

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" (<i>see RCW 36.70A.070</i>) 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).

<p>Acronyms and abbreviations</p> <p>comp plan: Comprehensive Plan CUP: Conditional Use Permit SMA: Shoreline Management Act, RCW 90.58 SMP: Shoreline Master Program SSWS: Shorelines of Statewide Significance WAC: Washington Administrative Code</p>	<p>For more information</p> <p>www.ecy.wa.gov/programs/sea/SMA/index.html</p> <p>Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522</p>
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SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

Prepared for: City of Kirkland (Jurisdiction Name) Name of Amendment: Comprehensive SMP Update Prepared by: Stacy Clauson, Contract Planner (Name) Date: June 22, 2009/ /		
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<i>STATE RULE (WAC) REQUIREMENTS</i>	<i>LOCATION</i>	<i>COMMENTS</i>
DOCUMENTATION OF SMP DEVELOPMENT PROCESS		
Public involvement, communication, and coordination		
<p>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)</p>	<p>Attachment 14 contains a log of that tracks public participation efforts by the City, including public meetings with the Planning Commission and City Council, Open Houses, and Focus Group meetings, as well as different approaches used to provide notice of the planning process, including an e-mail list serv, web page, public notice boards, direct mailings, cable channel notices, and newspaper articles and briefs.</p> <p>The City has consulted with representatives from state and federal agencies on a broad range of topics, including piers and shoreline stabilization. In addition, the City has consulted existing federal biological evaluations on these issues (RGP-1, 3, and the Programmatic Biological Consultation for Shoreline Stabilization).</p> <p>The City has also incorporated recommendations from the Chinook Salmon Conservation Plan developed by the WRIA 8 Forum as a source of potential site specific projects and land use and public outreach recommendations.</p>	<p>Kirkland: The City has held 23 public meetings and 2 Open Houses. In July, an Open House is scheduled, as well as 2 public hearings.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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).</p>	<p>Attachment 14</p>	<p>Kirkland: The Muckleshoot Tribe and State Agencies have been sent notice of the planning process and invited to be a member of the City's e-mail list serv, which provides updates on public meetings and materials available for review.</p> <p>State agencies and the Muckleshoot Tribe have also been given opportunity to review the draft SMP in Summer, 2009.</p>
<p>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).</p>	<p>Section 83.490 through 83.530 address critical area regulations.</p>	<p>Kirkland: The draft regulations require use of the Washington State Wetland Rating System for Western Washington. The wetland requirements incorporate the buffers requirements that King County has adopted to regulate wetlands within their Urban Growth Area (UGA). The standards for compensatory mitigation utilize the mitigation ratios specified in the Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10 guidance as contained in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance.</p> <p>Attachment 13 contains a map that shows the extent of wetland buffers based upon current wetland regulations as compared to that with the new buffers. This map demonstrates that the proposed buffers provide equivalent or more protection for wetlands within shoreline jurisdiction.</p> <p>The existing stream regulations as contained in Kirkland's Zoning Ordinance have been incorporated into the draft SMP Chapter.</p> <p>The standards for geologically hazardous areas and flood hazard reduction have been incorporated by reference.</p> <p>Sections of the City's current critical area regulations that are inconsistent with WAC 173-26 have been excluded (e.g. general exceptions, etc.)</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. See <i>"State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."</i> WAC 173-26-186(5).</p>	<p>The draft regulations contain several provisions which have been intended to grant relief from specific SMP provisions, including:</p> <ul style="list-style-type: none"> - The Variance provisions contained within Chapter 141 - The Nonconformance Standards contained within Section 83.550 - The Wetland Modification and Buffer Modification provisions contained in Section 83.500. - The Stream Buffer Modification provisions contained within Section 83.510 - Nonconformance provisions contained in Section 83.550, specifically subsections 5.b)6) and 7). 	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Final submittal includes:</p> <ul style="list-style-type: none"> evidence of local government approval (or a locally approved “statement of intent to adopt”); new and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry); a summary of the proposal together with staff reports and supporting materials; evidence of SEPA compliance; copies of all comments received with names and addresses. <p>WAC 173-26-110</p> <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).