

The following changes are required to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	Bill Format Changes [<u>underline</u> -additions; strikethrough -deletions]	ECOLOGY - DISCUSSION/RATIONALE
A	Table of Contents Page iii	Table of Contents	Appendix A - Restoration Plan Appendix B - University Place Municipal Code Title 17 (Ordinance No. 630, effective October 28, 2013).	<i>These changes are required for internal consistency and for consistency with WAC 173-26-191 (2)(b); attaching the critical area provisions incorporated into the SMP by reference will ensure the correct version is utilized into the future.</i>
B	Chapter 18.05.060 (C) Page 4	Relationship to Other Plans and Regulations	C. With the exception of UPMC Title 17 (critical areas), all All other referenced code provisions may apply to projects subject to shoreline regulations but are not considered part of this Shoreline Program. See also Section 18.25.070.D.	<i>This change is required for compliance with RCW 90.58.610 and WAC 173-26-191 (2)(b). The City is incorporating its critical areas ordinance into the SMP to address critical areas in shoreline jurisdiction. This change makes it clear that the critical area provisions <u>are</u> in fact considered part of the Shoreline Program, and refers the user to text in the document with specific section references.</i>
C	Chapter 18.10.020 Page 5	Definitions	Aquacultural Practices: The hatching, cultivating, planting, feeding, raising, harvesting and processing of aquatic plants and animals, and the maintenance and construction of necessary equipment, buildings and growing areas. Methods of aquaculture include but are not limited to fish hatcheries, fish pens, shellfish rafts, racks and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. Aquaculture does not include the harvest of wild geoduck associated with the state managed wildstock geoduck fishery or activities on private property for personal consumption.	<i>This change is required to reflect the definition of aquaculture in WAC 173-26-020 and WAC 173-26-241 (3)(b)(i)(A).</i>
D	Chapter 18.10.020 Page 9	Definitions	Emergency: An unanticipated and imminent threat to public health, safety or the environment which requires immediate action within a time too short to allow full compliance with WAC Chapter 173-27 and this Shoreline Program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permits which would have been required by this Chapter or the Shoreline Management Act, absent an emergency, must be obtained. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this master program. Generally, flooding or other seasonal events that can be anticipated and may occur but are not imminent are not an emergency.	<i>This change is required for consistency with WAC 173-27-040 (2)(d).</i>
E	Chapter 18.10.020 Page 12	Definitions	Floating Home: a single-family dwelling unit constructed on a float that is moored, anchored, or otherwise secured in waters, and is not a vessel, even though it may be capable of being towed.	<i>This change is required for consistency with RCW 90.58.270. See also required change Z.</i>
F	Chapter 18.10.020 Page 18	Definitions	Shorelands or Shoreland Areas: Lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways ; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of the SMA and this Shoreline Program; the same to be designated as to location by the Department of Ecology.	<i>This change is required for consistency with RCW 90.583.030 (2)(d).</i>
G	Chapter	Definitions	Shoreline Stabilization: Protection of shoreline upland areas and shoreline uses from the	<i>This change is required for consistency with WAC 173-26-231 (3)(a)(i).</i>

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	18.10.020 Page 19		effects of shoreline wave action, flooding or erosion <u>caused by natural processes</u> ; including non-structural and structural methods. Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.	
