STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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December 13, 2012

The Honorable Rob Cerqui
City of Fife
5411 23rd Street East
Fife, WA 98424

RE: City of Fife Comprehensive Shoreline Master Program - Conditional Approval, Resolution Number 1490

Dear Mayor Cerqui:

I would like to take this opportunity to commend the city of Fife (City) for its efforts in developing your proposed comprehensive Shoreline Master Program (SMP). It is obvious that a significant effort was invested in this update by your staff and engaged community. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are also included in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(e) at this point the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and guideline requirements.

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FIFE BUILDING DEPT.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, the Planning Commission, the staff of your Community Development Department (particularly Chris Pasinetti and David Osaki) and the Fife Planning Commission have put into the development of your Shoreline Master Program.

Thank you again for your efforts. We look forward to concluding the SMP approval process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Kim Van Zwalenburg, at Kim.Vanzwalenburg@ecy.wa.gov/ (360) 407-6520.

Sincerely,

Ted Sturdevant
Director

Enclosures (3)

By Certified Mail [7012 1010 0003 3028 2617]

cc: David Osaki, City of Fife
Chris Pasinetti, City of Fife
Paula Ehlers, Ecology
Peter Skowlund, Ecology
Kim Van Zwalenburg, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR THE PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF FIFE SHORELINE MASTER PROGRAM

SMP Submittal accepted August 22, 2012, Resolution No. 1490
Prepared by Kim Van Zwalenburg on December 3, 2012

Brief Description of Proposed Amendment:

The City of Fife (City) is proposing a comprehensive update of their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (RCW 90.58) and the 2003 Shoreline Guidelines (WAC 173-26). The updated SMP contains: locally tailored shoreline management policies and regulations, administrative provisions, shoreline designation maps (Appendix A), and critical area regulations (Appendix B). Additional reports and supporting information and analyses are included in the submittal and noted below.

FINDINGS OF FACT

Need for amendment: The City's current SMP was adopted in 1974 and has never been updated. The proposed amendment is needed to bring the City's SMP into compliance with the 2003 Shoreline Guidelines and to meet the statutory deadline set forth in RCW 90.58.080 and 100. This update also addresses the need for updated shoreline policies and regulations that are consistent with the City's Comprehensive Plan, zoning, critical areas and other applicable ordinances.

Ecology finds that the City has documented the need to adopt a shoreline master program.

Documentation of current conditions: As part of the update process, the City developed an Inventory and Characterization (Grette Associates, 2010) which documents current conditions. The City was incorporated in 1957 and is located near the head of Commencement Bay in Pierce County. Portions of the Puyallup River and Hylebos Creek are located within city limits. Both waterbodies have been significantly impacted by development over the years beginning with agricultural uses which have been replaced primarily by urban development including commercial and industrial activities. Both streams have been straightened and banks hardened, many of the wetlands have been filled and the floodplain disconnected from the system. In addition, the Puyallup River is constrained by dikes, levees and revetments throughout the City but there are two off channel wetlands that are hydrologically connected via culverts under the levee. Both waterbodies still support anadromous fish runs despite the loss of riparian habitat and water quality issues. All waters and bedlands of the Puyallup River located below the Ordinary High Water Mark (OHWM) are under the jurisdiction of the Puyallup Tribe of Indians.

Ecology finds that the September 2010 Inventory & Characterization adequately inventories and analyzes the current conditions of the shorelines located in Fife. This document synthesizes existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the City's shoreline jurisdiction. (WAC 173-26-201(3)(c) and (d))

Shoreline Use Analysis: The Inventory and Characterization (Grette Associates, 2010) documents the existing land uses, proposed future uses and the constraints on water dependent uses in the City. Along the Puyallup, existing uses are primarily single-family residential with a significant amount of

vacant land. Direct shoreline access is limited by the levee. Along the Hylebos, most of the land is in open space or residential uses. The Hylebos is also shallow and narrow with numerous road crossings which limit navigability. The inventory shows that there are no known water-dependent or water-related uses currently located along either waterbody. The most likely future uses will remain the same.