</p>	<p>For purposes of DOE review of the City's draft SMP, the SMP Package includes the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Checklist and Attachments: <input type="checkbox"/> Adopting Ordinance (Attachment 1) <input type="checkbox"/> Inventory (Attachment 2) <input type="checkbox"/> Use Analysis (Attachment 3) <input type="checkbox"/> Goals and Policies (Attachment 4) <input type="checkbox"/> Shoreline Environment Designation Map (Attachment 5) <input type="checkbox"/> Chpt 83 (Attachment 6) <input type="checkbox"/> Administrative Provisions (Chpt 141, Attachment 7) <input type="checkbox"/> Flood Reduction (KMC 21.56, Attachment 8) <input type="checkbox"/> Geologically Hazardous Areas (KZC 85.15, Attachment 9) <input type="checkbox"/> Restoration Plan (Attachment 10) <input type="checkbox"/> Cumulative Impact Analysis (Attachment 11) <input type="checkbox"/> Shoreline Environment Designation Report (Attachment 12) <input type="checkbox"/> Wetland Buffer Comparison Map (Attachment 13) <input type="checkbox"/> Public Involvement Documentation (see Attachment 14) <input type="checkbox"/> Copies of all public comments submitted with names and addresses (see Attachment 15 and 16) <p>The adopting ordinance and final documents will follow once the City's local adoption process is completed.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Shoreline Inventory		
<p>Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).</p>	<p>Final Shoreline Analysis Report Including Shoreline Inventory and Charaterizatio for the City of Kirkland's Lake Washington Shoreline, dated 1 December 2006 (see Attachment 2)</p>	
Shoreline Analysis		
<p>Characterization of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> identifies ecosystem-wide processes and ecological functions; assesses ecosystem-wide processes to determine their relationship to ecological functions; identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A). <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a)</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)</p>	<p>Final Shoreline Analysis Report Including Shoreline Inventory and Charaterizatio for the City of Kirkland's Lake Washington Shoreline, dated 1 December 2006 (see Attachment 2)</p> <p>Section 5.0 of Final Shoreline Analysis Report contains an analysis of ecological functions and ecosystem-wide processes.</p> <p>Section 4.0 of the Final Shoreline Analysis Report identifies specific measures to protect and/or restore ecological functions and ecosystem-wide processes. In addition, Section 5.2 specifically addresses the effects of shoreline modifications on aquatic organisms and their habitats. This information was used as a basis for developing shoreline regulations for shoreline modifacaitons.</p> <p>The ecological functions and ecosystem-wide processes provided by vegetation are addressed throughout the Final Shoreline Analysis Report, including in Table 18.</p> <p>Attachment 12 contains a report demonstrating how the characterization was used to establish the shoreline environment designations.</p> <p>Inventory Maps are contained in Appendix E of the Final Shoreline Analysis Report.</p>	<p>The characterization was used to document baseline conditions and set th estage for protecting and restoring ecological functions. Information from the characterization was used to determined appropriate shoreline environment designations (see Attachment 12).</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Use analysis estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow mining, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p>For SSWS:</p> <p>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.</p> <p>Evidence that public access and recreation requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) & (iii)</p> <p>Optimum implementation directives incorporated into comp plan and development regulations. WAC 173-26-251(2) & (3)(e)</p> <p>For GMA jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i)</p>	<p>Use Analysis Component of the Shoreline Master Program for the City of Kirkland, included as Attachment 3</p> <p>Section 83.170 Shoreline Environments, Permitted Uses and Activities Chart.</p>	
<p>Restoration plan that:</p> <ul style="list-style-type: none"> identifies degraded areas, impaired ecological functions, and potential restoration sites; Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions; Identifies existing restoration projects and programs; Identifies additional projects and programs needed to achieve local restoration goals, and 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) <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For SSWS, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b)</p>	<p>Shoreline Restoration Plan Component of the Shoreline Master Program for the City of Kirkland, included as Attachment 10</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Evidence that each environment designation is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3)</p> <p>Lands designated as "forest lands of long-term significance" under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For SSWS, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>Attachment 5 contains the Shoreline Environment Designation maps illustrating proposed shoreline environments</p> <p>Attachment 12 describes how the information gathered from the shoreline inventory was analyzed for consistency with the guidelines criteria, as well as existing use pattern and biological and physical character of the community.</p> <p>Section 83.30 of Attachment 6</p>	<p>Kirkland does not contain lands designated as "forest lands of long-term significance".</p> <p>The proposed environment designations respond to the SMA preferred use policies by 1) preserving 58% of the shoreline area in the Natural environment, 2) preserving 14% of the shoreline frontage for public access in the Urban Conservancy shoreline environment, 3) permitting water-dependent recreational uses and water-related recreational uses in appropriate shoreline environments, depending on the intensity and potential impacts of the use, as well as the characteristics of the shoreline environment.</p>
