or section lines;</p> <p><del>3. 2.</del> Boundaries indicated as approximately following roads or railways shall be construed to follow their centerlines; and</p> <p><del>4. 3.</del> Boundaries indicated as approximately parallel to or extensions of features indicated in <u>1 or 2</u> <del>or 3</del> above shall be so construed.</p>	<p><i>These changes are recommended because the coordinates referred to in (C)(1) are no longer accurate; the coordinates were included in the 'Final Proposed SMP Shoreline Environmental Designations for Lacey, Olympia and Tumwater' document prepared by Thurston Regional Planning Council (TRPC) (June 2009). Shoreline reaches and environment designations were revised during the City's subsequent work on the SMP and these coordinates were never updated. See also required change N.</i></p>	<p>City staff concurs that the coordinates referenced were not up to date. However, instead of relying on a map that lacks necessary specificity, the City staff recommends that this provision not be edited, and that instead the City submit a new set of coordinates consistent with the shoreline designation boundaries recommended by the City Council in 2013. (The related 'required change N' is the only required change staff recommends needs further review.)</p>
X	Figure 4.1 Page 41	Map	<p><del>Draft</del>  <u>City of Olympia</u> Shoreline <u>Map Master Program</u>  <del>Proposed</del> Shoreline Environment Designations  <del>February 2013</del> <u>Insert final date</u></p>	<p><i>Striking "draft" is recommended for clarity. The change to the title is recommended so it matches that in section 3.17 (A). Striking "proposed" is recommended because upon adoption the environment designations will be final. The last</i></p>	<p>City staff concurs</p>

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				<i>change would result in the map date being consistent with the final date of the SMP.</i>	
Y	Chapter 3.21 (F)(3) Page 43	No-Net-Loss and Mitigation	F. When mitigation measures are required, all of the following shall apply:  3. The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory ( <a href="#">TRPC, June 2009</a> ), <del>and</del> <a href="#">Shoreline Analysis and Characterization Report (ESA Adolfson, December 2008)</a> , Olympia's Shoreline Restoration Plan ( <a href="#">Appendix A to the Master Program</a> ) and that of other jurisdictions, and other background studies prepared in support of this Program;	<i>These changes are recommended for administrative clarity at the request of City staff.</i>	City staff concurs
Z	Chapter 3.22 (C) Page 46	Critical Areas	<a href="#">13. In shoreline jurisdiction, the point scale used to separate wetland categories in OMC 18.32.510 does not apply. Category I wetlands are those that score 23 or more points, category II wetlands are those that score between 20 and 22 points, category III wetlands are those that score between 16 and 19 points, and category IV wetlands are those that score fewer than 16 points.</a>	<i>This addition is recommended because Ecology published updates to the Washington State Wetland Rating Systems in June 2014. The most substantive change affecting local governments is the change to the scale of wetland scores. Ecology required that the updated rating system be used as of January 1, 2015. The City issued a Director's Determination on December 31, 2014 recognizing use of this interim language in the CAO. This change would directly recognize the interim language by adding it to the SMP.</i>	City staff concurs
AA	Chapter 3.25 (C) Page 47	Public Access	C. The public access requirement, when related to development not publicly funded, may be waived by the <del>decision-maker</del> <a href="#">Administrator</a> where one or more of the following conditions are present:	<i>This change is recommended for clarity and internal consistency.</i>	City staff concurs
BB	Chapter 3.25 (J) Page 48	Public Access	J. Public access areas shall be approved by the <del>decision-maker</del> <a href="#">Administrator</a> during review of the shoreline permit. If exempt from a shoreline permit, public access areas may be required by the Administrator.	<i>This change is recommended for clarity and internal consistency.</i>	City staff concurs
CC	Chapter 3.30 (B) Page 50	General Vegetation Conservation Regulations	B. Parcels fronting on lakes, marine waters, streams or wetlands shall preserve or provide native vegetation within vegetation conservation areas, also known as VCAs or buffers, upland of and adjacent to the Ordinary High Water Mark <del>developments</del> as required in Table 6.3. <a href="#">If present on a parcel, note that critical area buffers may be larger than or may encompass VCAs.</a>	<i>The first change is recommended to correct what appears to be a typo. The second change is recommended for clarity and specificity.</i>	City staff concurs
DD	Chapter 3.30 (D) Page 50	General Vegetation Conservation Regulations	D. Mitigation in the form of restoration or creation of vegetation conservation areas may be required as a condition of development approval consistent with mitigation sequencing priorities in OMC 18.34.410(B). Further, an applicant may propose such restoration for reductions in required setbacks or for encroachments into required vegetation conservation areas <a href="#">as provided in OMC 18.34.493 and/or</a> for water dependent uses as provided in Table 6.3.	<i>The first change is recommended to correct a typo; the second change (addition) is recommended for clarity and specificity.</i>	City staff concurs

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EE	Chapter 3.31 (A) Page 50	Permitted Uses and Activities within Vegetation Conservation Areas	A. Subject to other limitations of this Chapter and if also allowed within the applicable shoreline environment designation, the following uses and activities are permitted within vegetation conservation areas without a variance, <u>subject to compliance with the mitigation sequence in OMC 18.34.410(B)</u> :	<i>This change is recommended to clarify that authorized uses and activities within vegetation conservation areas (VCAs) are subject to and must comply with the mitigation sequence in section 3.21 (B) of the SMP, specifically the avoidance and minimization steps. This fact is implied in other sections/provisions of the SMP, however stating it here provides specificity and clarity and addresses concerns expressed during the state public comment period.</i>	City staff concurs
FF	Chapter 3.31 (A)(8) Page 51	Permitted Uses and Activities within Vegetation Conservation Areas	8. Improvements that are part of an approved enhancement, restoration, <u>vegetation management</u> or mitigation plan; and	<i>Vegetation Management plans as described in section 3.34 of the SMP are intended to address clearing, grading and compensatory mitigation in shoreline jurisdiction. This recommended change would clearly state that improvements authorized through approval of a vegetation management plan would be allowed within vegetation conservation areas.</i>	City staff concurs
GG	Chapter 3.33 (C) Page 51	Vegetation Conservation Area Standards	C. In general, protected and restored vegetation conservation areas shall be composed of native vegetation comparable in species density and diversity to an ecologically similar undisturbed area. Such species density and diversity shall be determined by the Administrator based on best available science. Provided, however, that up to 33% (one-third) of the vegetation conservation area may be utilized for authorized uses and activities described in OMC 18.34.493 provided that impervious surfaces shall not exceed 25% of the VCA. In no case shall the width of a required VCA be less than 10 feet. Encroachment of an authorized use or activity shall require an equivalent area elsewhere onsite be set aside as a VCA and shall <del>ensure that the proposed use or activity will</del> not result in a net loss to shoreline ecological functions.	<i>This change is recommended at the request of City staff to correct a grammatical issue and for administrative clarity.</i>	City staff concurs Unedited this clause suggests that the purpose of the encroachment may be avoid a net loss of ecological function. In fact, the intent is that the encroachment not cause a net loss of function.
