

ITEM	SMP SECTION	BILL FORMAT CHANGES [ <u>underline</u> = additions; <del>strikethrough</del> = deletions]	ECOLOGY - DISCUSSION/RATIONALE
<b>REQUIRED CHANGES</b>			
REQ-1	5. Shoreline Environmental Designations	<p><b>URBAN – Designation Criteria.</b> Urban environmental designations <del>are</del> <u>is</u> applied to <u>shoreline</u> areas: <u>landward of the ordinary high water mark; and to the water areas inside an existing marina breakwater (Figure 5-3);</u> that currently support high-intensity uses related to commerce, transportation...</p> <p><b>AQUATIC – Designation Criteria.</b> Aquatic designations <del>are appropriate for lands</del> <u>is applied</u> waterward of the ordinary high-water mark, <u>except: within the John Wayne Marina breakwater; and any tidal estuarine wetland, marsh, lagoon and/or spit features otherwise designated.</u></p> <p><b>Boundary Description</b>                      All <u>waters and</u> intertidal or subtidal lands within the City of Sequim city limits and Urban Growth Areas, waterward of the ordinary high-water mark, except those areas: <u>inside the John Wayne Marina breakwater; at Pitship Marsh; and Washington Harbor’s South Spit and tidal estuarine wetland/marsh;</u> as shown in Figures <u>5-23, 5-4, 5-11, and 5-12.</u></p>	<p>Ecology requires revision for consistency with WAC 173-26-211, and to correct an internal conflict to ensure the Chapter 5 designation criteria accurately reflect the Figure 1-1 map and descriptions of Table 1-1, and clarify the locally-tailored exceptions to the application of Aquatic within the John Wayne Marina, and Urban Conservancy waterward of OHWM at Washington Harbor and Pitship Marsh. This appears to have been an oversight from the 2013 comprehensive update. Additional changes for syntax shown here for internal consistency (i.e. “is applied”; delete ‘shoreline’; and Figure references). See also related recommended changes to Chapter 5 below.</p>
<b>RECOMMENDED CHANGES</b>			
Rec-1	3. Definitions	<p>[City’s proposed text shown as clean-copy in black to highlight ECY suggested edits]</p> <p><b>Boating Facilities.</b> Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types, covered moorage, boat launches, and marine travel lifts. Boating facilities <del>ies y standards</del> <u>do not apply to include</u> docks serving four or fewer single-family residences.</p>	<p>Ecology recommends revision to the last sentence for consistency with WAC 173-26-241(3.c) that only excludes “<i>docks serving four or fewer single-family residences</i>”, and to better reflect the common construct of addressing use standards in the regulations (such as Chapter 6 Development Standards: 6.2.3 Piers, Docks, Mooring Buoys, Floats, Trams, and Launches and 6.3.6 Marinas/Boating Facilities) rather than addressing standards in the definition.</p> <p>Note: Per Comment Matrix #8 (PNNL), as the City notes a new pier/dock would likely not be considered a Boating Facility but would be reviewed under 6.2.3 Piers, Docks, Buoys, Floats, Trams &amp; Launches. Both 6.2.3 and the 6-1 Use Table show such a pier/dock as permitted in the Research District (RD) designation, and a new ramp/launch allowed with a CUP in the RD. However, 6.3.6</p>

Changes in blue are required or recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

