

SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

THIS CHECKLIST IS FOR USE BY LOCAL GOVERNMENTS TO SATISFY THE REQUIREMENTS OF WAC 173-26-201(3)(A), RELATING TO SUBMITTAL OF SHORELINE MASTER PROGRAMS (SMPS) FOR REVIEW BY THE DEPARTMENT OF ECOLOGY (ECOLOGY) UNDER CHAPTER 173-26 WAC. THE CHECKLIST DOES NOT CREATE NEW OR ADDITIONAL REQUIREMENTS BEYOND THE PROVISIONS OF THAT CHAPTER.

BOBBAK TALEBI	4
DOCUMENTATION OF SMP DEVELOPMENT PROCESS	4
PUBLIC INVOLVEMENT, COMMUNICATION, AND COORDINATION	4
SHORELINE INVENTORY	5
SHORELINE ANALYSIS.....	6
SMP CONTENTS	9
ENVIRONMENT DESIGNATIONS	10
NATURAL ENVIRONMENT – WAC 173-26-211(5)(a) PASSIVE RECREATION AND CONSERVANCY	11
AQUATIC ENVIRONMENT WAC 173-26-211(5)(c)	12
HIGH-INTENSITY ENVIRONMENT – WAC 173-26-211(5)(d) RIVERSIDE VILLAGE.....	13
[THE CITY IS IMPLEMENTING ENVIRONMENT DESIGNATIONS THAT ARE TAILORED TO MANAGE THE EXISTING FUNCTIONS, CONDITIONS, USES, AND PLANNED USES OF THE DUVALL SHORELINE ENVIRONMENT – THIS SECTION IS REVISED TO REFLECT DUVALL ’S TAILORED ENVIRONMENT DESIGNATIONS]	13
URBAN CONSERVANCY ENVIRONMENT – WAC 173-26-211(5)(e) PUBLIC RECREATION (APPLIED TO BOTH NORTH MCCORMICK PARK AND TAYLOR’S LANDING).....	14
[THE CITY IS IMPLEMENTING ENVIRONMENT DESIGNATIONS THAT ARE TAILORED TO MANAGE THE EXISTING FUNCTIONS, CONDITIONS, USES, AND PLANNED USES OF THE DUVALL SHORELINE ENVIRONMENT – THIS SECTION IS REVISED TO REFLECT DUVALL ’S TAILORED ENVIRONMENT DESIGNATIONS]	14
GENERAL POLICIES AND REGULATIONS	15
ARCHAEOLOGICAL AND HISTORICAL RESOURCES WAC 173-26-221(1)	15
CRITICAL AREAS WAC 173-26-221(2) [REFERRED TO AS ‘SENSITIVE AREAS’ IN DUVALL].....	16
WETLANDS WAC 173-26-221(2)(c)(i)	16
GEOLOGICALLY HAZARDOUS AREAS WAC 173-26-221(2)(c)(ii)	18
CRITICAL SALTWATER HABITATS WAC 173-26-221(2)(c)(iii) [NOT APPLICABLE TO DUVALL; NO CRITICAL SALTWATER HABITATS]	19
CRITICAL FRESHWATER HABITATS WAC 173-26-221(2)(c)(iv)	19
FLOOD HAZARD REDUCTION WAC 173-26-221(3)	20
PUBLIC ACCESS WAC 173-26-221(4)	21
VEGETATION CONSERVATION (CLEARING AND GRADING) WAC 173-26-221(5)	22
WATER QUALITY WAC 173-26-221(6)	23
SHORELINE MODIFICATIONS	23
SHORELINE STABILIZATION WAC 173-26-231(3)(a)	24
PIERS AND DOCKS WAC 173-26-231(3)(b) [PROHIBITED THROUGHOUT DUVALL SHORELINE JURISDICTION – DRAFT SMP 3.4, TABLE 1]	25
FILL WAC 173-26-231(3)(c)	26
BREAKWATERS, JETTIES, AND WEIRS WAC 173-26-231(3)(d)	27
DUNES MANAGEMENT – WAC 173-26-231(3)(e) [NOT APPLICABLE IN DUVALL]	27
DREDGING WAC 173-26-231(3)(f)	27
SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT WAC 173-26-231(3)(g)	28
SPECIFIC SHORELINE USES	29
AGRICULTURE WAC 173-26-241(3)(a) [PROHIBITED OUTRIGHT IN DUVALL SHORELINE AREAS – DRAFT SMP 6.1.3. – EXCEPT AS ALLOWED IN EXISTING AREAS OF AGRICULTURAL USE WITHIN THE PUBLICALLY MANAGED DOUGHERTY FARMSTEAD PROPERTY, WHICH IS PROVIDED FOR CULTURAL AND EDUCATIONAL PURPOSES.].....	29
AQUACULTURE WAC 173-26-241(3)(b) [NOT APPLICABLE IN DUVALL]	29
BOATING FACILITIES WAC 173-26-241(3)(c)	32
COMMERCIAL DEVELOPMENT WAC 173-26-241(3)(d)	33

FOREST PRACTICES WAC 173-26-241(3)(E) [NOT APPLICABLE TO DUVALL, PROHIBITED BY DRAFT SMP 6.1, REGULATION 2., AS WELL AS UNDERLYING ZONING].....	33
INDUSTRY WAC 173-26-241(3)(F) [INDUSTRIAL USE / DEVELOPMENT NOT ALLOWED IN SHORELINE JURISDICTION, EXCEPT ON SOUTH MCORMICK PARK PARCELS TO THE EAST OF THE SNOQUALMIE VALLEY TRAIL; ON THESE PROPERTIES, DEVELOPABLE AREAS ARE LOCATED OUTSIDE OF SHORELINE JURISDICTION DUE TO THE LOCATION OF WETLANDS / STREAMS. IN THE UNLIKELY EVENT THAT ANY INDUSTRIAL DEVELOPMENT EXTENDED SLIGHTLY INTO DUVALL 'S SHORELINE JURISDICITION, A CONDITIONAL USE PERMIT WOULD BE REQUIRED.].....	34
IN-STREAM STRUCTURES WAC 173-26-241(3)(G)	34
MINING WAC 173-26-241(3)(H) [NOT APPLICABLE TO DUVALL, PROHIBITED BY DRAFT SMP 6.1, REGULATION 1., AS WELL AS UNDERLYING ZONING].....	35
RECREATIONAL DEVELOPMENT WAC 173-26-241(3)(I)	35
RESIDENTIAL DEVELOPMENT WAC 173-26-241(3)(J)	36
TRANSPORTATION FACILITIES WAC 173-26-241(3)(K)	37
UTILITIES WAC 173-26-241(3)(L)	38
SMP ADMINISTRATIVE PROVISIONS.....	38

INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments shall include a completed checklist with all locally-approved SMPs submitted to Ecology for review and approval. See WAC 173-26-201(3)(a).

Information should be provided at the top of the checklist that identifies which local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Please indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify which specific adopted version of a local ordinance is being used, and attach a copy of the ordinance.

SMP submittals: For draft submittals, local governments may use the checklist’s Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond as needed (see example below).

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements; however, the agency must rely solely on state statutes (RCWs) and rules (WACs) when approving or denying a shoreline program. This checklist does not create new or additional requirements beyond the provisions of state laws and rules. See WAC 173-26-201(3)(a).

EXAMPLE: Use of the Comments column for a draft submittal

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>High-intensity environment designation criteria: Areas within incorporated municipalities, Urban Growth Areas, and “rural areas of more intense development” (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)</p>	<p>Urban Industrial, p. 15 Urban Mixed, p. 18 Also see Appendix B, Use Analysis, Chapter 3, p. 12.</p>	<p>Local government: SMP includes two urban designations that meet high intensity criteria (Urban Industrial, Urban Mixed). These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas.</p> <p style="text-align: center;"><i>[Ecology example]</i></p> <p>Non-Compliant: <i>The City...</i></p> <p>Required or Recommended Change: <i>The SMP-Guidelines...</i></p>

<p>Acronyms and abbreviations</p> <p>comp plan: Comprehensive Plan CUP: Conditional Use Permit SMA: Shoreline Management Act, RCW 90.58 SMP: Shoreline Master Program SSWS: Shorelines of Statewide Significance WAC: Washington Administrative Code</p>	<p>For more information</p> <p>SMA (Ch. 90.58 RCW): http://apps.leg.wa.gov/rcw/default.aspx?cite=90.58</p> <p>Guidelines (Ch. 173-26, Part III WAC): http://apps.leg.wa.gov/wac/default.aspx?cite=173-26</p> <p>Ecology’s Shoreline Planners Toolbox: www.ecy.wa.gov/programs/sea/shorelines/smp/toolbox.html</p> <p>Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522</p>
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SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

Prepared for:
City of Duvall

Name of Amendment: Review of SMP draft and all associated documents submitted during our meeting on September 18, 2012

Prepared by:
Bobbak Talebi

Date: 10/31/2012

NOTE: ECOLOGY COMMENTS FROM BOBBAK TALEBI (AREAS REQUESTING REQUIRED AND RECOMMENDED REVISIONS TO ACHIEVE COMPLIANCE) HAVE BEEN ADDRESSED BY THE CITY IN THE NOVEMBER 2012 ADVISORY COMMITTEE RECOMMENDED DRAFT SMP.

