City of Bellevue

MEMORANDUM

DATE: June 15, 2011

TO: Chair Ferris & Members of the Planning Commission

FROM: Carol Helland and the Shoreline Update Team
Development Services Department

RE: Follow-up to the Draft Shoreline Master Program Public Hearing

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This memorandum provides a brief recap of the Shoreline Master Program (SMP) Update process generally and the public hearing specifically that was held before the Planning Commission on May 25, 2011. It also summarizes the next steps in the SMP Update process as the Planning Commission moves forward to deliberate on the Draft SMP, and to prepare a recommendation to the City Council.

Draft SMP Background

The Draft SMP was released on April 8, 2011, and is available for public review at: http://www.bellevuewa.gov/draft-smp.htm . The Planning Commission was provided a hard copy spiral bound version of this document in early May. The Draft SMP represents a compilation of the elements that are required by state statute and code to be included in an SMP in order to be approved by the Department of Ecology. The Draft SMP also reflects Planning Commission direction provided to staff in 2010, on topics identified as most important to stakeholders, when the Commission was acting in its role as a Citizen Advisory Committee for the SMP Update. Topics where staff received pre-draft release feedback from the Planning Commission included Bellevue appropriate policies, the restoration plan, shoreline environment maps (zoning), nonconforming conditions, setbacks, landscape requirements and vegetation conservation, marina regulations, critical areas, shoreline stabilization (bulkheads), docks, and Phantom Lake regulations. Also included in the Draft SMP were code consistency suggestions that would align the shoreline permitting with citywide requirements to ensure they are understandable and predictable.

Public Hearing on the Draft SMP

The PowerPoint presented by staff at the opening of the public hearing was provided to the Planning Commission previously, but is included again for ease of reference as Attachment A to this memorandum. The PowerPoint provides a high-level summary of the Draft SMP. Information included in the PowerPoint explains some of the challenges of balancing the obligations reflected in state law, the community vision articulated in the Bellevue Comprehensive Plan, and the wide range of stakeholder interests (including amending shoreline regulations adopted with the critical areas ordinance in

2006 to better accommodate shoreline recreation while maintaining appropriate resource protection).

Based on council chamber and concourse seating used, staff estimates that somewhere between 125-150 attended the public hearing. Thirty-four people provided substantive comments on their own behalf and for 11 individuals who had ceded their testimony time to one of the 34 individuals who testified at the hearing. The public hearing was taped by BTV for the record, and the video of the public hearing is available at: http://bellevue.granicus.com/MediaPlayer.php?publish_id=966 and http://bellevue.granicus.com/MediaPlayer.php?publish_id=967 .

Copies of written comments received since the draft release in April, and minutes of the verbal testimony given at the public hearing, have been included with these packet materials under separate cover. The bound comments, together with the bound version of the Draft SMP that was previously provided, will be useful as the Commission begins its deliberations and preparation of a recommendation on the SMP to the City Council.

Next Steps for Development of a Planning Commission Recommendation

Staff is currently in the process of numbering each discrete comment received in order to develop responses in a manner similar to how comments are addressed in a Final Environmental Impact Statement. The format will allow comments to be sorted according to who provided the comment as well as by topic, so that individuals can easily find the responses to their discrete comments, and so the Planning Commission can review the comments as they proceed to deliberate on the specific topics of interest to the stakeholders.

The comment matrix organized by topic has not been completed and is not in the packet materials, but will be provided electronically to the Planning Commission prior to the June 22nd meeting, and will be contemporaneously posted to the SMP website. It is anticipated that the Commission will be able to use this matrix as a tool to develop a schedule for moving forward with deliberations, to ensure the consideration of comments received, and to track direction provided to staff for amending the Draft SMP in response to the comments. Another tool available to the Planning Commission for review of the Draft SMP is the checklist provided by the Department of Ecology for local jurisdictions to demonstrate compliance with the guidelines when an SMP is submitted to the state for review and approval. This checklist is provided as Attachment B.

Staff understands that Planning Commissioners would like to debrief and share their take-aways from the public hearing during the June 22nd Study Session. Following that conversation, it is staff's hope that the Commission will provide direction regarding how they would like to proceed with deliberations and topic scheduling moving forward toward development of a recommendation to Council. Staff hopes the information included in the packet and planned for electronic delivery prior to the meeting will help the Planning Commission accomplish the tasks identified for discussion during the June 22nd Study Session. Staff looks forward to seeing you next week.