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			Marinas/Boating Facilities #2 and the 6-1 Use Table prohibit a new marina in the Research District Designation. Therefore no change to the Boating Facility definition is needed for PNNL piers/docks.
Rec-2	3. Definitions	<b>Critical Saltwater Habitats.</b> <del>Shorelands and s</del> Submerged areas that include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats, intertidal habitats with vascular plants...	Scrivener correction – previous ECY suggested edit inadvertently included ‘shorelands’; we recommend deleting.  Per Comment Matrix #9 (PNNL), SMP 6.1.4 identifies critical saltwater habitat as part of the fish & wildlife habitat conservation areas (FWHCAs) protected by the SMP, including detailed exceptions/modifications to the Appendix A Critical Areas Regulations that address FWHCAs as part of SMC 18.80. Habitat data is not required to be presented in the SMP, but rather is best considered by the Inventory & Characterization &/or as part of the ever-evolving GIS collection, as required by WAC 173-26-201(2.a) for use of <i>the most current, accurate, available scientific &amp; technical information</i> . This allows the City to rely on the most current data sets without triggering an SMP amendment.
Rec-3	4.2.8 Critical Areas Element	<b>GOAL.</b> Manage designated critical areas (i.e., wetlands, bluffs, fish and wildlife conservation areas, flood hazard areas, and streams) that are located within the City’s shoreline jurisdiction to protect existing <del>ecological functions and</del> ecosystem-wide processes, <u>provide a level of protection that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources</u> , and where possible, rehabilitate degraded ecological functions and ecosystem-wide processes.	Ecology recommends this alternative revision for better clarity and consistency with both WAC 173-26-186(8.c) and WAC 173-26-221(2.a.ii) that separately establish requirements for the restoration of impaired shorelines, and the protection of critical areas to ensure no net loss, respectively, and to reflect Comment Matrix #3 (WDFW).
Rec-4	5. Shoreline Environmental Designations	<b>RESEARCH DISTRICT – Designation Criteria.</b> Research District environmental designation is applied to <u>shoreline</u> areas <u>landward of the ordinary high water mark</u> where research and development uses related to environment, biotechnology, energy efficiency, marine and coastal security, or public and private educational partnerships...  <b>URBAN CONSERVANCY – Purpose.</b> Urban conservancy designation protects and restores ecological functions of open space, flood plain and other sensitive lands where they exist in urban and developed settings,	Ecology recommends revisions consistent with WAC 173-26-211 to: <ul style="list-style-type: none"><li>• Clarify that upland designations are primarily applied landward of OHWM (with some exceptions as specified) by removing ‘shorelines’ from all Designation Criteria text since the term is defined at RCW 90.58.030(2.e) to include both in-water and adjacent shoreland areas;</li><li>• Ensure internal consistency within Chapter 5 including minor grammatical edits (i.e. “is applied” and “landward of ordinary high water mark”), with specified exceptions; and</li><li>• Per Comment Matrix #11 (PNNL) regarding designation boundaries and</li></ul>

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		<p>while allowing a limited variety of compatible uses, <del>including but not limited to research activities which result in no net loss of shoreline ecological function.</del></p> <p><b>Designation Criteria.</b> Urban conservancy designation is <u>appropriate for development applied to tidal estuarine wetland, marsh, lagoon and accretional spits</u> within urban growth areas or municipalities <del>that is where limited uses may be</del> compatible with maintaining or restoring ecological functions and that are generally unsuitable for water-dependent uses and that meet any of the following...</p> <p><b>SHORELINE RESIDENTIAL –</b>  <b>Designation Criteria.</b> The Shoreline Residential designation is <u>appropriate for applied to</u> those areas <u>landward of the ordinary high water mark</u> predominantly comprised of current residential development or planned and platted...</p> <p><b>NATURAL –</b>  <b>Designation Criteria.</b> A "<u>Natural</u>" environment designation should be assigned to <u>shoreline</u> areas <u>landward of the ordinary high water mark</u> if any of the following characteristics apply...</p>	<p>parallel designations along the ordinary high water mark.</p> <p><b>Urban Conservancy</b> – Ecology does not support the Comment Matrix #12 (PNNL) proposed edit to the Purpose text that includes research activities per the PNNL suggestion. The existing language of "<i>limited variety of compatible uses</i>" comes from WAC 173-26-211(3.e.i) and is more appropriate for a broad Purpose statement. More specific allowances are better addressed as Management Policies and/or Chapter 6 Development Standards. Further, there is potential internal conflict with the 6.3.5 Research &amp; Development Facilities prohibition of such in Urban Conservancy. Better to clarify that research <i>activities</i> may be allowed in the UC designation but not a Research &amp; Development <i>facility</i>. See also related recommended changes to Chapter 3 Definitions and to 6.3.5 standards below.</p> <p><b>Formatting</b> – The Table of Contents omits Urban Conservancy, and Chapter 5 does not have any alpha-numeric formatting making it difficult to navigate or to reference specific citations for implementation. Ecology recommends formatting revision to add numbering to this chapter, to also be reflected in the Table of Contents.</p>

Changes in blue are required or recommended and are consistent with SMA policy (RCW 90.58.020) and the SMP Guidelines (WAC 173-26, Part III).