HH	Chapter 3.33 (D) and (E) Page 52	Vegetation Conservation Area Standards	D. When restoring or enhancing shoreline vegetation, applicants shall <del>use</del> native species that are of a similar diversity, density and type commonly found in riparian areas of Thurston County. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.	<i>This change is recommended to correct a typo.</i>	City staff concurs
II	Chapter 3.34 (A)(7)(f) Page 53	Vegetation Management Plan	f. For a period of <del>5</del> <u>10</u> years after initial planting, the applicant shall replace any unhealthy or dead vegetation as part of an approved vegetation management plan.	<i>This change is recommended so there are no conflicts between this section and section 3.21 (F)(6). The latter section requires that when mitigation measures are required to offset unavoidable impacts of proposed development, mitigation activities be monitored and maintained for a ten (10) year period. A later provision in this section (provision E) outlines that these two sections are intended to be</i>	Staff concurs – but note that 10-year monitoring is a longer period than previously was common practice.

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				<i>consistent.</i>	
JJ	Chapter 3.36 (A) Page 54	View Protection Regulations	A. No permit shall be issued pursuant to <a href="#">this</a> chapter for any new or expanded building or structure of more than 35 feet above average grade level that will obstruct the view of a substantial number of residences in areas adjoining such shorelines except where Olympia's Shoreline Program does not prohibit the same and then only when overriding considerations of the public interest will be served.	<i>This change is recommended to correct a typo.</i>	City staff concurs
KK	Chapter 3.36 (J) Page 54	View Protection Regulations	J. Where on-going maintenance of vegetation <a href="#">on public property</a> to protect public views is necessary, a vegetation management plan shall be approved by the Administrator prior to any work. At a minimum, the vegetation management plan shall identify the viewshed to be preserved, the areas where vegetation will be maintained (including tree removal), and percent of vegetation to be retained. If trees are removed, they shall be replaced with three trees for each tree removed up to a minimum density of 220 trees per acre.	<i>This change is recommended so that this provision is clearly consistent with OMC 18.34.493 (A)(7).</i>	Staff concurs that this edit is consistent with the cited policy. Do note this edit results in a significantly different meaning. As an alternative Council could propose that the policy be edited to be consistent with the regulation as proposed.
LL	Chapter 3.39 Page 55	Shoreline Use and Development - Intent	The purpose of this section is to set forth regulations for specific common uses and types of development that occur within Olympia's shoreline jurisdiction. Where a use is not listed on Table 6.1, the provisions of OMC 18.34.250, Unclassified Uses, shall apply. All uses and activities shall be consistent with the provisions of the shoreline environment designation in which they are located <a href="#">and the general regulations in OMC 18.34.400 through 18.34.510.</a>	<i>This change is recommended for clarity and internal consistency.</i>	City staff concurs
MM	Chapter 3.40 (B) Page 55	General Use and Development Provisions	B. All uses not explicitly permitted in this Chapter shall require a shoreline conditional use permit. The <del>Administrator and/or</del> Hearing Examiner may impose conditions to ensure that the proposed development meets the policies of Olympia's Shoreline Program.	<i>This change is recommended for consistency - all conditional use permits are issued by the Hearings Examiner in accordance with section 3.12 of the SMP and OMC 18.72.080.</i>	Staff concurs. Although when a hearing is waived the Administrator may approve a substantial shoreline development permit, only the Examiner can issue a conditional shoreline use permit.
NN	Chapter 3.40 (C) through (E) Page 55	General Use and Development Provisions	C. All development and uses must conform to all <del>of the</del> <a href="#">applicable</a> provisions of this Shoreline Program, <a href="#">including:</a> <del>D. All development and uses shall conform to</del> the shoreline use table and the development standards table in OMC 18.34.600 through 18.34.710, unless otherwise stated <a href="#">or upon approval of a shoreline variance.</a> <a href="#">Renumber following provision.</a>	<i>This change is recommended to consolidate and clarify two provisions that essentially say the same thing.</i>	City staff concurs
OO	Chapter 3.41 (D)(2) Page 56	Use and Development Standards Tables	2. <del>Physical Preferred public</del> access shall be <a href="#">physical</a> access to the marine shoreline from the public right-of-way via a sidewalk or paved trail on a publicly dedicated easement no less than 6 feet in width and constructed to City standards as included in the City's Engineering Design and Development Standards. Other forms of indirect access such as viewing towers and platforms may be considered where direct access to the shoreline is deemed dangerous due to the nature of the	<i>The first change is recommended because this incentive really doesn't require <a href="#">physical</a> public access. That is the preference, but indirect/visual access can also be considered under specific circumstances.</i>	City staff concurs

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE	OLYMPIA STAFF COMMENTS												
			use of the property or the conditions at the shoreline. Existing access meeting the standards described herein may be used to meet setback incentive provisions.														