<p>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:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) <i>reasonably foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d)</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For SSWS, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i)</p>	<p>SHORELINE CUMULATIVE IMPACTS ANALYSIS for the City of Kirkland Shoreline Master Program (Attachment 11).</p>	
SMP CONTENTS		
<p>Any goals adopted as part of the SMP are consistent with the SMA. (Note: Goal statements are not required.)</p>	<p>Goals are contained in a new Shoreline Chapter that will be added to the City of Kirkland's Comprehensive Plan (see Attachment 4).</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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)</p> <p>SMP implements preferred use policies of the SMA. WAC 173-26-201(2)(d)</p>	<p>Goals are contained in a new Shoreline Chapter that will be added to the City of Kirkland's Comprehensive Plan (see Attachment 4). Policies address the provisions of RCW 98.58.100 in a number of locations, including the following:</p> <p>An overall vision reflecting the priorities for management of the shoreline consistent with RCW 90.58.020 are contained on page 1 as well as Goal SMP-1 and its related policies SMP-1.1 through 1.3.</p> <p>General policy direction for shoreline development is contained within Goal 3 and its related policies.</p> <p>Economic development is addressed most specifically addressed in Goals 7 and its related policies.</p> <p>Public access policies are contained in Goal 18 and its related policies as well as Goal 23 and its related policies.</p> <p>Recreation is addressed in Goal 18 and its related policies.</p> <p>Circulation is addressed in Goals 23 and 24 and their related policies.</p> <p>Shoreline uses are addressed in Goal 1, 6 and 7 and their related policies.</p> <p>Preservation of natural resources is addressed in Goal 10, 11, 12, 13, 15, 16, and 17 and their related policies.</p> <p>Minimization of flood damage is addressed in Goal 14 and its related policies.</p> <p>Historic, cultural, scientific, and education elements are addressed in Goal 27 and its related policies.</p> <p>Utilities are addressed in Goal 24 and its related policies.</p> <p>Goal 5 addressed protection of private property rights.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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)</p>	<p>Regulations are contained in the following provisions:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Chapter 83 (see Attachment 6), which includes: <ul style="list-style-type: none"> Authority and Purpose Definitions Shoreline Environment Designations and Shorelines of Statewide Significance Uses and Activities in Shoreline Environment Use Specific Regulations Shoreline Modification Regulations General Regulations <input type="checkbox"/> Administrative Provisions (Chpt 141 in Attachment 7) 	
ENVIRONMENT DESIGNATIONS		
<p>Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).</p>	<p>Management Policies are contained in Shoreline Goals and Policies (see Attachment 4).</p> <p>Purpose statement and designation criteria contained in Section 83.100-150 of Attachment 6.</p> <p>Section 83.170 contained the Shoreline Environments, Permitted Uses and Activities Chart outlining the types of shoreline uses permitted, conditionally permitted and prohibited</p> <p>Section 83.190 addresses shoreline development standards, including building height, lot coverage, shoreline setback, and density.</p> <p>Other miscellaneous provisions are contained in the General Regulations (see Sections 83.360-550)</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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);	See Attachment 5.	Provisions addressing interpretation of map are contained in Section 83.90 (see Attachmetn 6).
Statement that undesigned shorelines are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).	Section 83.90 of Attachment 6 addresses undesigned properties	
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)	Policy SMP-2.1 in Attachment 4 addresses this designation criteria. Section 83.100 of Attachment 6. Attachment 12 contains an analysis of how this designation criteria was implemented when assigning proposed shoreline designations.	
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)	Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart (see Attachment 6). Most of the Natural environment consists of streams and wetlands, which have additional protections under Section 83.500 and SMP 83.510 (see Attachment 6). Section 83.490.3 addresses removal of significant trees within crtical areas, including wetlands and streams.	