Shoreline Master Program

UPDATE

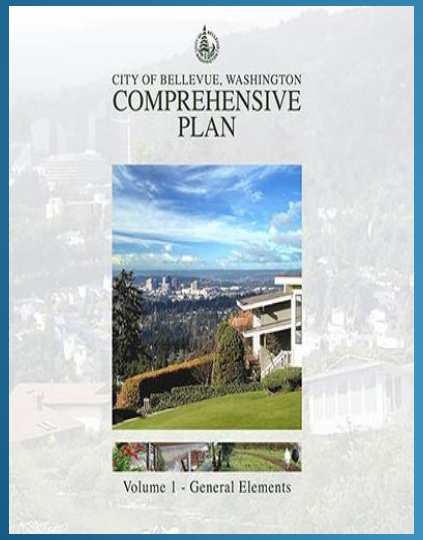
Planning Commission Public Hearing

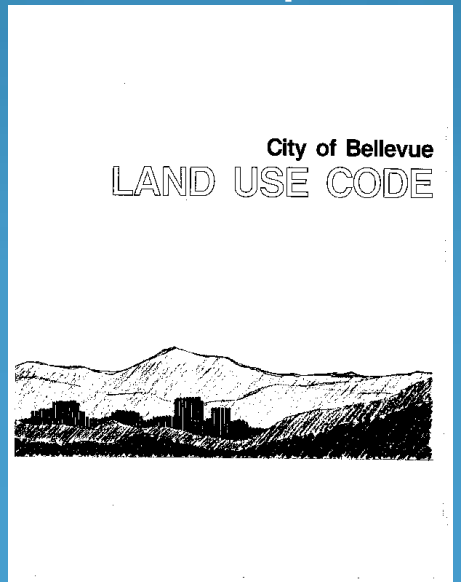
May 25, 2011

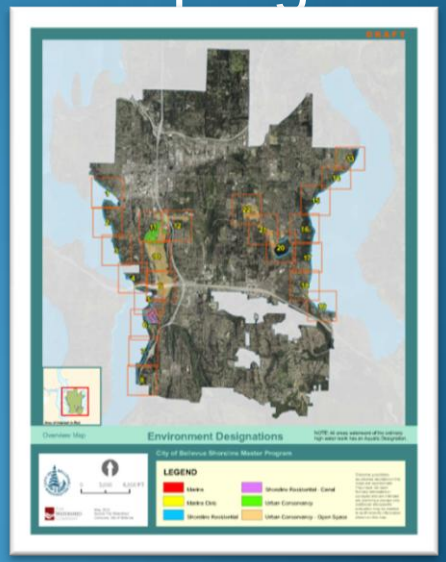
CITY OF BELLEVUE WASHINGTON

What is a Shoreline Master Program (SMP)?

- SMPs are policies, regulations, and maps used by cities to manage shoreline use and development
- Planning Comm recommends for Council approval
- SMPs are approved by the Department of Ecology
- All local SMPs together comprise the state program







Why is a new SMP proposed?

- SMPs were originally required in 1972 when voters approved the state Shoreline Management Act to address concerns regarding piecemeal development
- Every City and County in Washington is required by a 2003 state legislative mandate to update their SMP
- All local SMPs are required to contain the same basic elements
- Bellevue's current SMP is deficient in many areas

Why is Bellevue doing the SMP update now?

- The Bellevue SMP has not been comprehensively updated since its initial adoption in 1974, except to include Critical Area provisions in 2006
- In 2007, the Bellevue City Council accepted a $175,000 grant from Ecology to help fund the update
- The grant deadline for completion of the Planning Commission work is June 2011

Community Vision drives content

"To integrate the natural and developed environments to create a sustainable urban habitat with clean air and water, habitat for fish and wildlife, and comfortable and secure places for people to live and work."

-Comprehensive Plan
Environmental Element Goal

Environmental vision - implementation strategy

- Property Acquisition
- Regional Collaboration (watershed planning)
- Best Management Practices
- Education/Outreach
- Regulation
  - Critical Areas
  - Stormwater Management (NPDES)
  - Shoreline Master Program

Desired Outcomes of the SMP Update

- Policies and regulations are *Bellevue Appropriate*
- The final SMP is approvable by Ecology
- Issues outside of the SMP update are cataloged for Council consideration

Issues Stakeholders say are Important

- Nonconforming Conditions
- Setbacks and Tree Retention
- Bulkheads
- Docks
- Permitting
- Lake Levels

Existing legal uses are protected.