Ecology finds that Fife has adequately documented current uses and considered SMA preferred uses consistent with WAC 173-26-201(3)(d)(ii) and WAC 173-26-201(2)(d).

SMP provisions to be changed by the amendment as proposed: This is a comprehensive update to the SMP and will replace the current SMP in its entirety.

Shoreline Jurisdiction: The City proposes to extend jurisdiction to include the 100-year floodplain of both the Puyallup River and Hylebos Creek. The City is choosing not to include land necessary for buffers for critical areas as allowed per RCW 90.58.030(2)(d)(ii).

Ecology finds that the Fife SMP has appropriately defined shoreline jurisdiction consistent with the Act but additional language is needed to clarify that the City has opted not to extend jurisdiction to include land necessary for buffers for critical areas (see Attachment B – Required Changes).

Shorelines of Statewide Significance (SSWS): RCW 90.58.020 specifically calls out SSWS for special consideration declaring the "the interest of all of the people shall be paramount in the management" of these shorelines. The Puyallup River has been identified as a SSWS.

Ecology finds that the SMP has appropriately identified the Puyallup River as a SSWS and has included policies for management of these shorelines in Section 3. The policies are consistent with RCW 90.58.020 and should achieve optimum implementation of the SMA.

Shoreline Master Program Goals and Policies: The goals and policies contained in Section 5 of this SMP address the elements outlined in RCW 90.58.100 General policy goals of the act and WAC 173-26-176 Guidelines for shorelines of the state.

Ecology finds that the City has addressed the requirement to establish policies per RCW 90.58.100(2) and WAC 173-26-201(2)(e).

Shoreline Designations: Assignment of shoreline environment designations is a fundamental aspect of the SMP update. Shoreline designations (the City's preferred term in place of shoreline environment designations) were developed and analyzed city-wide. Designations were assigned based on ecological functions, existing and planned development patterns and on the community's vision for the future. The process the City went through is documented in the *Technical Memorandum re: Narrative Rationale Describing Revised Shoreline Environment Designations (Grette Associates, July 2012).*

The 1974 Fife SMP designates all shorelines as Urban. The new SMP (Section 6) proposes four upland designations: Urban, Levee, Shoreline Residential and Conservancy and one in-water designation: Aquatic. As allowed by WAC 173-26-150, the City is pre-designating shorelines within its adopted Urban Growth Area. These areas will continue to be regulated by the Pierce County SMP until annexation by the City. Shoreline designations in the UGAs are clearly shown on the City's shoreline designation maps and were developed consistent with those within the City limits.

Ecology finds that the process of evaluation used to assign shoreline designations in the City and the Urban Growth Areas was appropriately conducted. Ecology also finds that each shoreline designation in the SMP has a clearly stated purpose, designation criteria and policies. The Fife Shoreline Designation Maps adequately map the shoreline designations. The designations and pre-designations provide a suitable framework for implementing shoreline policies and regulatory measures specific to each designation. Designation-specific regulations have been developed that account for different shoreline conditions and assure implementation of the purpose of each environment designation and other policy goals of the SMA, and ensure protection of existing shoreline ecological functions.

General Master Program Provisions: Section 7 of the SMP includes policies and regulations that address archaeological, cultural and historic resources; flood hazard reduction; public access; vegetation conservation; water quality, storm water and nonpoint source pollution; shoreline modifications; structural flood hazard reduction measures; and environmental impact mitigation.

Ecology finds that the City has included all the required general provisions in Section 7 of the proposed SMP consistent with WAC 173-26-221.

Critical Area Provisions: Fife has chosen to include their critical area regulations in the SMP as Appendix B. These provisions address: aquifer recharge areas, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and wetlands. Elements in the City's critical area provisions inconsistent with the SMA and WAC 173-26 Shoreline Guidelines are identified in Section 7(B) and have not been included in Appendix B. Deleted provisions include exemptions, reasonable use exceptions, variance provisions, and enforcement, among others.