PP	Chapter 3.41 (D)(5) Page 57	Use and Development Standards Tables	<p><del>4.5.</del> Vegetation restoration shall be planting of native shoreline vegetation in excess of that required to achieve no net loss of environmental function <u>from unavoidable impacts associated with a development proposal</u>. Plantings <del>and</del> shall substantially mimic undisturbed native shorelines in the South Puget Sound in plant species, species mixture and plant density. Vegetation restoration shall be accomplished through an approved Vegetation Management Plan. <del>Uses may encroach the required setback area as described above so long as they provide for r</del> Restoration <u>ratios</u> <del>of the encroachment at a ratio determined to offset the impacts of the encroachment and in no case less than a</del> shall begin at 2 square feet of restoration for every 1 square foot <u>reduction</u> of <del>encroachment within</del> the required setback area and demonstrate no net loss of environmental function. <del>Such areas shall be no less than 25 feet in depth measured from the Ordinary High Water Mark and shall be no less than one acre in area.</del></p>	<p><i>These changes are recommended for clarity. Basing vegetative replacement ratios on encroachment impacts in VCAs is standard as it relates to mitigation, because the purpose of VCAs is to conserve vegetation. Setbacks serve a different purpose and if the subject is voluntary restoration, the method to determine the area to be restored can be stated in a much clearer manner.</i></p> <p><i>With regard to the last sentence, It was not clear what "areas" were being referred to, what was expected if less vegetation than that necessary to cover a 25 foot deep area was proposed, and whether the "one acre" in area requirement can even be met on each parcel in shoreline jurisdiction within this reach.</i></p>	Staff concurs with recommendations of this section except deletion of the last sentence. It is staff's understanding that this sentence was intended to require a substantial minimum area of vegetation restoration as a condition of receiving the setback reduction. Therefore, for clarity, the staff recommends this sentence be retained but instead read, "Further, a qualifying vegetation restoration area must be of at least one acre and no less than 25 feet in depth as measured from the Ordinary High Water Mark."												
QQ	Chapter 3.41 Table 6.2 Page 60	Development Standards (Heights)	<table border="1"> <thead> <tr> <th>Shoreline Environment</th> <th>Shoreline Segment Reach</th> <th>Maximum Standard Building Height</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Urban Intensity</td> <td>BUDD-3A*, Budd 6A &amp; Cap-3B</td> <td>42 feet to 65 feet Budd 3A*, 65 feet</td> </tr> <tr> <td><del>All others</del> <u>Budd-4 and Budd-5A</u></td> <td>35 feet water-ward of streets; 90 feet remainder</td> </tr> </tbody> </table>	Shoreline Environment	Shoreline Segment Reach	Maximum Standard Building Height	Urban Intensity	BUDD-3A*, Budd 6A & Cap-3B	42 feet to 65 feet Budd 3A*, 65 feet	<del>All others</del> <u>Budd-4 and Budd-5A</u>	35 feet water-ward of streets; 90 feet remainder	<p><i>The change to the title of the central column in this table is recommended for consistency with the rest of the SMP. The term "shoreline segment" is not used anywhere else in the SMP, while "reaches" are commonly referred to.</i></p> <p><i>The change to the second cell to reference Budd-4 and Budd-5A specifically is recommended for clarity.</i></p>	City staff concurs				
Shoreline Environment	Shoreline Segment Reach	Maximum Standard Building Height															
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RR	Chapter 3.41 Table 6.3 Pages 61-62	Setbacks and Incentives	<table border="1"> <thead> <tr> <th>Shoreline Environment</th> <th><u>Shoreline Setback</u> <del>VCA</del></th> <th>VCA</th> <th>Setback with maximum reduction-Non-water dependent</th> <th>Incentive eligible provisions-See <u>18.34.620.D.1</u></th> <th><u>Shoreline Setback Reduction</u></th> </tr> </thead> <tbody> <tr> <td colspan="6"><u>Separate the remainder of this column into two columns and shift the VCA dimensions into the new second column.</u></td> </tr> </tbody> </table>	Shoreline Environment	<u>Shoreline Setback</u> <del>VCA</del>	VCA	Setback with maximum reduction-Non-water dependent	Incentive eligible provisions-See <u>18.34.620.D.1</u>	<u>Shoreline Setback Reduction</u>	<u>Separate the remainder of this column into two columns and shift the VCA dimensions into the new second column.</u>						<p><i>Adding a column to the table is recommended for administrative clarity at the request of City staff; in addition to clarification of definitions in OMC 18.34.120, separate columns for setbacks and VCAs will help clarify that the VCA is part of the larger setback and not in addition to the setback. The addition of "shoreline" to the setback columns ensures consistency with the definitions in OMC 18.34.120. The correction to the incentive eligible provisions column fixes a typo.</i></p> <p><i>See also recommended change SS.</i></p>	City staff concurs
Shoreline Environment	<u>Shoreline Setback</u> <del>VCA</del>	VCA	Setback with maximum reduction-Non-water dependent	Incentive eligible provisions-See <u>18.34.620.D.1</u>	<u>Shoreline Setback Reduction</u>												
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SS	Chapter 3.41 Table 6.3 Page 62	Setbacks and Incentives	<table border="1"> <thead> <tr> <th>Shoreline Environment</th> <th>Shoreline Setback</th> <th>VCA</th> <th>Setback with maximum reduction-</th> <th>Incentive eligible provisions-See <u>18.34.620.D.1</u></th> <th>Shoreline Setback Reduction</th> </tr> </thead> <tbody> </tbody> </table>	Shoreline Environment	Shoreline Setback	VCA	Setback with maximum reduction-	Incentive eligible provisions-See <u>18.34.620.D.1</u>	Shoreline Setback Reduction	<p><i>See recommended change RR above regarding suggested changes to table layout.</i></p>	City staff concurs						
Shoreline Environment	Shoreline Setback	VCA	Setback with maximum reduction-	Incentive eligible provisions-See <u>18.34.620.D.1</u>	Shoreline Setback Reduction												

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]						ECOLOGY - DISCUSSION/RATIONALE		OLYMPIA STAFF COMMENTS
						Non-water dependent					
			Waterfront Recreation Cap-6	30'	30'	30'	N/A	N/A	The change in row Cap-6 is recommended to address a gap in the table, confirming that the shoreline setback reduction does not apply to reach Cap-6.		