See DRAFT SMP and comment and response tracking document 'Duvall Revised Draft SMP Required and Recommended changes table 10-31-2012_CityofDuvallResponse11712' for details on response approach.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
DOCUMENTATION OF SMP DEVELOPMENT PROCESS		
PUBLIC INVOLVEMENT, COMMUNICATION, AND COORDINATION		
Documentation of public involvement throughout SMP development process. WAC 173-26-201(3)(b)(i) and WAC 173-26-090 and 100. For SSWS, see WAC 173-26-251(3)(a).	Public Participation Plan (March 2010)	City Comment: Plan establishes a schedule of public involvement, public participation goals, roles and responsibilities, key parties, strategies to involve the public, and out reach activities.
Documentation of communication with state agencies and affected Indian tribes throughout SMP development. WAC 173-26-201(3)(b)(ii) and (iii), WAC 173-26-100(3). For saltwater shorelines, see WAC 173-26-221(2)(c)(iii)(B). For SSWS, see WAC 173-26-251(3)(a).	Public Participation Plan (March 2010) set framework for communication plan with state agencies and affected tribes (including Snoqualmie, Tulalip... for Duvall). See Quarterly Reports for specific contact and communication efforts	
Demonstration that critical areas regulations for shorelines are based on the SMA and the guidelines, and assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources. WAC	See Draft SMP Section 4.3 (Environmental Protection and Sensitive Areas) for policies and regulations. Draft SMP 4.3.2.1. incorporates City Sensitive Areas regulations (Ordinance 1056, codified as DMC 14.42) into the Draft	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
173-26-221(2)(b)(ii),(iii) and (c). EHB 1653.	SMP. Regulations discussed in detail below.	
Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights . See <i>"State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."</i> WAC 173-26-186(5).	Draft SMP Policy 4.1.1.1 provides preference for water-dependent, water-related, and water-enjoyment uses. Draft SMP 4.1.2.1 requires consistency with DMC Title 14 (Unified Development Regulations). Draft SMP - Sections 7.3.6 (Shoreline Variance) and 7.3.7 (Shoreline Conditional Use Permit) criteria.	
<p>Final submittal includes:</p> <ul style="list-style-type: none"> Evidence of local government approval (or a locally approved "statement of intent to adopt"); New and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry); A summary of the proposal together with staff reports and supporting materials; Evidence of SEPA compliance; Copies of all comments received and a record of names and addresses of interested parties involved in local processes. WAC 173-26-110. <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).</p>	<p>PENDING</p> <p>To be provided as Draft SMP, as revised through local adoption process. Environment designation map included in Draft SMP Section 3.5 (Figure 1). Shoreline jurisdiction detailed by Draft SMP 3.1.1 (Shoreline Jurisdiction Determined); Shoreline Environment Designation system detailed by Draft SMP 3.2.</p> <p>PENDING – SMP Update SEPA Checklist and City's DNS Determination</p> <p>PENDING LOCAL ADOPTION</p>	
SHORELINE INVENTORY		
<p>Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p>Inventory of all "shorelines of the state": Include lists and map(s) of all SMA marine, riverine, and lacustrine water bodies, including "shorelands", "floodways", and</p>	Inventory and Characterization – integrated as Chapter 7 (References). Also see Task 2.1: List of Inventory Data Sources	<p>Ecology: Compliant, with revisions listed in attached comment sheet.</p> <p>Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>“floodplains”. RCW 90.58.030(2) & WAC’s 173-18-044, 173-20-044, 173-22-050, 173-26-211(b, c, d).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).</p>	<p>Inventory and Characterization – integrated as Section 1.3. Also see Task 1.1 Preliminary Shoreline Jurisdiction Map</p>	<p>Not Applicable</p>
SHORELINE ANALYSIS		
<p>Characterization of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> Identifies ecosystem-wide processes and ecological functions; Assesses ecosystem-wide processes to determine their relationship to ecological functions; Identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A). <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a).</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c).</p>	<p>Inventory and Characterization, Chapter 3 (Ecosystem-wide Characterization)</p> <p>Section 3.2 (Ecosystem Processes)</p> <p>Section 3.2 (Alterations to Key Ecosystem Processes)</p> <p>Section 6.1 (identification of overall protection and restoration opportunities); Table 6-1 (Summary of Impairments to Shoreline Ecosystem Processes and Management Opportunities); Sections 6.2.1, 6.2.2, and 6.2.3 (reach-specific identification of <i>Opportunities for Enhancing and/or Restoring Ecological Functions</i>)</p> <p>Shoreline Management Strategy (Task 3.1 deliverable, dated April 2011); Shoreline Cumulative Impacts Assessment (April 2012)</p> <p>Draft SMP vegetation conservation standards detailed by Sections 4.6.1 (Policies) and 4.6.2 (Regulations); consistency with WAC documented in this checklist, and by April 2012 CIA.</p> <p>Shoreline Cumulative Impacts Assessment (April 2012)</p> <p>Inventory and Characterization, Appendix A</p>	<p>Ecology: Compliant, with revisions listed in attached comment sheet.</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p> <p>Compliant</p>
<p>Use analysis estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the</p>	<p>Inventory and Characterization, Chapter 4 (Land Use Analysis)</p> <p>Shoreline Cumulative Impacts Assessment (April 2012)</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>designation of "high intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow mining, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p><u>For shorelines of the state:</u></p> <p>Evidence the SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies. <u>RCW 90.58.100</u>. Evidence that public access and recreation requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) & (iii).</p> <p><u>For shorelines of statewide significance:</u></p> <p>Optimum implementation directives incorporated into comp plan and development regulations. <u>RCW 90.58.100</u>. For GMA jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i).</p>	<p>April 2012 CIA</p> <p>April 2012 CIA</p> <p>See Public Access provisions in Section 4.5 of the Draft SMP; consistency additionally documented in April 2012 CIA</p>	<p>Not Applicable</p> <p>Compliant</p> <p>Compliant, with revisions listed in attached comment sheet.</p>
<p>Restoration plan that:</p> <ul style="list-style-type: none"> Identifies degraded areas, impaired ecological functions, and potential restoration sites; Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions; Identifies existing restoration projects and programs; Identifies additional projects and programs needed to achieve local restoration goals, and 	<p>Final Draft Restoration Plan (August 2011, updated October 2011):</p> <ul style="list-style-type: none"> Chapter 2 – see page 5 Chapter 4 – see pages 10 – 16 Chapter 3 – see pages 7 – 9 Chapter 4 – see projects and programs identified 	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>implementation strategies including identifying prospective funding sources;</p> <p>Sets timelines and benchmarks for implementing restoration projects and programs;</p> <p>Provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. WAC 173-26-186(8)(c); 201(2)(c)&(f).</p> <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For SSWS, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b).</p>	<p>within each restoration goal and corresponding objectives.</p> <p>Chapter 7 – see page 25</p> <p>Chapter 6 – see pages 19 – 24</p> <p>Final Draft Restoration Plan (August 2011, updated October 2011), Chapter 4 – see pages 10 – 16</p>	
<p>Evidence that each environment designation is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3).</p> <p>Lands designated as “forest lands of long-term significance” under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For SSWS, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>Shoreline Environment Designation system detailed by Draft SMP 3.2 and 3.3; See also Use and Standards Table included in Draft SMP 3.4; addition basis and discussion of consistency provided by Shoreline Management Strategy (Task 3.1 deliverable, dated April 2011); see also April 2012 CIA Section 4.1 for discussion of protection improvements provided by environment designation system.</p> <p>Draft SMP Sections 3.2 – 3.4</p>	<p>Ecology: Compliant</p> <p>Compliant</p> <p>Compliant</p>