- Nothing is nonconforming outside the 25-foot setback (footprint exception)
- All existing structures can be maintained and repaired
- Existing structures that are destroyed can be replaced
- Shoreline property is protected from the detrimental effects of illegal activities

Setbacks accommodate uses while protecting shoreline resources.

- Eliminate “no touch” critical area buffer adopted in 2006
- Facilitate recreational use of the shoreline
- Limit required vegetation conservation areas
- Apply city-wide tree retention standards
- Allow some development in setback without mitigation
- Provide clear standards for maintenance, repair, and replacement

Bulkheads can remain and be repaired.

- Encourage routine maintenance
- Provide clear repair thresholds for bulkheads
- Design new bulkheads to imitate natural shorelines

Docks standards are flexible.

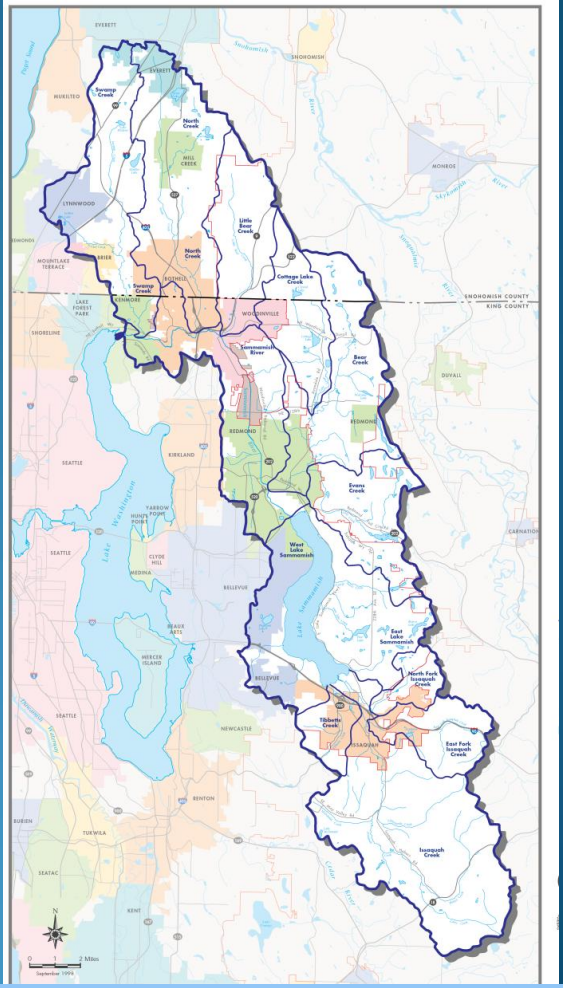
- Existing docks can be repaired and maintained
- Flexibility in moorage configuration while protecting the nearshore aquatic resource
- Moorage allowance tied to vessel diversity found on different lakes

Permitting is fast and predictable.

- Clear minimum requirements (regulatory safe harbor)
- Opportunity to depart from standards (off-ramp)
- State and local requirements and procedures are integrated (document longer, but more user friendly)
- Regulations are tailored to unique shoreline circumstances
  - Minimizes regulatory layers for Phantom Lake property owners
  - Addresses engineered conditions Newport Shores Canals

Lake levels cataloged for consideration outside SMP update.

- Public raised related lake level issue with City staff
- SMP drafted to support management of discharge from lakes to maintain predictable water levels over time
- Positive results achieved to-date:
  - King County responded to property owners and agreed to improve maintenance on Lake Sammamish weir
  - Bellevue staff actively pursuing options to maintain Phantom Lake outfall to improve function



Lake Sammamish Watershed

Public Testimony

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.

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INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments should include a checklist with all SMPs submitted for review by Ecology.

Information provided at the top of the checklist identifies what local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify what specific adopted version of a local ordinance is being used, and attach a copy of the relevant ordinance *(see example 1, below)*.

Draft submittals: For draft submittals, local governments may use the Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond *(see example 2, below)*.

Final submittals: When submitting locally-approved SMPs for Ecology review, leave the comment field blank. Ecology will use the comment field to develop final comments on the SMP.

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements, however the agency must rely solely on adopted state rules and law in approving or denying a master program. This document does not create new or additional requirements beyond the provisions of state laws and rules [WAC 173-26-201(3)(a)].