			Port Marine Industrial Budd-5B	0'	0'	0'	Offsite Mitigation N/A	<del>100%</del> N/A	See 18.34.620. The changes in row Budd-5B are recommended because the information in these cells is unnecessary and could be misleading. Again focusing on the deliberate distinction between mitigation and restoration, incentives do not apply to mitigation required to compensate for unavoidable impacts. Furthermore, the shoreline setbacks and VCA are already 0' so there is nothing to reduce.		
TT	Chapter 3.43 Page 63	Aquaculture	<p>B. Commercial aquaculture shall conform to all applicable State and Federal regulations. The City may accept application documentation required by other permitting agencies for new and expanded aquaculture uses and development to minimize redundancy in permit application requirements. <u>Additional studies or information may be required by the City, which may include but is not limited to monitoring and adaptive management plans and information on the presence of and potential impacts to, including ecological and visual impacts, existing shoreline or water conditions and/or uses, vegetation, and overwater structures.</u></p> <p><del>B C. Aquaculture activities and facilities shall be located where they do not adversely impact native eelgrass and microalgae species or other critical saltwater habitats, priority species or species of concern, or habitat for such species as defined in OMC 18.34.120. Aquaculture uses and activities shall observe all upland and aquatic buffers or setbacks required by applicable State or Federal regulations. Larger buffers or other protections may be required if supported by relevant resource agencies in coordination with the Administrator. Aquaculture shall not be permitted in areas where it would result in a net loss of shoreline ecological functions, or where adverse impacts to critical saltwater habitats cannot be mitigated according to <del>impacts to ecological functions shall be mitigated according to the mitigation sequence of</del> OMC 18.34.410(B).</del></p> <p><del>C D. Aquaculture for the recovery of native populations is permitted when part of an approved restoration or habitat management plan complying with this Chapter.</del></p>						<p>These changes are recommended to provide specificity and transparency for all parties if a commercial aquaculture activity should be proposed within Olympia's shoreline jurisdiction. The text in provision B to the left incorporates required change CC.</p>		<p>Staff concurs. Note that although health regulations currently prohibit commercial aquaculture within Olympia's shoreline jurisdiction, the Shoreline Master Program must include regulations for this prospective use.</p>

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [ <u>underline-additions</u> ; <del>strikethrough-deletions</del> ]	ECOLOGY - DISCUSSION/RATIONALE	OLYMPIA STAFF COMMENTS
UU	Chapter 3.47 and 3.48 Page 65	Boat storage and Covered Moorage	<p><b>3.47 Boat Storage</b> C. Dry moorage and other storage areas shall be located away from the shoreline and be landscaped with native vegetation to provide a visual buffer for adjoining dissimilar uses or scenic areas. <u>D. Boat Houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:</u></p> <ol style="list-style-type: none"> <li><u>1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;</u></li> <li><u>2. The structure does not exceed the maximum height set forth on Table 6.2; and</u></li> <li><u>3. The structure shall be visually compatible with the surrounding environment.</u></li> </ol> <p><b>3.48 Covered Moorage</b> A. New overwater covered moorage and the expansion of existing covered moorage is prohibited. <del>B. Boat Houses/Boat Storage Buildings above and landward of the Ordinary High Water Mark are permitted, and must comply with all the following:</del></p> <ol style="list-style-type: none"> <li><del>1. A view corridor of not less than 35 percent of the width of the property shall be maintained between the abutting street and waterway;</del></li> <li><del>2. The structure does not exceed the maximum height set forth on Table 6.2; and</del></li> <li><del>3. The structure shall be visually compatible with the surrounding environment.</del></li> </ol>	<p><i>This change (moving provision B from section 3.48 to section 3.47 and making it provision D) is recommended because the subject provision speaks to upland boat storage, not covered moorage. Covered occurs waterward of the ordinary high water mark per the definition in section 3.3 (C).</i></p>	City staff concurs
VV	Chapter 3.51 Page 66	Non-Water-Oriented Commercial Use and Development	<p>Non-water-oriented uses may be allowed only if they are part of a mixed use development that include water-oriented uses, provide public access, and shoreline enhancement/ restoration. The applicant shall demonstrate that the project will result in no net loss to shoreline ecological functions or processes. <u>In areas zoned for commercial use, non water-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or right of way.</u></p>	<p><i>This change is recommended so provisions in the SMP align with commercial provisions/allowances in the Guidelines at WAC 173-26-241 (3)(d).</i></p>	Staff concurs that this edit is consistent with the guidelines. In addition, City staff recommends that for clarity the word “upland” be inserted before “property” in the new sentence. Note that this is a substantive change from the Council-proposed Shoreline Program and the City may elect to reject this recommendation. (Reminder, water-oriented uses include water enjoyment uses such as restaurants.)