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)	Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart identifies a Conditional Use process for single family development in the Natural Environment. Further, footnote 20 indicates that witiin the Natural Environment, land divisions may not create any new lot that would be wholly contained within shoreland area in this shoreline environment.	
For commercial forestry : requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)	Forest Practices not permitted (see Section 83.170).	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	Agriculture not permitted (see Section 83.170).	
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)	Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart Most of the Natural environment consists of streams and wetlands, which have additional protections under Section 83.500.12 and SMP 83.510.	See use listings for boat launch (non-motorized), public access facility, scientific research, etc.
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)	Not applicable.	
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).	Not applicable.	
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).	Not applicable.	
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).	Not applicable.	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Aquatic. WAC 173-26-211(5)(c)		
<p>Designation criteria: Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii)</p>	<p>Policy SMP - 2.6 (see Attachment 4).</p> <p>Section 83.150 (see Attachment 6).</p> <p>Attachment 12 contains an analysis of how this designation criteria was implemented when assigning proposed shoreline designations.</p>	
<p>New over-water structures:</p> <p>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)</p>	<p>See the following sections in Attachment 6: Section 83.170.</p> <p>Section 83.200.1</p> <p>Sections 83.270, 280, 290 contain dimensional standards.</p> <p>Other miscellaneous standards, such as Section 83.200.1, 83.220(4), etc.</p>	<p>Generally, new or expanded over water structures are prohibited, with the exception of water-dependent structures, such as piers and docks, public access boardwalks, etc.</p>
<p>Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C)</p>	<p>Policy SMP - 3.8 (see Attachment 4)</p> <p>Section 83.270.1.b (see Attachment 6)</p> <p>See provisions addressing tour boat facilities, water taxi, etc. in Section 83.170 of Attachment 6, which require these uses to be co-located at marinas.</p>	
<p>Location and design of all developments and uses required to:</p> <p>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)</p> <p>prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F)</p>	<p>Policy SMP - 2.6 (see Attachment 4)</p> <p>See the following sections in Attachment 6: Sections 83.260 through 350.</p> <p>Section 83.430 addresses measures to be taken to minimize impacts from in-water construction activity.</p> <p>Section 83.410.</p>	
<p>Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E)</p>	<p>See the following sections in Attachment 6: Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart</p> <p>Section 83.360</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
High-intensity. WAC 173-26-211(5)(d)		
<p>Designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see <i>RCW 36.70A.070</i>) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)</p>	<p>Policy SMP - 2.5 of Attachment 4</p> <p>Section 83.140 of Attachment 6.</p> <p>Attachment 12 contains an analysis of how this designation criteria was implemented when assigning proposed shoreline designations.</p>	<p>Termed "Urban Mixed" in SMP documents.</p>
<p>Priority given first to water-dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A)</p>	<p>Policy SMP - 2.5 of Attachment 4.</p> <p>Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart (see Attachment 6)</p>	
<p>Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)</p>	<p>Attachment 5 contains the Shoreline Environment Designation maps illustrating proposed shoreline environments</p>	
<p>New development does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C)</p>	<p>See the following sections in Attachment 6: Section 83.360.</p> <p>Section 83.370.</p> <p>Section 83.480.</p> <p>Sections 83.210.1, 3, 4 and 83.490 include provisions addressing proper storage and cleanup of hazardous materials.</p> <p>Policy SMP - 15.3 (see Attachment 4)</p>	
<p>Visual and physical public access required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E)</p>	<p>See the following sections in Attachment 6: Section 83.30, 400, 410, 420, 440, 450, and 460.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Urban conservancy. WAC 173-26-211(5)(e)		
<p>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)</p>	<p>Policy SMP - 2.2 (see Attachment 4).</p> <p>Section 83.110 (see Attachment 6).</p> <p>Attachment 12 contains an analysis of how this designation criteria was implemented when assigning proposed shoreline designations.</p>	
<p>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)</p> <p>Priority given to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D)</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	<p>Policy SMP - 2.2 (see Attachment 4)</p> <p>Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart (see Attachment 6).</p>	
<p>Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B)</p>	<p>See the following sections in Attachment 6: Section 83.300, 400, 480, and 83.260-350.</p>	
<p>Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)</p>	<p>See the following sections in Attachment 6: Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart (see use listings for public access boardwalk, public access facility, etc.)</p> <p>Section 83.420.</p>	
Shoreline residential. WAC 173-26-211(5)(f)		
<p>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)</p>	<p>Policy SMP - 2.3 and 2.4 (see Attachment 4).</p> <p>Section 83.120 and 130 (see Attachment 6).</p> <p>Attachment 12 contains an analysis of how this designation criteria was implemented when assigning proposed shoreline designations.</p>	<p>Two residential designations provided: Residential - L and Residential - M/H</p>
<p>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)</p>	<p>See the following sections in Attachment 6: Sections 83.180, 300, and 490-530.</p> <p>Section 83.360.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	See the following sections in Attachment 6: Section 83.420. Section 83.280.	