<p>Rec-5</p>	<p>6.3.6 Marinas / Boating Facilities</p>	<p>[City’s proposed text shown as clean-copy in black to highlight ECY suggested edits]</p> <p>1. The following standards or use regulations are directed toward the existing John Wayne Marina and potential future marina or other boating facility developments or expansions on Sequim's shoreline. John Wayne Marina is a conforming water-dependent use that will require normal maintenance and repair, including occasional replacement of elements. <u>Boating facility standards do not apply to docks serving four or fewer single-family residences.</u></p> <p>2. <u>New</u> marinas are prohibited in the Urban Conservancy, Shoreline Residential, Natural, Research District and adjacent Aquatic environmental designations.</p> <p>3. New marinas shall plan and provide for public access to shorelines of the state to include a variety of shoreline access opportunities, and circulation for pedestrians (including disabled persons), bicycles, and vehicles between shoreline access points, consistent with <u>this Program and</u> other comprehensive plan elements.</p> <p>4. <u>New marinas and</u> expansion of existing marina facilities shall be allowed only in the Urban and <u>associated adjacent</u> Aquatic shoreline environments through a Shoreline Conditional Use Permit. <u>New private and expanded</u> marina development <u>shall be designed, managed and operated as a public facility, regardless of ownership is prohibited.</u> In all cases non-exclusive public <u>access to the use of a new,</u> existing or expanded marina facility must be maintained. <u>New private marina development is prohibited.</u></p> <p>...</p> <p>15. New marinas and marina expansions shall also comply with the relevant regulations outlined in <u>65.2.3,</u> Piers, Docks, Mooring Buoys, Lifts, and Launches.</p> <p><b>Table 6.1 - Shoreline Uses/Activities Matrix</b></p> <table border="1"> <thead> <tr> <th>Use/Activity</th> <th>Urban</th> <th>Urban Conservancy</th> <th>Research District</th> <th>Shoreline Residential</th> <th>Natural</th> <th>Aquatic</th> </tr> </thead> <tbody> <tr> <td>Boating facilities and marinas</td> <td><u>C</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>C</u></td> </tr> <tr> <td>Public</td> <td><u>C</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>*</u></td> </tr> <tr> <td>Private</td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> <td><u>X</u></td> </tr> </tbody> </table>	Use/Activity	Urban	Urban Conservancy	Research District	Shoreline Residential	Natural	Aquatic	Boating facilities and marinas	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	Public	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>*</u>	Private	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<p>Upon consultation with City staff and consultant, and recognizing the City’s intent to not restrict private ownership, Ecology recommends revisions for improved consistency and clarity:</p> <p>1. WAC 173-26-241(3.c) only excludes “docks serving four or fewer single-family residences” but does not address research applications. The added text as shown comes from the Chapter 3 Definition proposed edit.</p> <p>2. For internal consistency to specify new v. existing/expansions.</p> <p>3. Courtesy ‘nod’ to SMP 4.2.2 Circulation, 6.3.10 Transportation, and to 4.2.4 and 6.1.7 Public Access provisions that would also be applicable.</p> <p>4. Clarify new v. expanded for internal consistency; Change ‘associated’ to ‘adjacent’ for internal consistency with #2 above; Clarify design/operations v. ownership; Clarify that public use of piers/docks (i.e. gated/not), slips (no membership requirements), &amp; other amenities is broader than &amp; different/separate from public access (i.e. views of/physical approach to public waters). Last sentence deleted as unnecessary and in response to Comment Matrix #6 (Port).</p> <p>15. Scrivener correction – wrong citation.</p> <p><b>6-1 Use Table</b> - Ecology also recommends that the existing two rows be simplified to just one row for Boating Facilities &amp; Marinas to show the allowances &amp; prohibitions for internal consistency between text and table.</p>
Use/Activity	Urban	Urban Conservancy	Research District	Shoreline Residential	Natural	Aquatic																									
Boating facilities and marinas	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>																									
Public	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>*</u>																									
Private	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>																									