H	Chapter 18.15.010 (D)-(F) Page 22	General Provisions	<p>D. The City shall process applications for a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit in accordance with UPMC 22.05. <u>However, the public comment period established in UPMC 22.05.060.D.1 shall not apply; the public comment period shall be 30 days. The time requirements in WAC 173-27-090 shall be applied to all permits issued or development authorized under this Shoreline Program.</u></p> <p><u>E. When developing and adopting procedures for administrative interpretation of this Master Program, the City shall consult with the Department of Ecology to insure that any formal written interpretations are consistent with the purpose and intent of the Act and the SMP Guidelines.</u></p> <p><u>F. Permit revisions are required to comply with the revision approval criteria in WAC 173-27-100.</u></p>	<p><i>The first changes (to D) are required for consistency with RCW 90.58.140 (4) and WAC 173-27-090.</i></p> <p><i>The second change (addition of E) is required for consistency with WAC 173-26-140.</i></p> <p><i>The third change (addition of F) is required for consistency with WAC 173-27-100.</i></p>
I	Chapter 18.15.070 (D) Page 29	Nonconforming Development	<p><u>D. Existing, lawfully established single family residences on Day Island, Day Island South Spit and Sunset Beach located closer to the Ordinary High Water Mark than the setback specified in Table 18.30.B shall be considered conforming structures for purposes of this SMP. Such structures may be expanded in accordance with footnotes 30 and 31 on Table 18.30.B, and shall be subject to the substantial destruction provisions in UPMC 19.80.050.A.4 and .5.</u></p> <p><u>Re-number following section (D) as (E).</u></p>	<p><i>Table 18.30.B states that these structures will be considered conforming under the outlined circumstances, however there were no provisions in the text of the SMP differentiating how they would be treated from how nonconforming structures are treated. This change is required in accordance with WAC 173-26-191(2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i></p>
J	Chapter 18.15.090 (A) Page 29	Ecology Review	<p>A. The Department of Ecology shall be notified of any substantial development, conditional use or variance permit decision made by the Examiner or Administrator, whether it is an approval or denial. The notification shall occur <u>concurrently with the transmittal of the ruling to the applicant</u> after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed. When a substantial development permit and either conditional use or variance permit are required for a development, the submittal of the permits shall be made concurrently. The Administrator shall file the following with the Department of Ecology and Attorney General:</p>	<p><i>This change is required for consistency with RCW 90.58.140 (6).</i></p>
K	Chapter 18.15.120 (C) Page 31	Master Program Review	<p>C. As part of any required SMP update, an evaluation report assessing <u>the cumulative effects of development on shoreline conditions</u> and the effectiveness of this Shoreline Program in achieving no net loss shall be prepared and considered in determining whether policies and regulations are adequate in achieving this requirement.</p>	<p><i>This change is required in accordance with WAC 173-26-191 (2)(a)(iii)(D).</i></p>
L	Chapter 18.20.010	Shoreline Jurisdiction	<p>C. "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state. Within University Place, this includes:</p>	<p><i>This change is required for conformity with RCW 90.58.030 (2)(d).</i></p>

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	(C)(1) Page 32		1. Marine Waters a. Those waters of Puget Sound lying between extreme low tide and the ordinary high water mark, <u>and adjacent marine shorelands.</u> b. Chambers Bay Estuary and its associated wetlands, floodway and shorelands.	
M	Chapter 18.25.030 (B)(5) Page 44	Flood Hazard Reduction	<u>5. Development and shoreline modifications that would result in interference with the process of channel migration and may impact property or improvements or result in a net loss of ecological functions should not be allowed.</u>	<i>This change is required in accordance with WAC 173-26-221 (3)(b). The SMP contains no policies relating to channel migration. Preliminary areas of potential channel migration areas along Chambers Creek are identified in the Shoreline Inventory and Characterization (section 4.6.2). At least one policy is necessary to support related implementing regulations (WAC 173-26-191 (2)(a)(i)); see also the next required change.</i>
N	Chapter 18.25.030 (C)(1) Page 44	Flood Hazard Reduction	1. New development or new uses in shoreline jurisdiction, including subdivision of land, shall not be established when it would be reasonably foreseeable that the development or use would require structural flood hazard reduction measures within the <u>channel migration zone or</u> floodway.	<i>This change is required in accordance with WAC 173-26-221 (3)(c)(i).</i>