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)	Policy SMP - 2.3 2.4 (see Attachment 4).	
Commercial development limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)	Section 83.170 - Shoreline Environments, Permitted Uses and Activities Chart (see Attachment 6).	One exception: Draft SMP allows retail use located on east side of Lake Washington Blvd, between NE 60 th Street and 7 th Ave S, where properties are only partially located within shoreline jurisdiction in order to ensure consistency with adopted zoning regulations for this area.
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)	Historic, cultural, scientific, and education elements are addressed in Goal 27 and its related policies (see Attachment 4). Section 83.540 (see Attachment 6).	
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)	Section 83.540 (see Attachment 6).	
Critical areas. WAC 173-26-221(2)		
<p>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)</p> <p>Planning objectives are for protection <i>and restoration</i> of degraded ecological functions and ecosystem-wide processes.</p> <p>Regulatory provisions <i>protect</i> existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv)</p> <p>Critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v)</p>	<p>Policies addressing critical areas are contained in Goal 13 and its related policies (see Attachment 4).</p> <p>See the following sections in Attachment 6: Sections 83.490 through 530.</p> <p>Section 83.500.12.</p>	
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).	Not applicable.	SMP does not include optional expansion of jurisdiction to critical area buffers.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Wetlands. WAC 173-26-221(2)(c)(i)		
Wetlands definition are consistent with WAC 173-22.	Section 83.80.115 (see Attachment 6).	
Provisions requiring wetlands delineation method are consistent with WAC 173-22-035.	Section 83.500.2 (see Attachment 6).	
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)]	See the following sections in Attachment 6: Section 83.500.4, 6, 7, 8, 9, 10, 11, and 12.	
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)]	Section 83.500.3 (see Attachment 6).	
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)	Section 83.500.4 (see Attachment 6).	The wetland requirements incorporate the buffers requirements that King County has adopted to regulate wetlands within their Urban Growth Area (UGA).
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)	Section 83.500.8 (see Attachment 6).	
<p>Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p> <p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F)</p> <p>Compensatory mitigation requirements are consistent with preference for “in-kind and nearby” replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-26-201(2)(e)(B)</p>	<p>See the following sections in Attachment 6: Section 83.360</p> <p>Section 500.7 and 8.</p>	The standards for compensatory mitigation utilize the mitigation ratios specified in the Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10 guidance as contained in Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance.
Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)		
<p>Prohibition on new development (or creation of new lots) that would:</p> <ul style="list-style-type: none"> 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) 	<p>Section 85.15.25 (see Attachment 9)</p> <p>Secton 83.300.1.b (see Attachment 6).</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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)</p>	<p>See the following sections in Attachment 6: Section 83.300.2. Section 83.360.</p>	
Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)		
<p>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:</p> <ul style="list-style-type: none"> public need is clearly demonstrated; avoidance of impacts is not feasible or would result in unreasonable cost; the project include appropriate mitigation; and the project is consistent with resource protection and species recovery. <p>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>Not applicable.</p>	
<p>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)</p>	<p>Not applicable.</p>	
Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)		
<p>Requirements that ensure new development within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II)</p>	<p>Section 83.500 and 510 (see Attachment 6). Section 21.56.100 (see Attachment 8)</p>	<p>Kirkland's floodplain is consistent with its shoreline associated wetlands and, as a result, flood hazard reduction is generally accomplished through implementation of wetland and stream protections</p>
<p>Authorization of appropriate restoration projects is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)</p>	<p>Section 83.510.12 and 83.500.11 (see Attachment 6)</p>	
<p>Regulations protect hydrologic connections between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)</p>	<p>Section 83.500 and 510 (see Attachment 6).</p>	<p>Development generally required to locate outside of required buffers, unless specifically authorized under the specific provisions of these sections, which consider impacts to hydrology.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	Section 21.56.085 and 090 (see Attachment 8). Section 83.500 and 510 (see Attachment 6).	Lake Washington does not have a floodplain, therefore the specific need for flood hazard reduction provisions along the Lake are limited. The City does have floodplains associated with several stream systems, which are coincident with the wetland areas located in Yarrow Bay and Forbes Creek wetlands, and therefore are a part of the SMP, as these wetland systems are shoreline associated. As a result, flood hazard reduction for these areas is generally accomplished through implementation of wetland and stream protections.