<p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate cumulative impacts to achieve no net loss. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p>	<p>Cumulative Impacts Assessment (April 2012 Preliminary Draft)</p>	<p>Ecology: Not Compliant. Please see item 6 in the attached comment sheet.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) reasonably <i>foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d).</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For SSWS, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i).</p>	<p>Chapter 2 (Existing Conditions)</p> <p>Chapter 3 (Reasonably Foreseeable Future Development and Use)</p> <p>Chapter 4, Section 4.2.4 (BENEFICIAL EFFECTS OF ESTABLISHED REGULATORY PROGRAMS UNDER OTHER LOCAL, STATE, AND FEDERAL LAWS) and Section 4.2.5 (STATE AND FEDERAL PROGRAMS)</p> <p>Chapter 5 (Assessment of Cumulative Impacts)</p>	
SMP CONTENTS		
<p>Any goals adopted as part of the SMP are consistent with the SMA. <i>(Note: Goal statements are not required.)</i></p>	<p>Draft SMP Chapter 2 includes Shoreline Goals</p> <p><i>As stated within SMP, the ‘shoreline goals are commensurate with the intent and objectives of the SMA of 1971 (RCW 90.58340) and the implementing guidelines (WAC 173-26, as amended)...’</i></p>	<p>Ecology: Compliant</p>
<p>Policies (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations; and (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i).</p> <p>SMP implements preferred use policies of the SMA. WAC 173-26-201(2)(d).</p>	<p>A) Shoreline policies are included throughout Draft SMP Chapters 4, 5 and 6; all are developed consistent with SMA.</p> <p>B) Shoreline policies included for RCW 90.58.100 elements.</p> <p><i>See Chapter 4 and 5 section headings for policies relevant to specific elements.</i></p> <p>C) Draft SMP Section 3.3 includes purpose and designation criteria defining the policy intent of each shoreline environment designation. Environment designation map included in Section 3.5.</p> <p>D) Shoreline policies are included throughout Draft SMP</p>	<p>Ecology: Compliant</p> <p>Compliant</p> <p>Not Compliant. Please see item 8 in the attached comment sheet.</p> <p>Not clear if this is compliant; please see 9 in the attached</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
	<p>Chapters 4, 5 and 6; all are developed consistent with constitutional and other legal limitation on regulation of private property.</p> <p>Preferred use policies consistent with SMA included in Draft SMP 4.3.1 – policies 1 through 3</p>	<p>comment sheet.</p> <p>Compliant</p>
<p>Regulations: (A) are sufficient in scope and detail to ensure the implementation of the SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) master program general regulations are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii).</p>	<p>A-C) Draft SMP Chapter 4 General Use Regulations; Chapter 5 Shoreline Modification Regulations; Chapter 6 Use Specific Shoreline Regulations; Table 1 (Section 3.4) Permitted Use and Modification Table</p> <p>D) Shoreline regulations are included throughout Draft SMP Chapters 4, 5 and 6; all are developed consistent with constitutional and other legal limitation on regulation of private property.</p>	<p>Ecology: Compliant, but please see item 17 in the attached comment sheet</p> <p>Not Compliant. Please see item 16 in the attached comment sheet.</p>
<p>Height Limitation: SMP prohibits buildings and structures >35 feet in height obstructing views of residences, with exceptions. RCW 90.58.320.</p>	<p>Draft SMP Section 3.4, Table 2. Bulk Dimensional and Vegetation Standards</p> <p><i>Maximum height of 35 feet only allowed in Riverside Village SED to the east of the Snoqualmie Valley Trail. Specified heights lower than 35 feet for all other shoreline areas.</i></p>	<p>Ecology: Compliant</p>
ENVIRONMENT DESIGNATIONS		
<p>Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).</p>	<p>Draft SMP Sections 3.2 – 3.5</p>	<p>Not Compliant. Please see item 8 in the attached comment sheet.</p>
<p>An up-to-date map accurately depicting environment designation boundaries. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3).</p>	<p>Draft SMP Section 3.5, Figure 1. Shoreline Environment Designations</p>	<p>Ecology: Compliant, with revisions listed in attached comment sheet.</p>
<p>Statement that undesigned shorelines are automatically assigned a conservancy environment designation. WAC</p>	<p>Draft SMP Section 3.3 (Environment Designations Purpose, Criteria, and Policies) – <i>opening text</i></p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
173-26-211(2)(e).		
<p>NATURAL ENVIRONMENT — WAC 173-26-211(5)(a) PASSIVE RECREATION AND CONSERVANCY</p> <p>[The City is implementing environment designations that are tailored to manage the existing functions, conditions, uses, and planned uses of the Duvall shoreline environment – this section is revised to reflect Duvall’s tailored environment designations]</p>		
<p>Designation criteria: Shorelines that are ecologically intact and performing functions that could be damaged by human activity, are of particular scientific or educational interest, or are unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii).</p>	<p>Draft SMP Section 3.3.1.2</p> <p><i>Tailored designation criteria: The “South McCormick Park Passive Recreation and Conservancy” environment designation is assigned to publicly owned and adjoining privately owned areas within the McCormick Park</i></p>	<p>Ecology: Compliant</p>
<p>Prohibition on new:</p> <p>Uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A).</p> <p>Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B).</p> <p>Development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G).</p> <p>Subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G).</p>	<p>Draft SMP Section 3.4,</p> <p>Table 1. Permitted Use and Modification Table</p> <p>Table 2. Bulk Dimensional and Vegetation Standards</p>	<p>Ecology:</p> <p>Not Compliant. Please see items 10-15 in the attached comment sheet.</p> <p>Not Compliant. Please see item 11 in the attached comment sheet.</p> <p>Compliant</p> <p>Compliant</p>
<p>For single family residential development: limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C).</p>	<p>Draft SMP Section 6.4.2, Regulations 1, 3, 5, 6</p> <p><i>Single family residential development prohibited to the west of the Snoqualmie Valley Trail; residential development is prohibited in, on, or over water or within floodways.</i></p>	<p>Ecology: Not Compliant. Please see item 12 in the attached comment sheet.</p>
<p>For commercial forestry: requirement for CUP, requirement to follow conditions of the State Forest</p>	<p>Draft SMP Section 6.1 (Prohibited Uses)</p> <p>DMC Title 14 – Zoning</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Practices Act. WAC 173-26-211(5)(a)(ii)(D).	<i>SMP prohibits tree farming.</i> <i>Underlying zoning prohibits commercial forestry.</i>	
For agriculture : low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E).	Draft SMP Section 6.1 (Prohibited Uses) DMC Title 14 – Zoning <i>SMP prohibits agricultural uses, as does underlying zoning.</i>	Ecology: Compliant
Low intensity public uses such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided. WAC 173-26-211(5)(a)(ii)(F).	Draft SMP Section 3.4, Table 1. Permitted Use and Modification Table; Table 2. Bulk Dimensional and Vegetation Standards Draft SMP Section 6.3.2 (Recreation Regulations) – regulations 3, 5, 6, 7 and 8	Ecology: Compliant, but recommended changes listed in the attached comment sheet. Item 13
AQUATIC ENVIRONMENT WAC 173-26-211(5)(c)		
Designation criteria: Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii).	Draft SMP 3.3.4.2.	Ecology: Compliant
New over-water structures : Allowed only for water-dependent uses, public access, or ecological restoration. WAC 173-26-211(5)(c)(ii)(A). Limited to the minimum necessary to support the structure's intended use. WAC 173-26-211(5)(c)(ii)(B).	Draft SMP Section 3.4, Table 1. Permitted Use and Modification Table <i>Prohibits docks; boat launch ramps only permitted where permitted in adjacent designation; in-stream structures require a CUP</i> Draft SMP Section 5.4.1 – Regulations for In-stream structures.	Ecology: Compliant Not Compliant. Please see item 14 in the attached comment sheet.
Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C).	Draft SMP Section 3.4, Table 1. Permitted Use and Modification Table	Ecology: Compliant
Location and design of all developments and uses required to: Minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and	Draft SMP Section 3.4, Table 1. Permitted Use and Modification Table <i>Uses are highly restricted within Aquatic designation - limited to Water Dependent recreational development, fill, dredging, and dredge material placement only when</i>	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>wildlife, particularly those species dependent on migration. WAC 173-26-211(5)(c)(ii)(D).</p> <p>Prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F).</p>	<p><i>associated with restoration projects, and boat launch facilities when permitted in adjacent designationsjurisdictions.</i></p>	<p>Compliant</p>