O	Chapter 18.25.050 (B)(9) Page 50	Public Access	9. Where public <u>maintenance of</u> views <u>from adjacent properties</u> and water-dependent uses <u>or physical public access</u> conflict, the water-dependent uses <u>and physical public access</u> should prevail.	<i>This change is required for consistency with WAC 173-26-221 (4)(d)(iv).</i>
P	Chapter 18.25.070 (D)(1) and (D)(5) Page 59	Shoreline Ecological Protection and Mitigation	1. The City's critical areas regulations, codified under UPMC Title 17, apply to critical areas in the shoreline jurisdiction. UPMC Chapters 17.05, 17.10, 17.15, 17.20, 17.25, 17.30 and 17.35 are herein incorporated into this SMP, except as noted in item 5, below. <u>The critical areas regulations being incorporated into the SMP are those referenced in Ordinance No. 630, effective October 28, 2013. In the event these regulations are amended, the edition referenced herein will still apply in shoreline jurisdiction. Changing this reference to recognize a new edition will require a master program amendment.</u> 5. <u>f. In shoreline jurisdiction, the following point scale shall be used to separate the wetland categories defined in UPMC 17.35.020: Category I wetlands are those that score 23 or more points, category II wetlands are those that score between 20 and 22 points, category III wetlands are those that score between 16 and 19 points, and category IV wetlands are those that score between 9 and 15 points.</u>	<i>The first change is required in accordance with WAC 173-26-191 (2)(b). Incorporating the critical areas regulations from the cited sections of UPMC Title into the SMP requires the City to reference a specific, dated version.</i> <i>The second change (addition of 5(f)) is required for consistency with WAC 173-26-221 (2)(i)(B). The City has adopted the current edition of the Washington State Wetland Rating System for Western Washington to determine wetland categories. Ecology published updates to the Washington State Wetland Rating Systems at the end of June 2014. The most substantive change affecting local governments is the change to the scale of wetland scores. Ecology will require that the updated rating system be used as of January 1, 2015.</i>
Q	Chapter 18.25.070 (F)(1) Page 61	Shoreline Ecological Protection and Mitigation	1. New development <u>or the creation of new lots</u> that would cause foreseeable risk from geological conditions during the life of the development is prohibited.	<i>This change is required in accordance with WAC 173-26-221 (2)(ii)(B).</i>
R	Chapter 18.25.100 (D)(1) Page 66	Vegetation Conservation	a. Transportation facilities and utilities only when it has been determined that alternative upland locations are not feasible; b. Pedestrian access from upland areas to the shoreline, piers, docks, launch ramps, viewing platforms, wildlife viewing blinds and other similar water-oriented uses <u>in accordance with Section 18.25.050.F.1;</u>	<i>These changes are required in accordance with WAC 173-26-191(2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i>

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			c. Public access viewpoints; d. Public recreation trails and shared use pathways in accordance with Section 18.25.050.F.1 ; e. Educational facilities such as viewing platforms, wildlife viewing blinds and interpretive sites; f. Water dependent uses and E equipment necessary for conducting water-dependent uses such as boat travel lifts for boat maintenance and upland storage; g. Improvements that are part of an approved enhancement, restoration, or mitigation plan; h. Shoreline stabilization only when it is part of an approved project. i. Uncovered single-family residential decks, patios, access paths and play surfaces utilizing pervious materials and designs; j. Benches, tables, hot tubs, fire pits, play equipment and other similar accessory structures or equipment provided in conjunction with a single-family residence; and, k. Removal of noxious weeds or hazardous trees.	<p><i>The first two changes (to b and d) ensure consistency with the Public Access section of the Master Program, outlining the circumstances under which trails and shared use pathways may be located within vegetation conservation areas.</i></p> <p><i>The third change (f) clarifies the City's intent and ensures consistency with provisions in a number of locations throughout the rest of the document. For example, regulations in the previous section outline that water dependent uses are not expected to provide VCAs. Table 18.30B outlines that building and structure setbacks from the ordinary high water mark apply to non-water dependent uses.</i></p>																								
S	Chapter 18.25.110 (E)(3) Page 77	View Protection	3. If the proposed structure would block or significantly compromise the view of a substantial number of residences in adjoining areas, the Examiner may limit the height of the structure or require design revisions or relocation to prevent the loss of views.	<p><i>This change (addition) is required in accordance with WAC 173-26-191(2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. This section of the Master Program describes in detail what the visual impact assessment must include and address, but never outlines how the assessment will be used, in other words what happens if it is found that the view blockage is significant or exceeds the criteria in the Master Program. This language is consistent with the text regarding view protection in the residential section of the Master Program.</i></p>																								
