

ECOLOGY REQUIRED AND RECOMMENDED REVISIONS, APRIL 2012 REVIEW			
ITEM	Required / Recommended	Change	
1	Required	Added text: <i>‘as identified within the Federal Emergency Management Agency adopted Flood Insurance Study and accompanying flood insurance rate map (FIRM) for the Snoqualmie River consistent with DMC Chapter 14.84 – Floodplain Regulations, section DMC 14.84.040.A’</i>	Addresses Ecology comment without adding text verbatim. Change from required change made to maintain consistency with City’s existing Floodplain Regulations
2	Required	Parking in Riverside Village: <i>‘P, only as an accessory to an allowed use, or as park & ride facility within the existing King County Metro Duvall Park & Ride facility area’</i>	This is an existing Park and Ride facility... added additional text to clarify that this is to maintain conformance for the existing facility (as permitted), but not to allow any new P&R
3	Recommended	<i>‘and standards’</i> added	Change made
4	Required	Typo fixed	Change made
5	Recommended	Figure 2 (Maintenance Areas) to be included in Advisory Committee Recommended SMP	Change made
6	Recommended	NEW TEXT: <i>Demonstration of no adverse impact shall be achieved through identification and analysis of development impacts, identification of avoidance and minimization measures, and identification of mitigation measures, where determined necessary. Demonstration of no adverse impact shall be completed consistent with FEMA Region X guidance for National Flood Insurance Program – Endangered Species Act compliance.</i>	Change made
7	Required	Typo fixed	Change made
8	Recommended	Rewording: <i>2. Public access provided by shoreline street ends, public utilities corridors, and rights-of way shall not be diminished...</i>	Change made
9	Recommended	Figure 2 (Maintenance Areas) to be included in Advisory	Change made

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		Committee Recommended SMP	
10	Required	Typo fixed	Change made
11	Required	Line 1 typo fixed. Regarding inconsistency with Table 1, text of 6.5.2.3. changed to add: <i>‘...except that park & ride facility use shall be allowed within the existing King County Metro Duvall Park & Ride facility site.’</i>	Changes made
12	Required	Bad reference changed to ‘Section 7.3.6 of the SMP’, which is the section dealing with Conditional Use Permit criteria	Item addressed by change
13	Recommended	Reference changed to ‘WAC 173-27-130(6)’	Change made per Ecology comment
14	Required	Added item 7.2.2.5. - <i>The effective date of decision involving approval or denial of a variance or conditional use permit shall be the date of transmittal of the Department of Ecology’s final decision on a variance or conditional use permit to the City and the applicant, as defined in WAC 173-27-130(7).</i>	Change made per Ecology comment
15	Required	Added item 7.2.2.6 - <i>Shoreline substantial development permits, shoreline variances and shoreline conditional use permits shall be filed with the Department of Ecology consistent with the provisions of WAC 173-27-130.</i> Added item 7.3.7.6 - <i>Ecology shall file shoreline substantial development permits, shoreline variances and shoreline conditional use permits consistent with the provisions of WAC 173-27-130.</i>	Both new provisions add reference to WAC sections required by Ecology. Our thought is that inclusion by reference is the best strategy for these.
16 / 17	Required	Both changes made to Shoreline Variance criteria to address Ecology comment	Change made per Ecology comment
18	Recommended	Revision made to 7.3.5.6. <i>Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, <u>potential for cumulative impact of additional requests for like actions in the</u></i>	Change made per Ecology comment

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		<i>area, and the protection of views from nearby public roads, surrounding properties and public areas.</i>	
19	Required	Addition made to 7.3.6.3 - <i>The use will not cause significant adverse effects to the shoreline environment in which it is to be located.</i>	Change made per Ecology comment
20	Recommended	NO CHANGE MADE	WE have heard from many jurisdictions that the example ‘permit data sheet’ included in WAC 173-27-990 is not in a helpful format, and as long as the content is provided, there is no issue
21	Required	7.2.2 NEW SECTION 7. <i>A permit revision shall be required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Revisions to any approved shoreline substantial development permit, shoreline variance and shoreline conditional use permit shall be governed by the provisions of WAC 173-27-100 (Revisions to permits).</i>	New provision added to address Ecology April Review Item 21 – if the City has a separate ‘revision to permit’ section in DMC 14, reference to that could work too.
22	Required	Revision to 7.2.2.4. - <i>The effective date of the City’s decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140WAC 173-27-130(6). For all approved shoreline substantial development permits, variances and conditional use permits, permit time requirements for construction commencement and/or authorization to conduct development activities shall be consistent with the provisions of</i>	New provision added to address Ecology April Review Item 22 – if the City has a separate ‘time requirements’ section in DMC 14, reference to that could work too.

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		<u>WAC 173-27-090.</u>	
23	Required	NO CHANGE MADE	7.2.2.1 in the Permit Process section references the requirements of DMC 14.08, the section of the City Unified Development Regulations where permit processing requirements (including Public Notice requirements) are detailed. These provisions include shoreline permits.
24	Required	Added section 7.2.3 – Enforcement and Penalties <i>1. The Planning Director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated there under pursuant to the enforcement and penalty provisions of WAC 173-27-270, 280, and 290.</i> <i>2. This Program will be enforced by the means and procedures set forth in DMC 2.24.</i>	Addresses comment and maintains consistency through reference to DMC 2.24
25	Recommended	New section – 7.1.9 The City will track all shoreline permits and exemption activities to evaluate whether this Program is achieving no net loss. A no net loss report shall be prepared every eight (8) years as part of the City’s Shoreline Master Program evaluation or Comprehensive Plan Amendment process.	Added to address Ecology April Review Item 25 – this is a ‘recommended’ change, however we agree that it will provide a basis for documentation.
26	Recommended	Definition of DEVELOPMENT... No change made	Consultant recommendation is to maintain consistency with ‘Development’

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			definition within Title 14. This definition is largely consistent with WAC definition, and is not in conflict.
27	Recommended	Partially accepted recommended change – added ' <i>In cases where this Program requires certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.</i> ' To definition of 'Feasible'	The second part of the recommended addition was more vague, and included the term 'may' ... in a definition section, this sort of language seemed inappropriate.
28	Recommended	No change made to 'Floodplain' definition	Keeping definition as is maintains consistency with City's Floodplain Regulations. No issues with SMA consistency in keeping it as it is.
29	Recommended	No change made to 'Floodway' definition	Keeping definition as is maintains consistency with City's Floodplain Regulations. No issues with SMA consistency in keeping it as it is.
30	Required	Typo / formatting fixed	Change made per Ecology comment
31	Recommended	Revision to OHWM definition made. Added text: ... <i>In any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining freshwater shall be the line of mean high water....</i>	Change made per Ecology comment
32	Recommended	Added WAC definitions as recommended, except for 'Grading'	Additions add additional

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		definition	clarity; 'Grading' is already defined in DMC Title 14, as such recommendation is to maintain consistency with existing definition. Consultant opinion is that this doesn't create any conflict between SMP and SMA.