<p>Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E).</p>	<p>Draft SMP Section 3.4, Table 1. Permitted Use and Modification Table</p> <p><i>Uses are highly restricted within Aquatic designation - limited to Water Dependent recreational development, fill, dredging, and dredge material placement only when associated with restoration projects, and boat launch facilities when permitted in adjacent jurisdictions.</i></p> <p><i>No critical saltwater habitat in Duvall.</i></p>	<p>Ecology: Compliant</p>
<p>HIGH-INTENSITY ENVIRONMENT — WAC 173-26-211(5)(d) RIVERSIDE VILLAGE</p> <p>[The City is implementing environment designations that are tailored to manage the existing functions, conditions, uses, and planned uses of the Duvall shoreline environment – this section is revised to reflect Duvall’s tailored environment designations]</p>		
<p>Designation criteria: Areas within incorporated municipalities, “UGAs,” and “rural areas of more intense development” (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii).</p>	<p>Draft SMP 3.3.2.2</p> <p><i>The “Riverside Village” environment designation is applied to those areas of the City’s shorelines that are characterized predominantly by existing and planned moderate density development, have moderately or highly impaired ecological functions and are planned and zoned for mixed use development.</i></p>	<p>Ecology: Compliant</p>
<p>Priority given first to water dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A).</p>	<p>Preferred use policy consistent with SMA included in Draft SMP 4.3.1 – Policy 1.</p>	<p>Ecology: Compliant</p>
<p>Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B).</p>	<p>Draft SMP Sections 3.2, 3.3.2, and 3.5</p> <p><i>Not directly applicable to City of Duvall shoreline – entire City is an Urban Growth Area. SMP Provisions focus intense growth within Riverside Village – an area with</i></p>	<p>Ecology: Compliant/ N/A</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
	<p><i>existing higher density development, lower levels of environmental function, and limited shoreline hazards (no floodway / floodplain in area of existing and future higher intensity development).</i></p>	
<p>New development does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C).</p>	<p>Draft SMP Chapter 2. Shoreline Goals</p> <p>Draft SMP 7.1.9 (General Compliance provision assuring tracking of ‘no net loss’ requirement throughout shoreline jurisdiction.</p> <p>Policies and regulations included to ensure ‘no net loss’ for many of the general shoreline regulations (Chpt 4), shoreline modification regulations (Chpt 5) and use specific regulations (Chpt. 6) included in the program.</p> <p><i>‘An over-arching goal of the master program is to ensure that future use and development of the City’s shoreline results in no net loss of shoreline ecological functions.’</i></p>	<p>Ecology: Compliant</p>
<p>Visual and physical public access required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E).</p>	<p>Public Access: Draft SMP 4.5.1 – Policies 3 and 4. Draft SMP 4.5.2 – Regulations 1 – 10</p> <p>Views and Aesthetics: Draft SMP 4.9</p>	<p>Ecology: Compliant</p>
<p>URBAN CONSERVANCY ENVIRONMENT — WAC 173-26-211(5)(e) PUBLIC RECREATION (APPLIED TO BOTH NORTH MCCORMICK PARK AND TAYLOR’S LANDING) <i>[The City is implementing environment designations that are tailored to manage the existing functions, conditions, uses, and planned uses of the Duvall shoreline environment – this section is revised to reflect Duvall’s tailored environment designations]</i></p>		
<p>Designation criteria: Areas within incorporated municipalities, UGAs, and “rural areas of more intense development” not suitable for water-dependent uses but suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii).</p>	<p>Draft SMP 3.3.3.2</p> <p><i>The Public Recreation environment is appropriate for shoreline areas that provide existing public recreational access to the shoreline, including water-dependent recreation access, and retain desirable riparian characteristics such as minimal bank armoring, associated wetlands and tributary channels, and/or well developed streamside vegetation. These areas can accommodate planned urban recreational development that is compatible with floodway and floodplain hazards and maintaining or restoring ecological functions.</i></p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Allowed uses are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or are appropriate for restoration. WAC 173-26-211(5)(e)(ii)(A).</p> <p>Priority given to water oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D).</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	<p>Draft SMP 3.4, Tables 1 and 2</p> <p><i>Table 1 provides overview of SED specific regulations. See specific policies and regulations of Chapters 4, 5, and 6 for additional detail.</i></p>	<p>Ecology: Compliant</p>
<p>Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B).</p>	<p>Draft SMP 3.4, Tables 1 and 2</p> <p><i>Table 1 provides overview of SED specific regulations. See specific policies and regulations of Chapters 4, 5, and 6 for additional detail.</i></p>	<p>Ecology: Compliant</p>
<p>Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C).</p>	<p>Draft SMP 3.4, Table 1</p> <p>Draft SMP 4.5, 6.4</p> <p><i>Table 1 provides overview of SED specific regulations and consistency with public access and recreation requirements</i></p>	<p>Ecology: Compliant</p>
GENERAL POLICIES AND REGULATIONS		
<p>Moratoria. Under the authority of RCW 90.58.590, local governments may adopt moratoria or other interim official controls lasting up to six months. →</p>	<p>These controls may be extended twice. <i>These official controls are not adopted as part of a shoreline master program.</i> →</p>	<p>Public hearings, notice to Ecology, and other requirement are set forth in RCW 90.58.590.</p>
ARCHAEOLOGICAL AND HISTORICAL RESOURCES WAC 173-26-221(1)		
<p>Developers and property owners required to stop work and notify the local government, state office of archaeology and historic preservation, and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i).</p>	<p>Draft SMP 4.2.2.1.</p>	<p>Ecology: Compliant</p>
<p>Permits issued in areas documented to contain archaeological resources require site inspection or evaluation by a professional archaeologist in coordination</p>	<p>Draft SMP 4.2.2.2.</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
with affected Indian tribes. WAC 173-26-221(1)(c)(ii).		
CRITICAL AREAS WAC 173-26-221(2) [REFERRED TO AS 'SENSITIVE AREAS' IN DUVALL]		
<p>Policies and regulations for critical areas (designated under GMA) located within shorelines of the state that</p> <ul style="list-style-type: none"> • Are consistent with SMP guidelines • Provide a level of protection equal to critical areas within shorelines that satisfy the no net loss of ecological functions requirement, as provided by the local government's existing critical area regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c). <p>Planning objectives are for protection <i>and restoration</i> of degraded ecological functions and ecosystem-wide processes. Regulatory provisions protect existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv).</p> <p>Critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v).</p>	<p>Draft SMP Section 4.3 - Environmental Protection and Sensitive Areas</p> <p>Draft SMP 4.3.1, Policies 2 and 3</p> <p>Draft SMP 4.3.2.1 – Integrates sensitive areas protections</p> <p>Draft SMP 4.3.2.1 – Requires implementation of mitigation sequencing</p> <p>Draft Cumulative Impacts Analysis (April 2012)</p> <p><i>Draft CIA assesses existing conditions, SMP provisions, and other plans and programs, and determines that the program will meet no net loss standard</i></p> <p>Restoration Plan (Updated October 2011) consistent with planning objectives.</p> <p>Draft SMP provides regulatory provisions consistent with WAC.</p> <p>Draft SMP 4.3 and incorporated DMC 14.42 (Sensitive Areas) standards are integrated with use allowances to provide for appropriate human uses and values.</p>	Ecology: Compliant
If SMP includes optional expansion of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state, accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).	<p>Draft SMP Section 1.8 (Shoreline Jurisdiction)</p> <p><i>The City proposes to include all required areas of shoreline jurisdiction; no inclusion of optional areas.</i></p>	Ecology: Compliant
WETLANDS WAC 173-26-221(2)(c)(i)		
Wetlands definition is consistent with WAC 173-22.	Draft SMP 8.2.92. (definition of 'Wetland')	Ecology: Compliant