Ecology finds that the City has adequately defined and protected critical areas consistent with WAC 173-26-221(2), and that the level of protection is at least equal to that provided by the City's critical area regulations (RCW 90.58.090(4)), and that no net loss of shoreline ecological functions should be assured (RCW 36.70A.480(4).

Shoreline Modifications: WAC 173-26-231(1) distinguishes shoreline modifications from shoreline uses by describing them as those actions "undertaken in support of or in preparation for a shoreline use." The Guidelines further describe them as follows: *"Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal."* As a general principle, WAC 173-26-231(2)(b) states that Master Programs shall *"[r]educe the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent."* (WAC 173-26-231(2)(b)). This principle reinforces the mitigation sequence (WAC 173-26-201(2)(e)) and no net loss (WAC 173-26-186(8)) requirements of the SMP Guidelines.

The City's *Shoreline Inventory & Characterization Report (Grette Associates, September 2010)* documents modifications including bridges (including I-5) and culverts crossing both the Puyallup River and Hylebos Creek. Development impacts have resulted in the loss of riparian vegetation, channelization, disconnection of associated floodplains, and water quality impairments. In addition, along the Puyallup, the dominating feature is the existing levee running the entire length of the river within Fife.

The SMP allows clearing, grading, and filling only when part of an approved shoreline use or development (Section 8 Shoreline Use Matrix). Fill waterward of the Ordinary High Water Mark is

only allowed in limited instances by Conditional Use Permit (Section 7(G)), and shoreline uses and developments must be located and designed to avoid the need for shoreline stabilization (Section 7(G) and 9(L)). New, expanded or replacement structures for existing development is limited unless need can be shown. The preference, when stabilization is shown to be needed is for softer techniques and minimization of the size and extent of new structures (Section 7(G)).

Hylebos Creek is not navigable and the SMP proposes to prohibit piers and docks and marinas (SMP 9(I)). As noted above, the City has no jurisdiction over the Puyallup River waterward of the OHWM.

Vegetation conservation provisions are set forth in Section 6(E) and apply within the shoreline setbacks which are identified as 50' in Urban and Shoreline Residential designations and 100' in the Conservancy and Levee designations. Critical area buffer provisions are set forth in Appendix B. The provisions most protective to shoreline resources will take precedence.

Ecology finds that the City has considered and addressed shoreline modifications as required in the WAC 173-26-231. The SMP limits clearing, grading and fill to that necessary when in conjunction with an allowed use, requires that shoreline stabilization proposals show need and limits the amount of overwater coverage by restricting piers and docks. Provisions in the SMP are crafted to reduce the adverse effects of shoreline modifications and as much as possible to limit the number and extent. Shoreline modification policies and standards are appropriate to the environment designation in which they are proposed, and preference is given to modifications that have a lesser impacts to ecological function.

Shoreline Uses: WAC 173-26-241 outlines specific common uses and types of development that can occur within shoreline jurisdiction. SMPs are to establish a system of use regulations and shoreline designation provisions that give preference to water-oriented uses or to uses that are consistent with the control of pollution and prevention of damage to the natural environment (WAC 173-26-201(2)(d) and 173-26-211). SMPs should also ensure provisions implement the policies of the SMA while protecting property rights, reduce use conflicts and assure no net loss of shoreline ecological functions.

The Fife SMP addresses applicable shoreline uses in Section 8 Shoreline Use Matrix, and Section 9 Use -Specific Regulations. The following new uses are prohibited: breakwaters and jetties; marinas, piers and docks; forest practices and mining. Aquaculture is permitted in all but the Conservancy designation and restoration is allowed in all environments. Regulations are also included for recreational and residential uses, agriculture, utilities, and transportation facilities.

Ecology finds that the Fife SMP adequately identifies uses common along the City's shoreline, establishes a clear preference for water-oriented uses, and clearly shows by shoreline designation, where certain uses are allowed, conditionally allowed and prohibited.

Cumulative Impacts Analysis: Listed as a Governing Principle of the SMP Guidelines, WAC 173-26-186 (8)(d) states *"Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Act."* To ensure this, SMPs shall contain policies, programs and regulations that address adverse cumulative impacts, including those resulting from exempt development, and fairly allocate the burden of addressing cumulative impacts among development opportunities.