WW	Chapter 3.52 (K) Page 67	Industrial Development	<p><del>G. Any shoreline permit application for industrial uses shall include the following information:</del></p> <ol style="list-style-type: none"> <li><del>1. Evidence of water orientation;</del></li> </ol>	<p><i>This change is recommended at the request of City staff, to avoid redundancies or potential conflicts with the City's established application content lists.</i></p>	Staff concurs. Application content lists of the City are generally adopted by Council resolution and not in a codified ordinance.

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			<p><del>2. Cooperative use of service facilities by multiple users, where feasible;</del>  <del>3. Information on transportation and utility service corridors, traffic circulation, access to the facility, and the impacts of the proposed project on transportation, circulation and navigation in the area;</del>  <del>4. The design and location of public access if feasible;</del>  <del>5. Methods for treatment, control, and disposal of waste including any proposed storm or sanitary sewer outfalls;</del>  <del>6. The location and method of storing chemicals or other hazardous materials;</del>  <del>7. Analysis of the impact of the proposed project upon groundwater, hydrology, drainage patterns and soil erosion;</del>  <del>8. Analysis of air quality, noise levels, and light pollution impacts;</del>  <del>9. Analysis of impacts to shoreline ecological functions and processes; and</del>  <del>10. Mitigation plan to address any unavoidable adverse impacts to the shoreline environment.</del></p>		
XX	Chapter 3.53 (B) Page 68	Recreation	B. Park and recreation facilities may be used for events and temporary uses <del>that</del> <u>when</u> the proposed use will not damage the shoreline. Structures associated with such uses shall be located as far landward as feasible and shall be removed immediately after the event is over. Shoreline areas shall be returned to pre-event conditions.	<i>This change is recommended to correct a typo.</i>	City staff concurs
YY	Chapter 3.54 (A) Page 68	Residential Use and Development	A. New residential development, including additions to existing structures, shall meet the development standards set forth on Tables <u>6.2 and 6.3</u> particularly and this title in general.	<i>This change is recommended because there are also development standards (setbacks) in Table 6.3.</i>	City staff concurs
ZZ	Chapter 3.55 (A)(7) Page 69	Transportation and Trail Facilities	7. The location and design of <u>new roadway expansions</u> shall not compromise existing and planned shoreline public access <del>and existing</del> , or compromise existing and planned habitat restoration or enhancement projects; and	<i>This change is recommended because this provision (A) is focused on expansion of existing facilities, not new facilities. The recommended changes also address a typo.</i>	Staff does <u>not</u> concur. Consistent with the policies of section 2.28 this section entire section (A) was intended to address new and expanded trails, roads and railroads. Accordingly, the opening clause should instead be amended as follows, "A. The following provisions apply to <u>new, and expansion of, trails, roads and railroads expansions</u> :"
AAA	Chapter 3.58 Page 72	Permitted Shoreline Modifications	Shoreline modifications may be allowed by shoreline environment designation as listed in Table 7.1. Aquatic environment provisions are based on the adjacent environment designation, including permitted with a shoreline substantial development permit <u>or exemption</u> (P), shoreline conditional use permit (C), or prohibited outright (X). This table shall be used in conjunction with the written provisions for each use. Column notes provide additional clarification and identify other applicable City regulations.	<i>This change is recommended because some of the items in this table labeled with a P could meet the criteria for an exemption in OMC 18.34.220.</i>	City staff concurs

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BBB	Chapter 3.58 Table 7.1 Page 73	Shoreline Modifications Table	See Exhibit C-1 (attached).	<p><i>Changes to this table are recommended so that the numbers/code references in the “applicable regulation” column align with the cited code sections.</i></p> <p><i>Two changes are recommended to the type of authorization necessary for specific modifications. Conditional Uses require approval by the City’s hearings examiner as well as the Department of Ecology. In the case of upland fill, additional time and monies spent to obtain a CUP for what is essentially a grading permit subject to the standards in the SMP in OMC 18.34.833 does not appear to add value to the process. The same can be said for restoration and enhancement in the Natural designation. In consideration of the designation criteria, little or no restoration should be necessary within shoreline jurisdiction because the Naturally-designated reach is relatively ecologically intact.</i></p> <p><i>The final recommended change would remove instream structures from the “ecological restoration and enhancement row” and place them in a separate row. As Ecology has outlined to the City in past comments, instream structures are not limited to or proposed only in the context of restoration and/or enhancement.</i></p>	Staff concurs. The City’s current Shoreline Master Program rarely requires conditional (Ecology) approval of shoreline development permits – usually only if the development is over or in water. During early stages of updating the City’s Program Ecology staff suggested that many uses should become conditional, i.e., require Ecology approval. Later communications suggested this would not be necessary and this recommendation is consistent with those recommendations.