Provisions requiring wetlands delineation method are consistent with WAC 173-22-035.	Draft SMP 4.3.2.1., sub-standards f. and g.	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Regulations address all uses and activities listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions, including lost time when the restoration does not perform the functions. WAC 173-26-221(2)(c)(i)(A) + (C).</p>	<p>Draft SMP 4.3.2.1 integrates DMC 14.42, which regulates all uses and activities listed in WAC section.</p> <p>DMC 14.42 – Sensitive Areas ordinance definition of ‘Development’</p> <p><i>“Development” means any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to: subdivision and short subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development; clearing activity; fill and grade work; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval.</i></p>	<p>Ecology: Compliant</p>
<p>Wetlands rating or categorization system is based on rarity, irreplaceability, and/or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating System or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]</p>	<p>Draft SMP 4.3.2.1 integrates DMC 14.42</p> <p>DMC 14.42.200 – Wetlands-designation, rating and mapping, provision D.</p>	<p>Ecology: Compliant</p>
<p>Wetland Buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B). Wetland buffer widths assume a naturally vegetated state; wider buffers or a revegetation plan may be needed if buffer is unvegetated or sparsely vegetated.</p>	<p>Draft SMP 4.3.2.1 integrates DMC 14.42</p> <p>DMC 14.42.210 – Wetland Buffer Standards</p> <p>Draft SMP 4.3.2.1, sub-sections e and h</p> <p><i>Integrated wetland standards provide wetland buffers based on BAS, implemented and enforced diligently by City to successfully protect existing functions (meeting no net loss standard required by WAC)</i></p> <p><i>Draft SMP removes several allowances within shoreline jurisdiction, including creating maximum buffer reduction 25% for all wetlands and further limiting allowable stormwater facilities.</i></p>	<p>Ecology: Compliant</p>
<p>Wetland mitigation requirements are consistent with WAC 173-26-201(2)(e) and are based on the wetland rating or other scientifically valid means demonstrating replacement of all functions lost (hydrologic, habitat, and</p>	<p>Draft SMP 4.3.2.1 integrates DMC 14.42</p> <p>DMC 14.42.240</p> <p>Draft SMP 4.3.2.3 (requires mitigation for all adverse</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
water quality). WAC 173-26-221(2)(c)(i)(E) and (F).	<p>environmental impacts whether or not the use/development requires a shoreline substantial development permit; also requires mitigation sequencing consistent with DMC 14.42.700)</p> <p><i>DMC provides detailed standards for wetland mitigation consistent with WAC 173-26-201(2)(e), other requirements.</i></p>	
<p>Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p> <p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F).</p> <p>Compensatory mitigation requirements are consistent with preference for “in-kind and nearby” replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B).</p>	<p>Draft SMP 4.3.2.3 (requires mitigation sequencing consistent with DMC 14.42.700)</p> <p>Draft SMP 4.3.2.1 integrates DMC 14.42</p> <p>(I) DMC 14.42.240 B. and C. require mitigation ratios</p> <p>(II and III) DMC 14.42.250 A.2.k.; DMC 14.42.260 – Wetland Mitigation Monitoring requirements</p> <p>(IV) DMC 14.42.240 J.; DMC 14.42.250 A.2.j.</p> <p>DMC 14.42.240 H.</p>	Ecology: Compliant
GEOLOGICALLY HAZARDOUS AREAS WAC 173-26-221(2)(c)(ii)		
<p>Prohibition of new development and creation of new lots that would:</p> <p>Cause foreseeable risk from geological conditions during the life of the development. WAC 173-26-221(2)(c)(ii)(B);</p> <p>Require structural shoreline stabilization over the life of the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C).</p>	<p>Draft SMP 4.3.2.1 integrates DMC 14.42</p> <p>DMC 14.42.460 – Geologically hazardous areas review and reporting requirements.</p> <p>Draft SMP 5.1.2. 3. and 4.</p>	Ecology: Compliant
<p>New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing</p>	Draft SMP 5.1.2.4.	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D).		
CRITICAL SALTWATER HABITATS WAC 173-26-221(2)(c)(iii) [NOT APPLICABLE TO DUVALL; NO CRITICAL SALTWATER HABITATS]		
<p>Prohibit new docks, bulkheads, bridges, fill, floats, jetties, utility crossings and other structures in or over critical saltwater habitats, except where:</p> <ul style="list-style-type: none"> Public need is clearly demonstrated; Avoidance of impacts is not feasible or would result in unreasonable cost; The project include appropriate mitigation; and The project is consistent with resource protection and species recovery. <p>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C).</p>		N/A
Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(e)(iii)(C)		N/A
CRITICAL FRESHWATER HABITATS WAC 173-26-221(2)(c)(iv)		
Requirements that ensure new development within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II).	<p>Draft SMP 3.4, Table 2 (Riparian buffers for Snoqualmie River; impervious surface standards)</p> <p>Draft SMP 4.1.2 (Impervious surface standards detailed)</p> <p>Draft SMP 4.3.2.3. (General standard requiring mitigation for an new shoreline use or development)</p> <p>Draft SMP 4.4.2 2. (floodplains, CMZs, hyporheic zones)</p> <p>Draft SMP 4.3.2.1 integrates DMC 14.42 (wetlands, streams)</p> <p>14.42.200 - Wetlands—Designation, rating and mapping.</p>	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
	14.42.210 - Wetland buffer standards. 14.42.220 - Wetland alterations. 14.42.230 - Wetland review and reporting requirements. 14.42.240 - Wetland mitigation. 14.42.250 - Wetland mitigation plan. 14.42.260 - Wetland mitigation monitoring. 14.42.300 - Fish and wildlife habitat conservation areas—Designation, mapping and classification. 14.42.310 - Fish and wildlife habitat conservation areas—Streams. 14.42.320 - Fish and wildlife habitat conservation areas—Stream buffers. 14.42.330 - Fish and wildlife habitat conservation areas—Streams—Allowed uses. 14.42.360 - Fish and wildlife habitat conservation areas—Review and reporting requirements. 14.42.370 - Fish and wildlife habitat conservation areas—Management standards.	
<p>Authorization of appropriate restoration projects is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III).</p>	<p>Draft SMP 3.4, Table 1 (Details allowances for restoration projects)</p> <p>Draft SMP 4.8.2.1.</p> <p>Draft SMP 5.1.2.10.</p>	<p>Ecology: Compliant, with required and recommended changes listed in the attached comment sheet. Items 18</p>
<p>Regulations protect hydrologic connections between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV).</p>	<p>Draft SMP 3.4, Table 2 (Riparian buffers for Snoqualmie River; impervious surface standards)</p> <p>Draft SMP 4.3.2.3. (General standard requiring mitigation for a new shoreline use or development)</p> <p>Draft SMP 4.3.2.1 integrates DMC 14.42 (provides buffers and requires assessment of connectivity between / impacts to wetlands and streams)</p>	<p>Ecology: Compliant</p>
<p>FLOOD HAZARD REDUCTION WAC 173-26-221(3)</p>		
<p>New development within the channel migration zone or floodway limited to uses and activities listed in WAC 173-</p>	<p>Draft SMP 3.4, Table 1 (Details allowances and restrictions on development and use west of the</p>	<p>Ecology: Not Compliant. Please see item 7 in the attached</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
26-221(3)(b) and (3)(c)(i).	Snoqualmie Valley Trail – synonymous with the CMZ and floodway) DMC 4.4.2.2. DMC 6.2.2.4. DMC 6.4.2. 5. and 6. DMC 6.6.2. 1. and 2. <i>Integration of FEMA Region X guidance for NFIP (floodplain development) / Endangered Species Act consistency restricts new development and use within the floodway and/or CMZ and requires detailed assessment of impacts, avoidance strategies, and mitigation for any allowed activities.</i>	comment sheet. These references are not correct Compliant
New structural flood hazard reduction measures allowed only: Where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished; Landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis. WAC 173-26-221(3)(c)(ii) & (iii).	Draft SMP 3.4, Table 1 (details limits on new flood control works) DMC 4.4.2.2.	Ecology: Compliant
New publicly funded dikes or levees required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv).	Draft SMP 3.4, Table 1 (levees prohibited throughout Duvall’s shoreline area)	Ecology: Compliant
Removal of gravel for flood control allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v).	Draft SMP 4.3.2, regulation 1 integrates DMC 14.42 – 14.42.330 - Fish and wildlife habitat conservation areas—Streams—Allowed uses. <i>Listed allowed uses do not include gravel removal for flood control.</i>	Ecology: Compliant
PUBLIC ACCESS WAC 173-26-221(4)		
Applicability: Public access includes the ability of the	Draft SMP 8.2, definition 65. (‘Public Access’ definition)	Ecology:

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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. WAC 173-26-221(4)(d)(i). For S of SWS the SMP should identify and evaluate all publicly owned shoreline parcels and their suitability for public access.</p>	<p><i>Definition is consistent with WAC</i></p> <p>Inventory and Characterization Report addresses publically owned properties, including existing and potential future public access sites and opportunities.</p>	<p>Compliant</p>
<p>Policies and regulations protect and enhance both physical and visual access. WAC 173-26-221(4)(d)(i).</p>	<p>Draft SMP 4.5.1, policies 1 – 4</p> <p>Draft SMP 4.5.2, ALL REGULATIONS OF THIS SECTION</p>	<p>Ecology: Compliant</p>
<p>Public entities are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii).</p>	<p>Draft SMP 4.5.2, regulation 4.a.</p>	<p>Ecology: Compliant</p>
<p>Provide standards for the dedication and improvement of public access in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels. In these cases, public access should be required [with certain exceptions].</p>	<p>Draft SMP 4.5.2, regulation 4.b.</p>	<p>Ecology: Compliant</p>
<p>Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320.</p>	<p>Draft SMP 3.4, Table 2 (Details maximum height limits, setbacks/buffers, and maximum impervious surface coverage limits)</p> <p>Draft SMP 4.9.2. 1. and 2.</p>	<p>Ecology: Compliant</p>
<p>VEGETATION CONSERVATION (CLEARING AND GRADING) WAC 173-26-221(5)</p>		
<p>Vegetation standards implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c).</p>	<p>Draft SMP 4.6.2, ALL REGULATIONS OF THIS SECTION</p>	<p>Ecology: Compliant</p>
<p>Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC</p>	<p>Draft SMP 4.6.2, regulations 6, 7, and 8.</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
173-26-221(5)(c).		
WATER QUALITY WAC 173-26-221(6)		
Provisions protect against adverse impacts to water quality and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6).	Draft SMP 4.7.2, regulations 1 and 2.	Ecology: Compliant
SHORELINE MODIFICATIONS		
<p>SMP: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement;</p> <p>(b) limits shoreline modifications in number and extent;</p> <p>(c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed;</p> <p>(d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures</p> <p>(f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur;</p> <p>(g) requires mitigation sequencing. WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);</p>	<p>Draft SMP 3.4, Table 1</p> <p>Draft SMP Chapter 5,</p> <ul style="list-style-type: none"> • <i>Differentiation between shoreline environments;</i> • <i>Residential docks prohibited;</i> • <i>Boating facilities limited, with allowances only for public boat ramps / boat launches and associated facilities;</i> • <i>Preference for bioengineering for shore stabilization, where permitted;</i> • <i>Significant restrictions on where and when shoreline modification is permitted, focusing on when needed as part of restoration projects, water-dependent or water-associated public access, and water-dependent utilities.</i> <p><i>See specific sections for additional details.</i></p>	<p>Ecology:</p> <p>Unclear where these principles are implemented in the SMP. Please provide the specific regulations in this checklist that show compliance with the WAC.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
SHORELINE STABILIZATION WAC 173-26-231(3)(a)		
<p>Definition: structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i).</p> <p>Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(I), 5th bullet).</p>	<p>Draft SMP Chapter 8.</p> <p>13. – Bioengineering</p> <p>71. - Riprap</p> <p>75. – Shoreline Armoring (or “structural shoreline stabilization”)</p> <p>83. – Soft-shore bank stabilization</p>	<p>Ecology: Compliant</p>
<p>Standards setting forth circumstances under which shoreline alteration is permitted, and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii).</p>	<p>Draft SMP 5.1.2, regulations 1, 2, 4, 5, 8 – 10</p>	<p>Ecology: Unclear where these principles are implemented in the SMP. Please provide the specific regulations in this checklist that show compliance with the WAC.</p>
<p>New development (<i>including newly created parcels</i>) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A).</p>	<p>Draft SMP 5.1.2, regulation 3</p>	<p>Ecology: Compliant</p> <p>N/A</p> <p>Unclear where these principles are implemented in the SMP. Please provide the specific regulations in this checklist that show compliance with the WAC.</p>
<p>New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures;</p> <p>(II) new non-water-dependent development including single family residences;</p>	<p>Draft SMP 5.1.2, regulation 4</p>	<p>Ecology: Compliant</p> <p>Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>III) water-dependent development; and</p> <p>(IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)</p>		<p>Compliant</p>
<p>Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure is allowed only for residences occupied prior to January 1, 1992, Or for soft shoreline stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C).</p>	<p>Draft SMP 5.1.2, regulation 6</p>	<p>Ecology: Compliant</p>
<p>Geotechnical reports prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D).</p>	<p>Draft SMP 5.1.2, regulation 8</p>	<p>Ecology: Compliant</p>
<p>Shoreline stabilization structures are limited to the minimum size necessary. WAC 173-26-231(3)(a)(iii)(E).</p>	<p>Draft SMP 5.1.2, regulations 4 and 6.a.</p>	<p>Ecology: Compliant</p>
<p>Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E).</p>	<p>Draft SMP 4.5.2, regulation 4.a.</p>	<p>Ecology: Compliant</p>
<p>Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E).</p>	<p>Draft SMP 5.1.2, regulations 2, 4 and 6.a.</p>	<p>Ecology: Compliant, however, recommended language in item 20 of the attached comment sheet.</p>
<p>PIERS AND DOCKS WAC 173-26-231(3)(b) [PROHIBITED THROUGHOUT DUVALL SHORELINE JURISDICITON – Draft SMP 3.4, Table 1]</p>		
<p>New piers and docks:</p> <p>Allowed only for water-dependent uses or public access</p> <p>Restricted to the minimum size necessary to serve a proposed water-dependent use.</p> <p>Permitted only when specific need is demonstrated (except for docks accessory to single-family residences).</p> <p>Note: Docks associated with single family residences are defined as water dependent uses provided they are</p>	<p><i>Not applicable, prohibited in Duvall</i></p>	<p>Ecology: N/A</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b).		
When permitted, new residential development of more than two dwellings is required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)	<i>Not applicable, prohibited in Duvall</i>	Ecology: N/A
Design, construction & placement of piers, docks, mooring buoys, boat lifts, boat ramps, marine railways, and float plane facilities are required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b).	<i>Not applicable, prohibited in Duvall</i>	Ecology: N/A
FILL WAC 173-26-231(3)(c)		
Definition of “fill” consistent with WAC 173-26-020(14).	Draft SMP 8.2, definition 35	Ecology: Compliant
Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c).	Draft SMP 5.2.2, regulations 5 and 7	Ecology: Compliant
Fill waterward of the OHWM allowed only by shoreline conditional use permit, for: Water-dependent use; Public access; Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; Disposal of dredged material in accordance with DNR Dredged Material Management Program; Expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible); Mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c).	Draft SMP 3.4, Table 1 Draft SMP 5.2.2, regulation 6	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
BREAKWATERS, JETTIES, AND WEIRS WAC 173-26-231(3)(d)		
Structures waterward of the ordinary high-water mark allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d).		Ecology: N/A
Shoreline conditional use permit required for all structures except protection/restoration projects. WAC 173-26-231(3)(d).		Ecology: N/A
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d).		Ecology: N/A
DUNES MANAGEMENT — WAC 173-26-231(3)(e) [NOT APPLICABLE IN DUVALL]		
Development setbacks from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e).		Ecology: N/A
Dune modifications allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e).		Ecology: N/A
Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e).		Ecology: N/A
DREDGING WAC 173-26-231(3)(f)		
Dredging and dredge material disposal avoids or minimizes significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulation 2	Ecology: Compliant
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulations 1 and 2	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulation 1 <i>Dredging regulations and allowances are further limited beyond WAC requirement.</i>	Ecology: Compliant
Maintenance dredging of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulation 1	Ecology: Compliant
Dredging for fill materials prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulation 1	Ecology: Compliant
Uses of dredge material that benefits shoreline resources are addressed. If applicable, addressed through implementation of regional interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f).	Not applicable	Ecology: N/A
Disposal within river channel migration zones discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially affect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f).	Draft SMP 5.3.2, regulation 2	Ecology: Compliant
SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT WAC 173-26-231(3)(g)		
Provisions that foster habitat and natural system enhancement projects , provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f).	Draft SMP Chapter 2 – Conservation and Restoration Goal Draft SMP 4.6 (Shoreline Vegetation Conservation), 4.7 (Water Quality), and 4.8 (Restoration)	<i>See all policies and regulations in this section</i>
Application For Relief option from expansion of SMA	NA	<i>City of Duvall chose not to include this provision; limited if</i>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
jurisdiction by shoreline restoration projects. RCW 90.58.580.		any application expected.
SPECIFIC SHORELINE USES		
AGRICULTURE WAC 173-26-241(3)(a) [PROHIBITED OUTRIGHT IN DUVAL SHORELINE AREAS – DRAFT SMP 6.1.3. – Except as allowed in existing areas of agricultural use within the publically managed Dougherty Farmstead property, which is provided for cultural and educational purposes.]		
Use of agriculture related terms is consistent with the specific meanings provided in RCW 90.58.030 and .065.		Ecology: Compliant
Provisions address new agricultural activities , conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities. Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) & (v).		
Shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv).		
Conversion of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi).		
AQUACULTURE WAC 173-26-241(3)(b) [NOT APPLICABLE IN DUVAL]		
General Provisions		Ecology: Please see item in the attached comment sheet.
Definition of aquaculture consistent with WAC 173-26-020(6) and -241(3)(b)(i)(A).		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Aquaculture is defined as dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, is a preferred use of the water area. WAC 173-26-241(3)(b)(i)(A).</p>		
<p>SMP recognizes that potential locations for aquaculture are restricted, technology associated with some forms of present-day aquaculture is still in its formative stages and experimental, and recognizes the need for some latitude in the development of this use as well as its potential impact on existing uses and natural systems. WAC 173-26-241(3)(b)(i)(B).</p>		
<p>General ecological siting considerations: Provisions require consideration of local ecological conditions and providing limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions. WAC 173-26-241(3)(b)(i)(A).</p> <p>Aquaculture is not permitted in areas where it would result in a net loss of ecological functions or adversely impact eelgrass and/or macroalgae. Impacts to ecological functions shall be mitigated consistent with the mitigation sequence. Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, or establish new nonnative species which cause significant ecological impacts. WAC 173-26-241(3)(b)(i)(C).</p>		