EXAMPLE 1: reference other documents if necessary

STATE RULE (WAC) REQUIREMENTS	***LOCATION***	***COMMENTS***
Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).	Appendix A: Shoreline Inventory and Analysis, Section 2.	
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)	City Ordinance CA 19.072, adopted July 17 2003, p. 32	

EXAMPLE 2: for draft submittals, use Comments column

STATE RULE (WAC) REQUIREMENTS	***LOCATION***	***COMMENTS***
High-intensity environment 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)	Urban Industrial, p. 15 Urban Mixed, p. 18 Also see Appendix B, Use Analysis, Chapter 3, p. 12.	**Local government:** SMP includes two urban designations that meet high-intensity criteria – Urban Industrial, and Urban Mixed. These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas. **Ecology:** Proposed alternative designations are consistent with the purposes and policies of the high-intensity criteria, as per WAC 173-26-211(4)(c).

Acronyms and abbreviations	**For more information**
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	www.ecy.wa.gov/programs/sea/SMA/index.html Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522

Prepared for: (Jurisdiction Name) Name of Amendment: Prepared by: (Name) Date: / /		

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)		
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).		
Demonstration that **critical areas regulations** for shorelines are based on the SMA and the guidelines, and are at least equal to the current level of protection provided by the currently adopted critical areas ordinance. WAC 173-26-221(2)(b)(ii),(iii) and (c).		
Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private **property rights**. See *"State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."* WAC 173-26-186(5).		
Final submittal includes: 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 with names and addresses. WAC 173-26-110 Submittal must include clear identification and transmittal of all provisions that make up the SMP. *This checklist, if complete, meets this requirement.* WAC 173-26-210(3)(a) and (h).		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Shoreline Inventory		
Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).		
Shoreline Analysis		
Characterization of shoreline ecosystems and their associated ecological functions that: 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). 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). For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B). Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a) Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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 designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v); WAC 173-26-211(5)(d)(ii)(B) For SMPs that allow **mining**, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i). For **SSWS**: evidence that 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. 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) **Optimum implementation** directives incorporated into comp plan and development regulations. WAC 173-26-251(2) & (3)(e) 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)		
Restoration plan that: 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 implementation strategies including identifying prospective funding sources sets timelines and benchmarks for implementing restoration projects and programs; 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) For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III). 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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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) 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). 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)		
Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate **cumulative impacts** to achieve no net loss policy. 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: (i) *current circumstances* affecting the shorelines and relevant natural processes; (ii) reasonably *foreseeable future development* and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and (iii) *beneficial effects* 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) 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). 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)		
SMP CONTENTS		
Any **goals** adopted as part of the SMP are consistent with the SMA. *(Note: Goal statements are not required.)*		
Policies (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; and (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. (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i) SMP implements **preferred use** policies of the SMA. WAC 173-26-201(2)(d)		
Regulations: (A) are sufficient in scope and detail to ensure the implementation of 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) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
ENVIRONMENT DESIGNATIONS		
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).		
An up-to-date **map** accurately depicting environment designation boundaries on a map. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3);		
Statement that **undesignated shorelines** are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).		
Natural environment. WAC 173-26-211(5)(a)		
Designation criteria: Shorelines that are ecologically intact and performing functions that could be damaged by human activity, of particular scientific or educational interest, or unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii)		
Prohibition on new: uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A) Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B) 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) 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)		
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)		
For **commercial forestry**: requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)		
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)		
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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Rural conservancy. WAC 173-26-211(5)(b)		
Designation criteria: areas outside municipalities or UGAs with: (A) low-intensity, resource-based uses, (B) low-intensity residential uses, (C) environmental limitations such as steep banks or floodplains, (D) high recreational or cultural value, or (E) low-intensity water-dependent uses. WAC 173-26-211(5)(b)(iii)		
Restrictions on **use and development that would degrade or permanently deplete resources**. Water-dependent and water-enjoyment recreation facilities are preferred uses. Low intensity, water-oriented commercial and industrial uses limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development. WAC 173-26-211(5)(b)(ii)(A) and (B) For SMPs that allow mining, see WAC 173-26-241(3)(h).		
Prohibition on **new structural shoreline stabilization and flood control works** except where there is documented need to protect an existing primary structure (provided mitigation is applied) or to protect ecological functions. WAC 173-26-211(5)(b)(ii)(C).		