CCC	Chapter 3.61 (I) Page 75	Shoreland Fill	I. Perimeters of fill shall be designed to eliminate the potential for erosion, <u>and be natural in appearance</u> , <del>and avoid the use of structural stabilization unless demonstrated to be infeasible</del> . Perimeter slopes shall not exceed 1 foot vertical for every 3 feet horizontal unless an engineering analysis has been provided, and the Administrator determines that the landfill blends with existing topography.	<i>This change is recommended because provision K in this same subsection states that fill shall not be located where shoreline stabilization will be necessary to protect materials placed or removed.</i>	City staff concurs
DDD	Chapter 3.66 (B)(various) Page 78	Marine Docks and Piers	<p>B. The location, design and construction of new or repaired private or recreational piers or docks in marine waters shall comply with all applicable State and Federal regulations and the following standards:</p> <p>1. Docks and piers shall be setback from the side property line twenty (20) feet on marine waters, <u>unless designated for shared use between adjacent property owners</u>;</p> <p>2. <del>Only piers or ramps shall be located within the first 30 feet waterward of the Ordinary High-Water Mark;</del></p> <p>3. <u>Residential</u> P piers shall not exceed 4 feet in width and must incorporate a minimum of 60 percent grating <u>or the percentage required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife</u>;</p> <p>4. <del>Pilings shall be spaced a minimum of 20 feet apart (lengthwise parallel to the structure) unless the structure is less than 20 feet long</del></p>	<p><i>Generally the changes to this section are recommended because when originally inserted in the SMP, the language aligned with proposed language in the Hydraulic Project Application (HPA) rule revisions. However in the final adopted version of the HPA rule, these provisions have been amended. Leaving these requirements in the SMP as written could put project applicants in the position of having to apply for a shoreline variance when there are conflicts between the HPA rules and bulk or dimensional standards in the SMP.</i></p> <p><i>The first change is recommended to provide more flexibility for shared use moorage complying with the regulations in OMC 18.34.844.</i></p>	City staff concurs

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			<p><del>for which pilings shall be placed only at the ends of the structure;</del>  <u>6 8.</u> New or modified residential piers and docks as well as watercraft operation and moorage shall be located to avoid physical impacts to aquatic habitat. At a minimum pier and dock proposals shall ensure that <u>structures are designed and located to protect critical saltwater habitat, and salt water habitats of special concern as defined by the Department of Fish and Wildlife in WAC 220-660-320</u> ;</p> <p><del>a. No overwater structures or pilings are constructed or installed within 50 feet, as measured horizontally in all directions, from macro algae beds or eelgrass.</del>  <del>b. No docks or dock supports are constructed or installed within a 4 foot depth elevation between the top of the dock stopper and the elevation of the landward most edge of the macro algae bed or eelgrass. This restriction shall apply to a zone 50 feet as measured on both sides of the dock.</del></p> <p><u>7 9.</u> Construction materials shall not include wood treated with creosote, pentachlorophenol or other similarly toxic materials.</p>		
EEE	Chapter 3.67 (B)(various) Page 79	Fresh Water Docks and Piers	<p>B. The location, design, and construction of new or repaired private or recreational piers or docks in fresh waters shall comply with <u>all applicable State and Federal regulations and</u> the following standards:</p> <p>1. Only piers or ramps can be located within the first thirty (30) feet water-ward of the Ordinary High Water Mark;</p> <p><del>2. Fingers, platforms and ells cannot be any closer than thirty (30) feet water-ward of the Ordinary High Water Mark. The first set of pilings shall be located no closer than eighteen (18) feet from the Ordinary High Water Mark;</del></p> <p><u>3 4.</u> Docks and piers shall not exceed four feet in width, except an additional two (2) feet of width can be allowed without a variance for a property owner with a condition that qualifies for state disable accommodated. Sixty (60) percent of the dock/pier surface area must be grated <u>or the percentage required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife;</u></p> <p><u>6 7.</u> <del>Docks with f</del> Floats or ells shall be <del>limited to one of the following size options and</del> <u>oriented and grated at the percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife:</u></p> <p><del>a. Up to 6 feet wide by 20 feet long with a two foot strip of grating down the center;</del>  <del>b. Up to 6 feet wide by 26 feet long with grating, providing that there is a 60% open area over the entire ell or float; or</del>  <del>c. A single ell, two feet wide by 20 feet long, with 100% grating.</del></p>	<p><i>Generally the changes to this section are recommended because when originally inserted in the SMP, the language aligned with proposed language in the Hydraulic Project Application (HPA) rule revisions. However in the final adopted version of the HPA rule, these provisions have been amended. Leaving these requirements in the SMP as written could put project applicants in the position of having to apply for a shoreline variance when there are conflicts between the HPA rules and bulk or dimensional standards in the SMP.</i></p>	City staff concurs