<p>Aquaculture is not permitted in areas where it would significantly conflict with navigation and other water-dependent uses. WAC 173-26-241(3)(b)(i)(C).</p>		
<p>Aquacultural facilities should not significantly impact the aesthetic qualities of the shoreline. WAC 173-26-241(3)(b)(i)(C).</p>		
<p>Provisions must ensure proper management of upland uses to avoid degradation of water quality of existing</p>		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>shellfish areas. WAC 173-26-241(3)(b)(i)(D).</p> <p>Inventory and characterization must include information specific to siting in-water uses and development, including intertidal property ownership, aquaculture operations, shellfish beds, shellfish protection districts, and areas that meet health shellfish water quality certification requirements. WAC 173-26-201(3)(c)(xi).</p> <p>Review of data and information specific to shellfish areas must also be done as part of the inventory and characterization. WAC 173-26-201(3)(d)(vii).</p>		
<p>Provisions require reserve of shoreline space for shoreline preferred uses, specifically existing shellfish protection districts and critical habitats. WAC 173-26-211(5)(c)(ii)(G).</p>		
<p>Subsistence, commercial and recreational shellfish beds are included in the definition of critical saltwater habitats. The inclusion of commercial aquaculture does not limit its regulation as a use. Reserving shoreline areas for protecting and restoring ecological functions should be done prior to reserving shoreline areas for uses. WAC 173-26-221(2)(c)(iii).</p>		
<p>Commercial geoduck aquaculture siting considerations</p>		
<p>Commercial geoduck aquaculture should only be allowed where sediments, topography, land and water access support geoduck aquaculture operations without significant clearing or grading. WAC 173-26-241(b)(ii)</p>		
<p>As determined by Attorney General Opinion 2007 No. 1, the planting, growing, and harvesting of farm-raised geoduck clams requires a substantial development permit if a specific product or practice causes substantial interference with normal public use of the surface waters, but not otherwise. WAC 173-26-241(b)(iii)</p>		
<p>Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes</p>		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government. Public notice must be provided to tribes and adjacent property owners. Limits and conditions to achieve no net loss must be used. WAC 173-26-241(b)(iv)(A)-(L).		
BOATING FACILITIES WAC 173-26-241(3)(c)		
Definition: Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c).	Draft SMP 8.2 15. (definition of 'boating facility')	Ecology: Compliant
Boating facilities restricted to suitable locations . WAC 173-26-241(3)(c)(i).	Draft SMP 6.2.2, regulations 1, 2, 4, 5, and 6	Ecology: Compliant
Provisions ensuring health, safety, and welfare requirements are met. WAC 173-26-241(3)(c)(ii)	Draft SMP 6.2.2, regulation 3.h All permitted boating facilities would be required to meet requirements of Draft SMP 4.1.2, 4.7.2, and 4.9.2	Ecology: Compliant
Provisions to avoid or mitigate aesthetic impacts . See WAC 173-26-241(3)(c)(iii).	Draft SMP 6.2.2, regulation 3.h	Ecology: Compliant
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv).	Draft SMP 6.2.2, regulations 1 and 2 Draft SMP 3.4, Table 1	Ecology: Compliant
Impacts of live-aboard vessels are limited. WAC 173-26-241(3)(c)(v).	Draft SMP 6.2.2, regulation 1 <i>Prohibits all marinas, including any boating facility use that could support live-aboard vessels.</i>	Ecology: Compliant
Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi).	Draft SMP 6.2.2, regulation 4	Ecology: Compliant
Navigation rights are protected. WAC 173-26-241(3)(c)(vii).	Draft SMP 6.2.2, regulation 1 <i>Limits new boating facilities to boat ramps; no implications for impacts to navigation rights</i>	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Extended moorage on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii).</p>	<p>Draft SMP 6.2.2, regulation 1</p>	<p>Ecology: Compliant</p>
<p>COMMERCIAL DEVELOPMENT WAC 173-26-241(3)(d)</p>		
<p>Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d).</p>	<p>Draft SMP 6.3.1, policy 2. Draft SMP 6.3.2, regulation 3.</p>	<p>Ecology: Compliant</p>
<p>Water-enjoyment and water-related commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d).</p>	<p>Draft SMP 4.5.2, regulation 4.b.</p>	<p>Ecology: Compliant</p>
<p>New non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d).</p>	<p>Draft SMP 6.3.2, regulation 2.</p>	<p>Ecology: Compliant</p>
<p>Non-water-dependent commercial uses over water prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d).</p>	<p>Draft SMP 6.3.2, regulation 4.</p>	<p>Ecology: Compliant</p>
<p>FOREST PRACTICES WAC 173-26-241(3)(e) [NOT APPLICABLE TO DUVAL, PROHIBITED BY DRAFT SMP 6.1, REGULATION 2., AS WELL AS UNDERLYING ZONING]</p>		
<p>Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving conversions to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e).</p>		<p>Ecology: Please see item 24 in the attached comment sheet.</p>
<p>SMP limits removal of trees on shorelines of statewide significance (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e).</p>		<p>Ecology: N/A</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
INDUSTRY WAC 173-26-241(3)(f) [INDUSTRIAL USE / DEVELOPMENT NOT ALLOWED IN SHORELINE JURISDICTION, EXCEPT ON SOUTH MCORMICK PARK PARCELS TO THE EAST OF THE SNOQUALMIE VALLEY TRAIL; ON THESE PROPERTIES, DEVELOPABLE AREAS ARE LOCATED OUTSIDE OF SHORELINE JURISDICTION DUE TO THE LOCATION OF WETLANDS / STREAMS. IN THE UNLIKELY EVENT THAT ANY INDUSTRIAL DEVELOPMENT EXTENDED SLIGHTLY INTO DUVALL'S SHORELINE JURISDICTION, A CONDITIONAL USE PERMIT WOULD BE REQUIRED.]		
Preference given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f).	<p>_____</p>	Ecology: Please see item 22 in the attached comment sheet.
Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f).	<p>_____</p>	
Industrial uses and redevelopment encouraged to locate where environmental cleanup and restoration can be accomplished. WAC 173-26-241(3)(f).		
Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f).		
New non-water-oriented industrial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f).		
IN-STREAM STRUCTURES WAC 173-26-241(3)(g)		
Definition: structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g).	Draft SMP 8.2, definition 48.	
In-stream structures protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. WAC 173-26-241(3)(g).	Draft SMP 5.4.2, all regulations	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
MINING WAC 173-26-241(3)(h) [NOT APPLICABLE TO DUVALL, PROHIBITED BY DRAFT SMP 6.1, REGULATION 1., AS WELL AS UNDERLYING ZONING]		
<p>Policies and regulations for new mining projects:</p> <ul style="list-style-type: none"> Require design and operation to avoid and mitigate for adverse impacts during the course of mining and reclamation; Achieve no net loss of ecological functions based on required final reclamation; Give preference to proposals that create, restore or enhance habitat for priority species are coordinated with state Surface Mining Reclamation Act requirements; Assure subsequent use of reclaimed sites is consistent with environment designation and SMP standards. WAC 173-26-241(3)(h)(ii)(A) – (C). 		<p>Ecology: Please see item 23 in the attached comment sheet.</p>
<p>Mining waterward of OHWM is prohibited unless:</p> <ul style="list-style-type: none"> (I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport; (II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and (III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D). 		
<p>Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV).</p>		
<p>Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E).</p>		
RECREATIONAL DEVELOPMENT WAC 173-26-241(3)(i)		
<p>Definition includes commercial and public recreation developments. WAC 173-26-241(3)(i).</p>	<p>Draft SMP 6.4.2, regulation 1.</p>	<p>Ecology: Complaint</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i).</p>	<p>Draft SMP 6.4.2, regulation 2.</p>	<p>Ecology: Complaint</p>
<p>Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i).</p>	<p>Draft SMP 3.4, Table 1 <i>See recreational development / use allowance variations between different shoreline environments.</i></p>	<p>Ecology: Complaint</p>
<p>Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i).</p>	<p>Draft SMP 6.4.2, regulations 6 and 7 Draft SMP 4.3.2, regulations 1 and 3</p>	<p>Ecology: Complaint</p>
<p>RESIDENTIAL DEVELOPMENT WAC 173-26-241(3)(j)</p>		
<p>Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j).</p>	<p>Definitions not repeated in Draft SMP; Draft SMP 8.3 incorporates definitions from Title 14, Unified Development Regulations, by reference. <i>Unified development code includes definitions and details framework of residential development and residential use.</i></p>	<p>Ecology: Complaint</p>
<p>Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j).</p>	<p>Draft SMP 8.2, definition 64.</p>	<p>Ecology: Complaint</p>
<p>No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j).</p>	<p>Draft SMP 3.4, Table 2 (buffer and impervious surface requirements) Draft SMP 4.3.2, regulation 1 (incorporated DMC 14.42 sensitive areas requirements) Draft SMP 6.5.2, regulations 1, 2 and 5.</p>	<p>Ecology: Complaint</p>
<p>New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j).</p>	<p>Draft SMP 6.5.2, regulation 6.</p>	<p>Ecology: Complaint</p>
<p>New multiunit residential development (including subdivision of land for more than four parcels) required to provide community and/or public access in</p>	<p>Draft SMP 4.5.1, regulation 4.b.</p>	<p>Ecology: Complaint</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
conformance to local public access plans. WAC 173-26-241(3)(j).		
<p>New (subdivided) lots required to be designed, configured and developed to:</p> <ul style="list-style-type: none"> (i) Prevent the loss of ecological functions at full build-out; (ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and (iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j) 	<ul style="list-style-type: none"> (i) Draft SMP 6.5.2, regulations 1, 5 and 6. (i and ii) Draft SMP 5.1.2, regulation 3. (iii) Draft SMP 3.4, Table 1; Draft SMP 6.5.2, regulations 4. <p><i>Very limited residential development, including subdivision, anticipated with Duvall shoreline jurisdiction. Residential development prohibited to the west of the Snoqualmie Valley Trail / within the floodway (and none existing).</i></p>	Ecology: Complaint
<p>Floating Homes: Certain ones must be classified as a “conforming preferred use” per RCW 90.58.270(5).</p>	<p>Draft SMP 6.5.2, regulation 6.</p> <p><i>No existing floating homes; prohibited in Duvall.</i></p>	Ecology: Complaint
<p>Nonconforming Residential Structures: SMPs may contain provisions allowing structures not meeting current standards to be considered “conforming” per RCW 90.58.620.</p>	<p>Not Applicable</p> <p><i>There are no nonconforming residential structures, and no existing residential structures that will become nonconforming by the provisions of the Draft SMP. As such, no provision is needed or applicable to Duvall.</i></p>	Ecology: Complaint
TRANSPORTATION FACILITIES WAC 173-26-241(3)(k)		
<p>Proposed transportation and parking facilities must be designed and located where they will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions, or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k).</p>	<p>Draft SMP 6.6.2, regulations 2, 3 and 4.</p>	Ecology: Complaint
<p>Circulation system plans include systems for pedestrian, bicycle, and public transportation where appropriate. WAC 173-26-241(3)(k).</p>	<p>Inventory and Characterization, Reach Scale Inventory and Analysis (Chapter 5 – Reach Descriptions starting on page 36; Map 7);</p> <p>Draft SMP 6.6.2 (Transportation and Parking), 6..4.2 (Recreation) regulations 8 and 10 provide policy / regulatory framework allowing for maintenance and improvement of ‘circulation systems’</p>	Ecology: Complaint