Development standards for **residential use** that preserve existing character of the shoreline. Density, lot coverage, vegetation conservation and other provisions that ensure no net loss of shoreline ecological functions. Density or lot coverage limited to a maximum of ten percent total impervious surface area within the lot or parcel, or alternative standard that maintains the existing hydrologic character of the shoreline. (May include provisions allowing greater lot coverage for lots legally created prior to the adoption of a master program prepared under these guidelines, if lot coverage is minimized and vegetation is conserved.) WAC 173-26-211(5)(b)(ii)(D).		
Aquatic. WAC 173-26-211(5)(c)		
Designation criteria: Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii)		
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)		
Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C)		
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 wildlife, particularly those species dependent on migration. WAC 173-26-211(5)(c)(ii)(D) prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F)		
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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
High-intensity. WAC 173-26-211(5)(d)		
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)		
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)		
Full **use of existing urban areas required** before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)		
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)		
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)		
Urban conservancy. WAC 173-26-211(5)(e)		
Designation criteria: Areas within incorporated municipalities, UGAs, and rural areas of more intense development that are not suitable for water-dependent uses and that are either 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)		
Allowed uses are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or appropriate restoration. WAC 173-26-211(5)(e)(ii)(A) 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) For SMPs that allow mining, see WAC 173-26-241(3)(h).		
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)		
Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Shoreline residential. WAC 173-26-211(5)(f)		
Designation criteria: Areas within incorporated municipalities, Urban Growth Areas (UGAs), "rural areas of more intense development," and "master planned resorts" (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii)		
Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)		
Multifamily and multi-lot residential and recreational developments provide **public access** and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii) (B)		
Access, utilities, and public services required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C)		
Commercial development limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)		
GENERAL POLICIES AND REGULATIONS		
Archaeological and Historical Resources. WAC 173-26-221(1)		
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)		
Permits issued in areas documented to contain archaeological resources require **site inspection** or evaluation by a professional archaeologist in coordination with affected Indian tribes WAC 173-26-221(1)(c)(ii)		
Critical areas. WAC 173-26-221(2)		
Policies and regulations for critical areas (designated under GMA) located within shorelines of the state: (i) are consistent with SMP guidelines, and (ii) provide a level of protection to critical areas within the shoreline area that is at least equal to that 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) **Planning objectives** are for protection *and restoration* 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) 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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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).		
Wetlands. WAC 173-26-221(2)(c)(i)		
Wetlands **definition** are consistent with WAC 173-22.		
Provisions requiring wetlands **delineation** method are consistent with WAC 173-22-035.		
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 wetland does not perform the function. [WAC 173-26-221(2)(c)(i)(A) + (C)]		
Wetlands **rating** or categorization system is based on rarity, irreplaceability, 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)]		
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 **mitigation** requirements are consistent with WAC 173-26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F)		
Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible. 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) 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)		
Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)		
Prohibition on **new development** (or creation of new lots) that would: cause foreseeable risk from geological conditions during the life of the development prohibited. WAC 173-26-221(2)(c)(ii)(B) 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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing 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)		
Prohibition on **new docks, bulkheads, bridges, fill, floats, jetties, utility crossings** and other human-made structures that intrude into or over critical saltwater habitats, except where: 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. 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)		
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)(c)(iii)(C)		
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)		
Authorization of appropriate **restoration projects** is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)		
Regulations **protect hydrologic connections** between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)		
Flood Hazard Reduction. WAC 173-26-221(3)		
New **development within the channel migration zone or floodway** limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i)		
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)		
New **publicly funded dikes or levees** required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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)		
Public Access. WAC 173-26-221(4)		
Policies and regulations protect and enhance both **physical and visual access**. WAC 173-26-221(4)(d)(i)		
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)		
Non-water-dependent uses (including water-enjoyment, water-related uses) and subdivisions of land into more than four parcels include standards for dedication and improvement of public access. WAC 173-26-221(4)(d)(iii)		
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		
Vegetation Conservation (Clearing and Grading). WAC 173-26-221(5)		
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)		
Selective **pruning** of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 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)		
SHORELINE MODIFICATIONS		
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; (b) limits shoreline modifications in number and extent; (c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed; (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 (f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur; (g) requires mitigation sequencing. WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Shoreline Stabilization. WAC 173-26-231(3)(a)		
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) 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)		
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)		
New development *(including newly created parcels)* required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis. 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. 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)		