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FFF	Chapter 3.68 (B)(3) and (D) Page 80	Float Standards	<p>B. The standards for private recreational floats are as follows:</p> <p>3. Floats shall not rest on the substrate at any time. <del>F</del> <u>In marine waters,</u> floats shall be located (anchored) at sufficient depth to maintain a minimum of one foot of draft between the float and the beach substrate at low tide.</p> <p>D. Public and private recreational floats <del>width</del> shall comply with the following standards:</p> <p>1. <del>Floats with a width of six feet or less shall incorporate a minimum of 30% functional grating into the dock surface area;</del></p> <p>2. Floats shall be <u>oriented and</u> <del>with a width greater than six feet or more shall</del> incorporate <del>a minimum of 50%</del> functional grating into the <del>deck float</del> surface area <u>at a percentage as required in a Hydraulic Permit Approval (HPA) from the Department of Fish and Wildlife;</u> <del>and</del></p> <p><del>2.3. R</del> <u>For</u> recreational floats <del>shall be</del> anchored utilizing <del>either helical screw or "duckbill"</del> <u>an embedded</u> anchor; anchor lines shall not rest on or disturb the substrate <u>at any time.</u></p>	<p><i>The changes to this section are recommended because when originally inserted in the SMP, the language aligned with proposed language in the Hydraulic Project Application (HPA) rule revisions. However in the final adopted version of the HPA rule, these provisions have been amended. Leaving these requirements in the SMP as written could put project applicants in the position of having to apply for a shoreline variance when there are conflicts between the HPA rules and the SMP.</i></p>	City staff concurs
GGG	Chapter 3.70 (J) & (K)(new) Page 82	Shoreline Restoration and Enhancement	<p><u>J. In accordance with RCW 90.58.580, a Substantial Development Permit is not required for development on land that is brought under shoreline jurisdiction due to a shoreline restoration project. However, projects are still required to comply with the regulations of this Master Program.</u></p> <p><u>K. Projects taking place on lands that are brought into shoreline jurisdiction due to a shoreline restoration project that caused a landward shift of the OHWM may apply to the Administrator for relief from the SMP development standards and use regulations under the provisions of RCW 90.58.580. Any relief granted shall be strictly in accordance with the limited provisions of RCW 90.58.580, including the specific approval of the Department of Ecology.</u></p>	<p><i>These changes are recommended to detail the process for seeking relief from SMP development standards and use regulations when a shoreline restoration project causes or would cause a landward shift in the OHWM, and the circumstances under which a substantial development permit is not required (RCW 90.58.580).</i></p>	
HHH	Chapter 3.71 (A) Page 82	Instream Structures	<p>A. Instream structures are permitted only when necessary for a restoration or enhancement project, to improve fish passage, or for permitted <del>road</del> <u>transportation</u> or utility crossings and subject to the following requirements:</p>	<p><i>This change is recommended to recognize trails in addition to roads (as transportation facilities).</i></p>	City staff concurs
III	Chapter 3.73 (A) Page 83	Shoreline Stabilization - New Development	<p>A. New shoreline use and development including new lots shall be located and designed to eliminate the need for concurrent or future shoreline stabilization <u>to the extent feasible. Lots created through subdivision processes shall not require shorelines stabilization for reasonable development to occur, as demonstrated through</u> <del>If this is not feasible based upon</del> a geotechnical analysis <u>of the site and shoreline characteristics,</u> <del>soft structural protection measures shall be given preference over hard structural protection measures. The use of hard structural stabilization measures will only be allowed when it is</del></p>	<p><i>The SMP Guidelines at WAC 173-26-231 (3)(a)(iii)(A) require a geotechnical analysis for new subdivisions and for new development on steep slopes or bluffs. As written, provision A can be interpreted as requiring a geotechnical analysis for every new shoreline use and development, including uses or development that are in shoreline jurisdiction but may not actually be located on the water. The recommended change reflects the language from the Guidelines.</i></p>	City staff concurs

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			<p><del>demonstrated that soft structural measures are not feasible and that they will not</del> <u>New development that would require shoreline stabilization which</u> results in significant impacts to adjacent or down current properties <u>will not be allowed.</u></p> <p><del>B. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.34.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.</del></p>	<p><i>It is recommended that provision B be moved to section 3.76, where all of the other provisions relating to the design of shoreline stabilization measures are located.</i></p>	
JJJ	Chapter 3.74 (G) Page 84	New or Expanded Shoreline Stabilization Measures	<p>G. In order to determine appropriate mitigation measures, the Administrator may require environmental information and analysis, including documentation of existing conditions, ecological functions and anticipated impacts, along with a <del>restoration</del> <u>mitigation</u> plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.</p>	<p><i>This change is recommended for consistency with the definitions and purposes of the different types of plans outlined in section 3.3 (C). Mitigation plans are related to a specific activity or development and is a more appropriate reference given the language in the rest of this provision.</i></p>	City staff concurs
KKK	Chapter 3.76 (G) Page 85	Design of Shoreline Stabilization Measures	<p><del>G. The use of revetments shall be prohibited for shoreline stabilization structures.</del></p>	<p><i>This change is recommended because as defined in the SMP, half of the Budd Inlet shorelines could be considered as having rip rap revetments. Additionally, one of the concepts put forth in the "City of Olympia Engineers Response to Sea Level Rise" technical report is an armored slope earthen berm, which is essentially a rip rap revetment.</i></p>	Staff concurs. Although not favored, revetments maybe preferably to vertical bulkheads and should not be expressly prohibited.
