DRAFT Attachment B: Ecology Required Changes: Fife Shoreline Master Program, Resolution No. 1490, adopted July 24, 2012. The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE	Changes made
1	**1.B Shoreline jurisdiction** **Pages 4 - 5**	Shoreline jurisdiction	Add a fifth bullet and revise the second paragraph: …Specifically, the SMA applies to the following: • All marine waters; • Streams with a mean annual flow greater than 20 cubic feet per second; • Lakes and Reservoirs of the state equal to or greater than 20 acres; • Associated wetlands; • Shorelands or shoreland areas. Upland areas called "shorelands" or "shoreland areas" ~~which~~ means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal water. The shoreline jurisdiction within the City of Fife is depicted in Appendix A of this document and includes the shorelands associated with the Puyallup River and Hylebos Creek, all associated wetlands including two wetland areas associated with the Puyallup River (the Radiance Oxbow and the Sha Dadx), as well as the 100-year floodplains ~~associated with~~ of the Puyallup River and Hylebos Creek as currently shown on the approved Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS ~~1987~~). Land necessary for buffers for critical areas are not included if they extend beyond the jurisdictional limits described above.	Consistent with RCW 90.58.030(2)(d), the SMP must clearly identify those areas subject to the SMP. Additional language is needed to clarify that shoreline jurisdiction includes all associated wetlands. In addition language is needed to clarify that the City has opted not to include land necessary for buffers for critical areas, if that land extends jurisdiction beyond the described limits.	Edits made to text
2	**1.C Applicability** **Page 5**		Revise first paragraph: Except when specifically exempted by statute, a~~A~~ll proposed uses and development occurring within shoreline jurisdiction must conform to RCW 90.58, the Shoreline Management Act of 1971 (SMA), and this Shoreline Master Program.	Revision is needed to improve consistency with WAC 173-26-191(2)(a)(iii)(A)	Edits made to text
3	**7.D.3 (b) 3 Public Access**		Revise regulation 3 (b): 3. New non-water-~~oriented~~ dependent uses are proposed.	Consistent with WAC 173-26-221(4)(d)(iii), public access standards	Edits made to text

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	Pages 55 – 60			should be provided for all non-water dependent uses, which includes water-related and water-enjoyment uses.	
4	**9.L.3 (d) Residential Development** **Page 89**	Public access	Revise Regulation 3.d: Multiunit r~~R~~esidential developments or planned unit developments of ~~4~~ 5 or more ~~waterfront~~ lots ~~shall~~ is required to provide for public access consistent with the provisions in 7.D Public Access. Public access amenities shall be in the form of pedestrian access, as well as a maintenance agreement for the area that is dedicated for public pedestrian access. The public access easement shall be a minimum of six feet in width.	Consistent with WAC 173-26-241(3)(j), the requirement for public access is triggered by multiunit development, including the subdivision of more than four parcels. Changes are also needed to ensure internal consistency with regulation 3 (d) in SMP 7.D Public Access	Edits made to text
5	**10.E Application – Shoreline conditional use permit – Review criteria** **Page 102**		E.1(g) That consideration of cumulative impacts resultant from the proposed use has occurred and has demonstrated that no substantial cumulative impacts are anticipated, consistent with WAC 173-27-160(~~4~~2). Add new E.(2) and renumber the remaining provisions: 2. Other uses which are not classified or set forth in the master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section. ~~2~~3. ~~3~~4.	Correct typographical error and improve consistency with WAC 173-27-160.	Edits made to text
6	**10.F Application – Shoreline variance – Review criteria** **Pages 102 - 103**		1. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in this SMP, and where there are extraordinary or unique circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the SMA policies as stated in RCW 90.58.020. ~~Requests for allowing uses different than those specifically identified as allowed in the shoreline environment cannot be considered in the variance process, but shall be considered through the shoreline conditional use permit process.~~ 2. Pursuant to WAC 173-27-210 and WAC 173-27-170, the criteria below shall constitute the minimum criteria for review and approval of a shoreline variance permit. Variance permits	To improve consistency with WAC 173-27-170 and correct outdated references and language.	Edits made to text

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			for development that will be located landward of the ordinary high water mark (per RCW 90.58.030(2)(~~b~~c) definition), ~~except those areas designated as marshes, bogs or swamps pursuant to Chapter 173-22 WAC~~ and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized, provided the applicant can demonstrate the following: … b. That the hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions. … 3. Variance permits for development that will be located either waterward of the ordinary high water mark or within ~~marshes, bogs or swamps as designated in WAC 173-22~~ any wetland as defined in RCW90.58.030(2)(h), may be authorized, provided… 4. In the granting of all variance permits, consideration…., the total of the variances ~~should~~ shall also remain consistent with the policies of ~~Chapter~~ RCW 90.58.020 ~~RCW~~ and ~~should~~ shall not ~~produce~~ cause substantial adverse effects to the shoreline environment… 5. Variances from the use regulations of the master program are prohibited. 6~~5~~.		
7	**10.G Statement of Exemption Pages 103-104**		Revise as #3 as follows: 3. (a) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process. (b) Exempt proposals shall be consistent with the goals ~~and~~ policies and provisions of the shoreline master program and the Act. An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements. A development or use that is listed as a conditional use pursuant to the local master program or is an unlisted use, must obtain a conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the master program, such development or use can only be authorized by approval of a variance. (c) The burden of proof that a development or use is exempt from the permit process is on the applicant. (d) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project. 4. The Director may attach conditions to exemptions as necessary to assure consistency of the proposal	Revisions are needed to improve consistency with WAC 173-27-040(1)	Edits made to text

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			with the Act and ~~above goals and polcies or~~ the shoreline master program.		