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)	Section 83.510.10, Section 83.500.7 and 9 (see Attachment 6). Section 21.56.085 through 095 (see Attachment 8).	
New publicly funded dikes or levees required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)	Section 83.420 (see Attachment 6)	
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)	See the following sections in Attachment 6: Section 83.320, Section 83.510.9 and Section 83.500.7.	
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)	Goal 26 addresses visual and physical access. Other goals (e.g. Goal 7 and related policies) also address these issues (see Attachment 4). Section 83.410 and 420 (see Attachment 6).	
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)	Section 83.420 (see Attachment 6).	
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)	Section 83.420 (see Attachment 6).	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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	See the following sections in Attachment 6: Section 83.410. Section 83.180 and 83.190.4.	
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)	See the following sections in Attachment 6: Sections 83.330, 400 and 490, 500, and 510, as well as incentives contained in Section 83.380.	
Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)	See the following sections in Attachment 6: Section 83.400.2 Section 83.350 and 480.	
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)	Section 83.480 (see Attachment 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);	GOAL SMP - 10 AND RELATED POLICIES (SEE ATTACHMENT 4) SECTION 83.170 (SEE ATTACHMENT 6) SECTIONS 83.260-350 (SEE ATTACHMENT 6) SECTION 83.360 (SEE ATTACHMENT 6)	
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), 5 th bullet)	See the following sections in Attachment 6: Section 83.80.44, 89, and 95. Section 83.300.4.b.1	
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)	Section 83.300 (see Attachment 6).	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>New development (including newly created parcels) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A)</p>	<p>Policy SMP - 10.8 (see Attachment 4)</p> <p>Section 83.250 and Section 83.300.1 (see Attachment 6)</p>	
<p>New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures;</p> <p>(II) new non-water-dependent development including Single Family Residences;</p> <p>(III) water-dependent development; and</p> <p>(IV) ecological restoration/toxic clean-up remediation projects. WAC 173-26-231(3)(a)(iii)(B)</p>	<p>Policy SMP - 10.6-10.9 (see Attachment 4)</p> <p>Section 83.300.2 (see Attachment 6)</p>	
<p>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)</p>	<p>Section 83.300.4.b.3) (see Attachment 6)</p>	
<p>Geotechnical reports prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D)</p>	<p>Section 83.300.2.a (see Attachment 6)</p>	
<p>Shoreline stabilization structures are limited to the minimum size necessary. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>Section 83.300.9 (see Attachment 6)</p>	
<p>Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>Section 83.420 (see Attachment 6).</p>	
<p>Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)</p>	<p>Section 83.300. (see Attachment 6).</p>	
<p>Piers and Docks. WAC 173-26-231(3)(b)</p>		
<p>New piers and docks:</p> <p>allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use.</p> <p>permitted only when specific need is demonstrated (except for docks accessory to single-family residences).</p> <p>Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b)</p>	<p>Section 83.270.1 (see Attachment 6) and Section 83.220.5 (for public access piers and boardwalks) (see Attachment 6).</p>	<p>Standards addressing piers and docks under WAC 1732-26-231(3)(b) predominately addressed under Section 83.270.</p> <p>In contrast, standards addressing boating facilities are addressed in Section 83.280 (addressing piers serving multifamily uses) and Section 83.290 (addressing piers operated for commercial or public purposes)</p>
<p>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)</p>	<p>Section 83.270.1 (see Attachment 6)</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	See the following sections in Attachment 6: Section 83.360 Section 83.270.4	
Fill. WAC 173-26-231(3)(c)		
Definition of "fill" consistent with WAC 173-26-020(14)	Section 83.80.45 (see Attachment 6).	
Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)	See the following sections in Attachment 6: Section 83.340.	
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)	See the following sections in Attachment 6: Section 83.170 and 83.340.3.	
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)	Section 83.310.1 (see Attachment 6)	
Shoreline conditional use permit required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)	Section 83.170 (see Attachment 6)	
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)	Section 83.310 (see Attachment 6)	Prohibited in Natural and Urban Conservancy Environment
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)	Not applicable	
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)	Not applicable	
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)	Not applicable	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	See the following sections in Attachment 6: Section 83.320 Section 83.360	
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)	Section 83.320.1 (see Attachment 6)	
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)	Section 83.320.2. (see Attachment 6)	
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)	Section 83.320.2. (see Attachment 6)	
Dredging for fill materials prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f)	Section 83.170. and Section 83.320.2 and 3. (see Attachment 6)	
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)	Section 83.320.2 (see Attachment 6)	
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)	Section 83.320.3 (see Attachment 6)	City streams are not located within SMA jurisdiction, except for the portion of the stream within 200 feet of the OHWM.
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)	See the following sections in Attachment 6: Section 83.350. Section 83.500.11 and 83.510.12.	
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)	Section 83.80.2.	Not permitted (see Section 83.170)
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)	Not applicable.	Not permitted (see Section 83.170)

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)	Not applicable.	Not permitted (see Section 83.170)
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)	Not applicable.	Not permitted (see Section 83.170)
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)	Not applicable.	Not permitted (see Section 83.170)
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)	Section 83.270 specifically addresses piers and docks serving single family residences (see Attachment 6)	Standards addressing boating facilities are addressed in Section 83.280 (addressing piers serving multifamily uses) and Section 83.290 (addressing piers operated for commercial or public purposes)
Boating facilities restricted to suitable locations . WAC 173-26-241(3)(c)(i)	See the following sections in Attachment 6: Section 83.280.5 and Section 83.290.2.	
Provisions ensuring health, safety, and welfare requirements are met. WAC 173-26-241(3)(c)(ii)	See the following sections in Attachment 6: Section 83.280.4 and Section 83.290.4	
Provisions to avoid or mitigate aesthetic impacts . See WAC 173-26-241(3)(c)(iii)	See the following sections in Attachment 6: Section 83.280.4 and Section 83.290.4	
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv)	Section 83.420 (see Attachment 6).	
Impacts of live-aboard vessels are limited. WAC 173-26-241(3)(c)(v)	Section 83.200.1 (see Attachment 6)	
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)	See the following sections in Attachment 6: Section 83.280 and 290 Section 83.360	
Navigation rights are protected. WAC 173-26-241(3)(c)(vii)	See the following sections in Attachment 6: Section 83.280.2 and 5 Section 83.290.2 and 5	
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)	Section 83.370 (see Attachment 6).	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
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)	See the following sections in Attachment 6: Section 83.170 Section 83.30.5	
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)	See the following sections in Attachment 6: Section 83.420 Section 83.400	
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)	Section 83.170 (see Attachment 6)	
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)	Section 83.170 (see Attachment 6)	
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)	Not applicable.	Not permitted (see Section 83.170)
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)	Section 83.400 (see Attachment 6)	Limits tree removal and requires replacement of trees at a 3:1 ratio.
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)	Not applicable.	Not permitted (see Section 83.170)
Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)	Not applicable.	Not permitted (see Section 83.170)
Industrial uses and redevelopment encouraged to locate where environmental cleanup and restoration can be accomplished. WAC 173-26-241(3)(f)	Not applicable.	Not permitted (see Section 83.170)
Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f)	Not applicable.	Not permitted (see Section 83.170)
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)	Not applicable.	Not permitted (see Section 83.170)

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
In-Stream Structures. WAC 173-26-241(3)(g)		
<p>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)</p>	Not applicable.	<p>In-stream structures addressed through stream provisions contained in Section 83.510, which limit improvements within streams or their associated buffers.</p> <p>Note: Kirkland does not contain streams that are regulated under the SMA; as a result, these provisions would only apply to those portions of streams that are located within 200 feet of the ordinary high water mark.</p>
<p>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)</p>	Not applicable.	See above.