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k).</p>	<p>Draft SMP 3.4, Table 1 Draft SMP 6.6.2 regulation 3</p>	<p>Ecology: Compliant</p>
<p>UTILITIES WAC 173-26-241(3)(l)</p>		
<p>Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l).</p>	<p>Draft SMP 6.7.2 regulation 1</p>	<p>Ecology: Compliant</p>
<p>Utilities are required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l).</p>	<p>Draft SMP 6.7.2 regulation 2.b.</p>	<p>Ecology: Compliant</p>
<p>Utility production and processing facilities and transmission facilities required to be located outside of SMA jurisdiction, unless no other feasible option exists. WAC 173-26-241(3)(l).</p>	<p>Draft SMP 6.7.2 regulation 2.a.</p>	<p>Ecology: Compliant</p>
<p>Existing Utilities: Not allowed to justify more intense development. WAC 173-26-211(3)(c)</p>	<p>Draft SMP 4.1.2, regulations 1 and 2 Draft SMP 3.4, Table 1 Draft SMP 4.1.1, policy 2 <i>The proposed shoreline environment designation system and shoreline use allowances and restrictions provide consistency.</i></p>	<p>Ecology: Compliant</p>
<p>SMP ADMINISTRATIVE PROVISIONS</p>		
<p>This statement “<i>Unless specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program whether or not a permit is required.</i>” must appear in the SMP. WAC 173-26-191(2)(a)(iii)(A).</p>	<p>Draft SMP 1.4 (Applicability)</p>	<p>Ecology: Not Compliant. Please see item 28 in the attached comment sheet.</p>
<p>Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC</p>	<p>Draft SMP 4.5.2, regulations 3 and 5 Draft SMP 7.3.10 (Non-conforming Shoreline Uses)</p>	<p>Ecology: Compliant</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
191(2)(a)(iii)(A).		
Annexation: SMP does not apply to annexed areas unless the requirements of WAC 173-26-150 and 160 are complied with.	Not applicable in Duvall <i>The City has no intention to annex the Northwest UGA area (the only UGA area associated with the City that contains King County shoreline jurisdiction); as such, no pre-designation or application of the Draft SMP is proposed in the Northwest UGA area.</i>	Ecology: Compliant
Exemptions: Must implement exemption procedures in accordance with WAC 173-27-040(1).	Draft SMP 7.3.2 and 7.3.3	Ecology: Not Compliant. Please see item 29 in the attached comment sheet.
Permit Exemption Letters: Must be prepared for projects requiring Federal Rivers & Harbors Act §10 permits and/or Federal Clean Water Act §404 permits. WAC 173-27-050.	Draft SMP 7.3.4 <i>Statement of exemption required in all instances.</i>	Ecology: Compliant
Retroactive SMA/GMA Relationship: RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. <i>The legislature intends for this act to be remedial and curative in nature, and to apply retroactively to July 27, 2003. See RCW 36.70A.480, Footnotes.</i>	Draft SMP 4.3.2, regulation 1 <i>Sensitive areas ordinance (codified as DMC 14.42) integrated by Draft SMP. The City has enforced sensitive areas protections throughout shoreline jurisdiction since before 2003.</i>	Ecology: Compliant
GMA Administrative Interpretation: GMA jurisdictions SMP must contain procedures for administrative interpretation of development regulations. RCW 36.70B.110(11) & WAC 173-26-140.		Ecology: Not Compliant. Please see item 30 in the attached comment sheet.
Substantial Development Permits: Approved SDPs must comply with WAC 173-27-150.	Draft SMP 7.3.1, regulation 3	Ecology: Compliant
Conditional Use Permit: Approved CUPs must comply with WAC 173-27-160.	Draft SMP 7.3.6, regulation 3.a.	Ecology: Compliant
SMPs must specify which uses and developments require a shoreline conditional use permit (CUP) .	Draft SMP 3.4, Table 1 Draft SMP 6.8	Ecology: Compliant

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Variations: Approved VARs must comply with WAC 173-27-170.	Draft SMP 7.3.5, regulations 4 and 5	Ecology: Compliant
Permit Revisions: Must comply with the revision approval criteria of WAC 173-27-100.	Draft SMP 7.2.2, regulation 7	Ecology: Compliant
Federal Projects: Must comply with WAC 173-27-060, with differing requirement in and out of the federal Coastal Zone Management Program.	Draft SMP 7.2.1, regulation 1 <i>No specific citation, however 7.2.1, regulation 1 requires administration 'according to the standards and criteria in RCW 90.58 and WAC 173-27.'</i>	Ecology: Not Compliant. Please see item 31 in the attached comment sheet.
Non-conforming uses and structures not covered by RCW 90.58.270(5), 90.58.620, and not addressed by the SMP must comply with WAC 173-27-080.	Draft SMP 7.3.9	Ecology: Not Compliant. Please see item 33 in the attached comment sheet.
Mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)	Draft SMP 7.1, regulation 9	Ecology: Compliant
SMP definitions are consistent with all definitions in WAC 173-26-020, and other relevant WACs.	Draft SMP. Chapter 8 <i>All definitions consistent</i>	Ecology: Compliant, but with recommendations from comment sheet sent April 18, 2012