New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for *how to demonstrate need* are established for: (I) existing primary structures; (II) new non-water-dependent development including Single Family Residences; (III) water-dependent development; and (IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)		
Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed 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)		
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)		
Shoreline stabilization structures are limited to the **minimum size** necessary. WAC 173-26-231(3)(a)(iii)(E)		
Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)		
Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Piers and Docks. WAC 173-26-231(3)(b)		
New piers and docks: allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use. permitted only when specific need is demonstrated (except for docks accessory to single-family residences). Note: Docks associated with single family residences are defined as water dependent uses provided they are 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 required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)		
Design and construction of all piers and docks 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)		
Fill. WAC 173-26-231(3)(c)		
Definition of "fill" consistent with WAC 173-26-020(14)		
Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)		
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)		
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)		
Shoreline **conditional use permit** required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)		
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)		
Dunes Management. WAC 173-26-231(3)(e)		
Development setbacks from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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)		
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)		
Dredging and Dredge Material Disposal. 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)		
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)		
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)		
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)		
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 *waterward* of OHWM. WAC 173-26-231(3)(f)		
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)		
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 effect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f)		
Shoreline Habitat and Natural Systems Enhancement Projects. 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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
SPECIFIC SHORELINE USES		
Agriculture. WAC 173-26-241(3)(a)		
Use of agriculture related **terms** is consistent with the specific meanings provided in WAC 173-26-020. WAC 173-26-241(3)(a)(ii) and (iv)		
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)		
Location and design requirements for aquaculture facilities avoid: loss of ecological functions, impacts to eelgrass and macroalgae, significant conflict with navigation and water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities. Impacts to functions are mitigated. WAC 173-26-241(3)(b)		
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)		
Boating facilities **restricted to suitable locations**. WAC 173-26-241(3)(c)(i)		
Provisions ensuring **health, safety, and welfare requirements** are met. WAC 173-26-241(3)(c)(ii)		
Provisions to avoid or mitigate **aesthetic impacts**. See WAC 173-26-241(3)(c)(iii)		
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv)		
Impacts of **live-aboard vessels** are limited. WAC 173-26-241(3)(c)(v)		
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)		
Navigation rights are protected. WAC 173-26-241(3)(c)(vii)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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)		
Commercial Development. WAC 173-26-241(3)(d)		
Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d)		
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)		
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)		
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)		
Forest Practices. WAC 173-26-241(3)(e)		
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)		
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)		
Industry. WAC 173-26-241(3)(f)		
Preference given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f)		
Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)		
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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
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)		
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)		
Mining. WAC 173-26-241(3)(h)		
Policies and regulations for new mining projects: 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. See WAC 173-26-241(3)(h)(ii)(A) – (C)		
Mining waterward of OHWM is prohibited unless: (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)		
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)		
Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)		
Recreational Development. WAC 173-26-241(3)(i)		
Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)		
Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i)		
Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)		
Recreational development achieves **no net loss** of ecological processes and functions. WAC 173-26-241(3)(i)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
Residential Development. WAC 173-26-241(3)(j)		
Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j)		
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)		
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)		
New **over-water residences and floating homes** prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)		
New **multiunit residential development** (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j)		
New (subdivided) lots required to be designed, configured and developed to: (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)		
Transportation Facilities. WAC 173-26-241(3)(k)		
Proposed transportation and parking facilities required to **plan, locate, and design** where routes 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)		
Circulation system plans include systems for **pedestrian, bicycle, and public transportation** where appropriate. WAC 173-26-241(3)(k)		
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)		
Utilities. WAC 173-26-241(3)(l)		
Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)		
Utilities required to be **located in existing rights-of-ways** whenever possible. WAC 173-26-241(3)(l)		
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)		

STATE RULE (WAC) REQUIREMENTS	*LOCATION*	*COMMENTS*
SMP ADMINISTRATIVE PROVISIONS		
The statement: "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. WAC 173-26-191(2)(a)(iii)(A)		
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 191(2)(a)(iii)(A)		
Identification of specific uses and development that require a shoreline **conditional use permit (CUP)**. Standards for reviewing CUPs and variances conform to WAC 173-27. WAC 191(2)(a)(iii)(B) and WAC 173-26-241(2)(b)		
Administrative, **enforcement**, and **permit review** procedures conform to the SMA and state rules *(see RCW 90.58.140, 143, 210 and 220 and WAC 173-27)*. WAC 191(2)(a)(iii)(C), WAC 173-26-201(3)(d)(vi)		
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)		
SMP **definitions** are consistent with all definitions in WAC 173-26-020, and other relevant WACs.		