Mining. WAC 173-26-241(3)(h)		
<p>Policies and regulations for new mining projects:</p> <ul style="list-style-type: none"> require design and operation to avoid and mitigate for adverse impacts during the course of mining and reclamation achieve no net loss of ecological functions based on required final reclamation give preference to proposals that create, restore or enhance habitat for priority species are coordinated with state Surface Mining Reclamation Act requirements. assure subsequent use of reclaimed sites is consistent with environment designation and SMP standards. <p>See WAC 173-26-241(3)(h)(ii)(A) – (C)</p>	Not applicable.	Not permitted (see Section 83.170)
<p>Mining waterward of OHWM is prohibited unless:</p> <ul style="list-style-type: none"> (I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport; (II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and (III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D) 	Not applicable.	Not permitted (see Section 83.170)
<p>Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV)</p>	Not applicable.	Not permitted (see Section 83.170)
<p>Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)</p>	Not applicable.	Not permitted (see Section 83.170)
Recreational Development. WAC 173-26-241(3)(i)		
<p>Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)</p>	Section 83.170 (see Attachment 6)	The specific recreational uses listed include both commercial and recreational developments.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i)	Section 83.170 (see Attachment 6)	
Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)	Section 83.170 (see Attachment 6)	
Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i)	See the following sections in Attachment 6: Section 83.170, 180, and 220 Section 83.360.	
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)	Section 83.170 (see Attachment 6)	Residential uses noted are specifically identified in the use listing under residential uses.
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)	See the following sections in Attachment 6: Sections 83.180 and 200, as well as general regulations, such as water quality (83.480) and vegetation (83.400).	
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)	See the following sections in Attachment 6: Sections 83.180 Section 83.400	
New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)	Section 83.200.1 (see Attachment 6).	
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)	See the following sections in Attachment 6: Section 83.420 and 83.250.	
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)	Section 83.250 (see Attachment 6).	
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)	See the following sections in Attachment 6: Section 83.230 and 83.360	
Circulation system plans include systems for pedestrian, bicycle, and public transportation where appropriate. WAC 173-26-241(3)(k)	Section 83.230.5 (see Attachment 6)	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k)</p>	<p>Section 83.440 (see Attachment 6)</p>	
<p>Utilities. WAC 173-26-241(3)(l)</p>		
<p>Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)</p>	<p>See the following sections in Attachment 6: Section 83.240 and 83.360.</p>	
<p>Utilities required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l)</p>	<p>Section 83.240.1 (see Attachment 6)</p>	
<p>Utility production and processing facilities and transmission facilities required to be located outside of SMA jurisdiction, unless no other feasible option exists. WAC 173-26-241(3)(l)</p>	<p>See the following sections in Attachment 6: Section 83.170 and Section 23.240.1</p>	
<p>SMP ADMINISTRATIVE PROVISIONS</p>		
<p>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)</p>	<p>Section 141.40.2 of SMP (see Attachment 7)</p>	
<p>Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A)</p>	<p>Section 141.70.3 - Variances (see Attachment 7)</p>	
<p>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)</p>	<p>Section 83.170 Shoreline Environments, Permitted Uses and Activities Chart (see Attachment 6)</p> <p>Section 141.70.2 and 3 contain standards for reviewing CUPs and variances, referring to the provisions contained in WAC 173-27-160 and WAC 173-27-170, respectively (see Attachment 7)</p>	
<p>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)</p>	<p>Chapter 141 (see Attachment 7)</p>	<p>Portions of WAC 173-27 adopted by reference</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>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)</p>	<p>The City contains provisions to ensure that mitigation sequencing is used during individual project review under Section 83.360 (see Attachment 6). Mitigation sequencing prioritizes first avoiding impacts through project redesign of location, then minimization of impacts through utilization of Best Management Practices or conditioning of permit decisions. Finally, project mitigation can be developed to offset any unavoidable impacts from allowed or preferred shoreline uses.</p>	<p>The Cumulative Impact Analysis prepared as part of the City's SMP update (see Attachment 11) indicates that anticipated cumulative impacts should not result in any net loss in shoreline ecological functions.</p>
<p>SMP definitions are consistent with all definitions in WAC 173-26-020, and other relevant WACs.</p>	<p>Section 83.80 Definitions (see Attachment 6)</p>	