T	Chapter 18.30.040 Table 18.30.A Page 82	Uses and Activities	<table border="1" data-bbox="594 1000 1569 1300"> <thead> <tr> <th></th> <th>Day Island Medium Intensity</th> <th>Shoreline Residential</th> <th>Urban Conservancy</th> <th>Natural</th> <th>Marine Deepwater</th> </tr> </thead> <tbody> <tr> <td colspan="6">Aquaculture</td> </tr> <tr> <td>Recovery of Native Populations²</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> <td>P</td> </tr> <tr> <td>Commercial Aquaculture</td> <td><u>C</u></td> <td><u>C</u></td> <td><u>C</u></td> <td><u>X</u></td> <td><u>C</u></td> </tr> </tbody> </table>		Day Island Medium Intensity	Shoreline Residential	Urban Conservancy	Natural	Marine Deepwater	Aquaculture						Recovery of Native Populations ²	P	P	P	P	P	Commercial Aquaculture	<u>C</u>	<u>C</u>	<u>C</u>	<u>X</u>	<u>C</u>	<p><i>Some forms of aquaculture are a water dependent use, which are a preferred use of the state's shorelines when done consistent with the control of pollution and prevention of damage to the environment. University Place has other existing priority uses (water dependent boating facilities and public access/recreation) established along its shorelines. Furthermore, due to the presence of wastewater treatment plan outfalls, the sale for human consumption of commercial shellfish is prohibited by the Department of Health in approximately half of the City's shoreline areas. Therefore, it is appropriate to consider the scope and location for this use as a conditional use in order to ensure future use conflicts are minimized. The allowance is required to ensure consistency with the priorities of shorelines of the state in RCW 90.58.020 and WAC 173-26-201(2)(d), for consistency with WAC 173-26-241(3)(b), and for consistency with RCW 90.58.020 for shorelines of statewide significance and WAC 173-26-251. See also required change U.</i></p>
	Day Island Medium Intensity	Shoreline Residential	Urban Conservancy	Natural	Marine Deepwater																							
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U	Chapter 18.30.060 Page 88	Aquaculture	See Exhibit B-1 (attached).	See rationale for required change item T above.																								

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V	Chapter 18.30.080 (E)(2) Page 96	Commercial	2. Non-water-oriented commercial buildings or uses shall be set back a minimum of 60 feet from the ordinary high water mark in the Day Island Medium Intensity shoreline environment. The area between these buildings or uses and the ordinary high water mark shall be used for water-oriented use and development, additional public access or shoreline restoration. Buildings that contain a mix of non-water-oriented uses and water-oriented uses may be set back a minimum of 35 feet from the ordinary high water mark in the Day Island Medium Intensity shoreline environment, or 50 feet from the ordinary high water mark in the Urban Conservancy shoreline environment, provided the use of the building is predominantly water-oriented.	<i>This change is required because Table 18.A.30 outlines that commercial uses are prohibited in the urban conservancy designation; WAC 173-26-191(2)(a)(ii)(A).</i>
W	Chapter 18.30.100 (A) Page 97	Industrial	A. Applicability. The provisions in this section apply to all industrial uses and development types allowed within the Day Island Medium Intensity shoreline environment in accordance with the Use Table in UPMC 19.25.110 <u>18.30.A</u> . Industrial use provisions apply to activities involving the production, processing, storage, movement, servicing, or repair of goods and materials.	<i>This change is required in accordance with WAC 173-26-191(2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies. Industrial uses and development allowed in the Day Island Medium Intensity shoreline environment designation are outlined in the Master Program in Table 18.30.A which may not include all of the same uses allowed by the underlying zoning (UPMC 19.25.110).</i>
X	Chapter 18.30.120 (D)(10) Page 102	Recreation	<u>10. Commercial recreational development shall be consistent with the provisions for commercial development in Section 18.30.080.</u>	<i>This change is required in accordance with WAC 173-26-241 (3)(i). There is a policy in this section relating to commercial recreational development but no implementing regulation.</i>