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<b>Additional Amendments</b>			
Rec-6	3. Definitions	<p><b>Research and Development <u>Activities and</u> Facilities.</b> <del>S-Primary</del> structures and uses associated with <u>environmental, biotechnology, energy efficiency, or marine and coastal security</u> research and development, <u>including research buildings, instruments, equipment, and installations, related</u> public and private educational partnerships, and accessory structures or uses.</p>	<p>Not immediately pertinent but mostly related to future annexation, due to the PNNL location in the City's UGA:</p> <p>Ecology recommends revisions to broaden the term to include both uses/activities and structures/development based on how the SMP, as written, addresses both not only 'facilities', and for internal consistency with:</p> <ul style="list-style-type: none"> <li>• Chapter 5 Research District Environmental Designation Purpose ("<i>research and development uses</i>") and Designation Criteria ("<i>environment, biotechnology, energy efficiency, marine and coastal security, or public and private educational partnerships</i>"); and</li> <li>• 6.3.5 Research &amp; Development use regulations to include both uses/activities and development/structures;</li> <li>• And to reflect Comment Matrix #12 and #13 (PNNL) re: research activities; and instruments/installations.</li> </ul> <p>See also related recommended revision to 6.3.5 Research &amp; Development regulations.</p>
Rec-7	6.3.5 Research and Development <u>Activities and</u> Facilities	<p>[City's proposed text shown as clean-copy in black to highlight ECY suggested edits]</p> <p><u>The following standards apply to both research and development uses/activities and structures/development, as defined.</u> Uses, <del>and activities associated with</del> <u>structures, and other development accessory to a</u> Research and Development <del>Facility</del> <u>primary use</u> that are identified <del>as separately use activities</del> in this program, such as Piers and Docks, Signs, Utilities, etc., are subject to the regulations established for those uses/<u>modifications</u>, in addition to the standards under this section. <u>Research instruments, equipment and installations that support research activities may be subject to this section and other applicable provisions of this Program as an exemption or a permitted use or modification.</u></p> <p>1. Research and Development <u>Facilities buildings or other permanent structures/development</u> are prohibited in the Urban, Urban Conservancy, and Shoreline</p>	<p>Not immediately pertinent but mostly related to future annexation, due to the PNNL location in the City's UGA:</p> <p><b>Use v. Development</b> – Ecology recommends clarifying edits to better differentiate:</p> <ul style="list-style-type: none"> <li>• uses/activities v. structures/development,</li> <li>• accessories v. the primary use/structure, and</li> <li>• to specify these distinctions for internal consistency.</li> </ul> <p>See also related recommended changes to Chapter 3 Definitions.</p> <p><b>Marinas</b> - Per Comment Matrix #8 (PNNL), City agreed with removal of 'Marinas' from the list of examples ("<i>...Marinas, Piers and Docks, Signs, Utilities, etc.</i>") but the SMP Amendments document does not show that proposed edit. In</p>

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		<p>Residential designations. <u>Research activities, including education, the use of instruments, equipment and related installations may be permitted.</u></p> <p>2. Research and Development <u>Facilities buildings or other permanent structures/development</u> are permitted <u>with a Conditional Use Permit</u> in the Natural and Aquatic environmental designations only when locating <u>such development the facilities</u> outside of the designation is <u>demonstrated as</u> not feasible and will not require <u>flood protection or</u> shoreline armoring. <u>Research activities, including education, the use of instruments, equipment and related installations may be permitted.</u></p> <p>3. <del>Facilities located in the Natural or Aquatic designation require a Conditional Use Permit.</del></p> <p>4. An Environmental Impact Statement may be required if the new development comprises 30% or more of new impervious surfaces.</p> <p>5. Any new development in the Research District is limited to expansion within existing building footprints and must expand vertically unless the project proponent provides a written statement with supporting documentation explaining why vertical expansion is not feasible.</p> <p>6. Accessory development that is not water-oriented shall be located outside of the shoreline jurisdiction unless the use is wholly contained within an existing structure or where necessary to support water-oriented uses.</p> <p>7. <u>New or expanded accessory</u> parking facilities shall be placed <u>landward of existing roads and buildings</u>, inland away from the immediate water's edge and shoreline recreational areas, except as approved by a variance.</p>	<p>consultation with City staff and consultant this was an oversight, and Ecology shows that deletion here in clean-copy.</p> <p><b>Instruments, Equipment, Installations</b> – Per Comment Matrix #13 (PNNL), Ecology recommends added text for clarity, &amp; consistent with the proposed edits to Chapter 3 Definition.</p> <p>1 &amp; 2. Better differentiate between uses and structures;</p> <p>3. Delete &amp; add CUP to #2 above to streamline the text;</p> <p>4 - 6. Comment Matrix #14 (PNNL) – These provisions could be better clarified per the City’s intent re: vertical expansions, existing footprints, impervious surface limits, etc.</p> <p>7. Clarification of new v. expansion, accessory v. primary, and location per proximity to water/existing structures.</p>
Rec-8	Jurisdiction and SED Mapping	Figure 1-1 Shoreline Jurisdiction Map; and Figure 5-1 Environmental Designation Map	Ecology recommends the City consider a future SMP amendment to prepare modern GIS mapping to aid both applicants and practitioners.