LLL	Chapter 3.76 Page 86	Design of Shoreline Stabilization Measures	<p><u>I. Structural stabilization shall be located, designed, and constructed in accordance with mitigation sequencing in OMC 18.34.410(B) to minimize adverse impacts to shoreline ecological functions and processes. Protection of adjacent property and existing development shall also be considered in the design and location of structural stabilization measures.</u></p>	<p><i>It is recommended that this provision be moved to from section 3.73 to section 3.76, where all of the other provisions relating to the design of shoreline stabilization measures are located.</i></p>	City staff concurs
MMM	Chapter 3.76 (I)(2)(c) Page 86	Design of Shoreline Stabilization Measures	<p><u>† H.</u> Bioengineering is a preferred method of protecting upland property and structures or to maintain access to an authorized shoreline use. Bioengineering combines structural, biological and ecological concepts to construct living structures that stabilize the soil to control erosion using live plant materials as a main, but not only, structural component.</p> <p>2. Bioengineering projects shall incorporate all of the following:</p> <p>c. <del>A</del> <u>If no VCA is established in OMC 18.34.620 Table 6.3,</u> a minimum five (5) foot vegetated buffer shall be provided landward of the project limits to allow bank protection plantings to become established. The buffers shall not be disturbed for a minimum of</p>	<p><i>This change is recommended for clarity and would use an already established concept to avoid future ambiguity.</i></p>	City staff concurs

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NNN	Chapters 3.78 and 3.79 Pages 86 & 87	Breakwaters, Jetties, Groins, and Weirs	<p>three years.</p> <p><b>18.34.872 <del>00</del> - Breakwaters, Jetties, Groins, and Weirs – General Provisions</b></p> <p><b>18.34.874 <del>05</del> – Breakwaters, Jetties, Groins, and Weirs - Environment Designations</b></p>	<p><i>These changes are recommended for a consistent numbering scheme - OMC 18.34.800 already exists, and .805 would be out of sequence.</i></p>	<p>City staff concurs</p>
OOO	Chapter 3.81 (A) Page 88	Alteration of Structures in the Shoreline	<p><b>18.34.910 – Alteration of <u>Nonconforming</u> Structures in <del>the</del> Shoreline <u>Jurisdiction</u></b></p> <p>A. Shoreline Structures – The following regulations apply to <u>nonconforming</u> structures located in <del>the</del> shoreline <u>jurisdiction</u>:</p> <p>1. Alteration of structures located landward of the Ordinary High Water Mark within a required shoreline setback is limited to:</p> <p>a. For structures located partially within the shoreline setback, alterations shall be limited to the addition of height and <u>expansion into <del>the areas</del></u> outside the shoreline setback.</p> <p>b. For structures located entirely within the shoreline setbacks, alterations shall be allowed for the addition of height or <u>expansion</u> on the upland side of the structure, or both.</p> <p>c. Interior and exterior remodels and the addition of upper stories are permitted. Except as provided above, such additions shall not extend beyond the existing or approved building footprint. <u>Expansion of <del>nonconforming structures that further encroach on the Ordinary High Water Mark setback by decreasing the distance between the structure and the Ordinary High Water Mark shall require a variance.</del></u></p> <p><del>d. Alterations shall comply with applicable development regulations in the Olympia Municipal Code.</del></p> <p>2. Overwater Structures – Alteration of structures located water-ward of the Ordinary High Water Mark is prohibited except:</p> <p>c. Except for modifications required by the Washington Department of Natural Resources for light penetration, alterations to the footprint or building envelope are prohibited.</p> <p>3. <del>Other Regulations applicable to OMC 18.37.092(A)(1) and (2).</del></p> <p><del>a. Actions shall not result in a net loss of shoreline ecological functions and processes <u>and</u> ; <del>b. If</del> the applicant shall obtain all required permits or approvals prior to construction;</del></p> <p><del>c. Structures that are damaged and house a nonconforming use may be re-established in accordance with OMC 18.37.920.</del></p> <p><u>5. All alterations shall comply with applicable development regulations in the Olympia Municipal Code.</u></p> <p>B. Unintentionally damaged or destroyed <u>nonconforming</u> structures.</p>	<p><i>These changes are recommended for clarity and consistency and to correct grammatical errors. See also required change UU.</i></p> <p><i>With regard to the changes to provision #3, the first change (strike out) is recommended because this language is unnecessary and the reference is inaccurate. Sub-provisions a and b can be consolidated into one sentence. The change (strike out) of sub-provision c is recommended because it is repetitive of provision B(2) that follows and the reference to subsection .920 is incorrect.</i></p>	<p>Staff concurs with this set of changes. Although complex, we believe they clarify and are consistent with the spirit of the nonconforming provision in the version of the Program approved by Council in 2013.</p>
PPP	Chapter 3.82 Page 89	Existing Shoreline Uses	<p><b>3.82 18.34.920 – Existing <u>Nonconforming</u> Shoreline Uses <u>and Lots</u></b></p> <p>A. <del>Conversions</del> <u>Nonconforming uses in shoreline jurisdiction shall be</u></p>	<p><i>The change to the title of this section is recommended for clarity. Furthermore, the addition of “lots” is recommended</i></p>	<p>Further consultation with Ecology staff on this issue is recommended. Incorporating a version</p>

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			<p><u>governed by OMC 18.37.060 (A) and (E), except expansion of nonconforming shoreline uses. The hearings examiner may authorize expansion of a use that does not conform to the Master Program provided the applicant can demonstrate all of the following:</u></p> <p><u>1. The use clearly requires a specific site location on the shoreline not provided for under this Chapter; and</u></p> <p><u>2. Extraordinary circumstances preclude reasonable use of the property in a manner consistent with this Chapter.</u></p> <p><u>Expansion of uses in shoreline jurisdiction that are also nonconforming with zoning use restrictions shall not be authorized.</u></p> <p><u>B. Nonconforming lots in shoreline jurisdiction shall be governed by OMC 18.37.080.</u></p>	<p><i>because nonconforming lots are not addressed in the SMP. If they are not addressed in the SMP, they will be subject to the requirements in WAC 173-27-080. The change to reference the zoning code (OMC 18.37.060) is recommended to avoid repeating word for word an entire section that already exists in the OMC and applies city wide.</i></p> <p><i>As outlined in recommended change O above, Ecology recommends moving the resumption and expansion of nonconforming uses language into this section. With regard to resumption, criteria and a process for resuming discontinued nonconforming uses exist in the City's zoning code. For both, necessitating Ecology review by requiring a shoreline conditional use permit does not appear to add value to the process.</i></p>	<p>of the existing nonconforming use provisions of the zoning code into the Shoreline Master Program – as recommended by Ecology – will require further editing. City staff is of the opinion that a version meeting the intent can readily be achieved, but desires to consult with Ecology staff before proposing specific language.</p>