Y	Chapter 18.30.130 (A) Page 104	Residential	A. Applicability. Residential development means one or more buildings, structures, lots, parcels, or portions thereof, which are designed for and used or intended to be used to provide a place of abode for human beings. This includes the creation of new residential lots through land division and single family, two-family and multi-family residences together with accessory uses and structures normally applicable to residential uses located landward of the ordinary high water mark including, but not limited to, a swimming pools, garages, a sheds, fences, decks, driveways, utilities, a hot tubs, a saunas, and grading that does not exceed two hundred and fifty (250) cubic yards and does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040(2)(g)). Single-family and multi-family development is limited to those underlying zones that allow it and <u>also</u> subject to the requirements therein.	<i>The change from plural to singular reference to these appurtenances is required to recognize that an exempt appurtenance is intended to be something that “is necessarily connected to the use and enjoyment of a single-family residence “. Because the changes refer to items that are not considered necessary for use and enjoyment of a single family home, there is no reason for them to be and in fact it is inappropriate for them to be plural. The second change (addition of “also”) is required to clarify that residential development is not subject only to provisions of the underlying zoning. These changes are required in accordance with WAC 173-26-191 (2)(a)(ii)(A), which requires Master Program regulations be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i>
Z	Chapter 18.30.130 (C)(6) Page 105	Residential	6. New over-water residential development, <u>including floating homes,</u> shall be prohibited.	<i>This change is required in accordance with WAC 173-26-241 (3)(j). See also required change E.</i>
AA	Chapter 18.35.040 (C)(1)(d) & (e) Page 118	Fill	d. Construction of protective berms or other structures to prevent the inundation of water resulting from sea level rise <u>when consistent with the flood hazard reduction provisions in Section 18.25.030;</u> e. Public access and water-oriented <u>dependent</u> recreational uses;	<i>These changes are required in accordance with WAC 173-26-191(2)(a)(ii)(A), which states that Master Program regulations shall be sufficient in scope and detail to ensure the implementation of the Shoreline Management Act, statewide shoreline management policies in the SMP Guidelines, and local master program policies.</i>

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				<p><i>The change to (d), which adds a reference to the flood hazard reduction provisions in the Master Program, is essential for internal consistency and to ensure the Guidelines requirements relating to flood hazard prevention are implemented; see also recommended change RR.</i></p> <p><i>The change to (e) is necessary to align with policy A.5 in this chapter, in which fill waterward of the ordinary high water mark is allowed for water <u>dependent</u> uses versus all water <u>oriented</u> uses.</i></p>
BB	Chapter 18.35.050 (H)(1) Page 125	Moorage	1. Marine Deepwater: Docks (piers, ramps and floats) and navigation buoys may be authorized subject to the provisions of this Shoreline Program. Moorage buoys are <u>not</u> allowed.	<i>This change is required in accordance with WAC 173-26-191(2)(a)(ii)(A). Table 18.35 footnote 2 states that moorage buoys are prohibited in the marine deepwater designation.</i>
CC	Chapter 18.35.060 (B)(5) Page 127	Restoration and Enhancement	5. Restoration and enhancement projects shall be designed, constructed, and maintained to avoid the use of shoreline stabilization measures. Where such measures cannot be avoided, bio- engineering shall be used rather than bulkheads or other structural stabilization measures, unless it can be demonstrated that there are no feasible options to achieve the intended result. <u>The primary purpose of restoration and enhancement projects including shoreline modification actions must clearly be restoration of the natural character and ecological functions of the shoreline. These projects must address legitimate restoration needs and priorities.</u>	<i>This change is required in accordance with WAC 173-26-231 (3)(g).</i>
DD	Chapter 18.35.070 (B)(3) Page 129	Shoreline Stabilization	3. Structural stabilization shall be located and designed in compliance with the vegetation conservation standards <u>and critical areas requirements</u> in Section 18.25.100 of this Shoreline Program and critical areas requirements in Title 17.	<i>This change is required for compliance with RCW 90.58.610 and WAC 173-26-191 (2)(b). The City is incorporating its critical areas ordinance into the SMP to address critical areas in shoreline jurisdiction. Once the SMP is effective, Title 17 as it stands alone will not apply within shoreline jurisdiction.</i>
EE	Chapter 18.35.070 (C)(3) Page 130	Shoreline Stabilization	3. New or enlarged structural shoreline stabilization measures for an existing, lawfully established development or residence <u>primary structure</u> are not allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents, waves, or tidal action. In addition, all of the following provisions shall apply:	<i>This change is required in accordance with WAC 173-26-231 (2)(a) and (3)(a)(iii)(B)(I).</i>