The *Cumulative Impacts Analysis (Grette Associates, 2012)* and *No Net Loss (Grette Associates, 2012)* reports developed for Fife indicate that there are low levels of reasonably foreseeable development and that if implemented as written, it is anticipated that Fife's proposed SMP will achieve no net loss.

Ecology finds that Fife has evaluated the cumulative impacts of reasonably foreseeable future development. The locally adopted SMP appears to fairly allocate the burden of addressing cumulative impacts among development opportunities. Ecology finds that the City's SMP and supporting Cumulative Impact Analysis are consistent with the SMP Guidelines governing principle (WAC 173-26-186(8)) as well as the legislative intent of the Shoreline Management Act under RCW 90.58.

Restoration Plan: Local SMPs are required to include goals, policies and actions for restoration of impaired shoreline ecological functions (WAC 173-26-201(2)(f); WAC 173-26-186(8)(c)). Over time, the goal is for these provisions, when implemented, is to improve the overall condition of habitat and resources within the shoreline area of each city and county (WAC 173-26-201(2)(c)).

Fife developed a restoration plan based on the information gathered in the *Inventory and Characterization (Grette Associates, 2010)*. The *Final Shoreline Restoration Plan (Grette Associates, April 2012)* identifies specific and programmatic restoration opportunities and actions. The City's SMP includes policies and regulations in Section 9.M that permits and promotes restoration efforts along City shorelines and explicitly links restoration actions to the Fife Shoreline Restoration Plan.

Ecology finds that the Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The Restoration Plan can serve as an effective tool for the City, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP Guidelines (WAC 173-26-186; WAC 173-26-201)).

Amendment History and Review Process: Fife initiated a comprehensive update to their SMP and work began in January 2010 consistent with a scope of work described in *SMA Grant No. G1000041* The grant awarded was $50,000.

Public Participation: The Public Participation Plan documents all public participation efforts proposed and carried out. The City relied on their Planning Commission to review all draft documents. In addition, the City provided draft technical documents to a list of agency and tribal individuals identified as having expertise for review and comment.

All open houses and meetings of the Planning Commission were open to the public. An initial mailing was sent city-wide to all shoreline property owners.

The City also established an SMP webpage on their Long Range Planning website: http://www.cityoffife.org/?p=city_departments&a=community_development&b=shoreline_master_program

Local Review Process: The record shows that the Fife Planning Commission held open houses January 10, 2011 and March 5, 2012. Planning Commission held a public hearing on May 7, 2012. Notice of this hearing was published in *The News Tribune* on April 19, 2012. The record indicates City Council held one hearing on July 10, 2012. The record indicates notice of this hearing was published in *The News Tribune* on July 3, 2012.

With passage of Resolution # 1490 on July 24, 2012, the City Council authorized staff to forward the locally adopted SMP to Ecology for approval.

Ecology finds the record submitted adequately documents compliance with WAC 173-26-100 and 110.

State Review Process: The proposed SMP amendments were received by Ecology for state review on August 22, 2012 and verified as complete September 5, 2012. Notice of the state comment period was distributed to state task force members, potentially interested tribes, and interested parties identified by the Coalition and the City on October 10, 2012 by mail and email, in compliance with the requirements of WAC 173-26-120. The state comment period began on October 16, 2012 and continued through November 15, 2012. Notice was posted on the Ecology website for shoreline master programs: http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/fife.html and on Ecology's Public Involvement Calendar. Ecology staff determined a public hearing was not necessary. No individuals or organizations submitted comments on the proposed amendment.

Summary of Issues Identified by Ecology as Relevant to Its Decision:

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of the SMP Submittal Checklist, which was completed by the City and provided with the submittal of the locally adopted SMP.

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP on March 27, 2012. Notice of the SEPA determination was published in *The News Tribune* on March 29, 2012. Comments were accepted until April 12, 2012. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- *Public Participation Plan*
- *Shoreline Inventory and Characterization (September 2010)*
- *Cumulative Impacts Analysis (March 2012)*
- *Fife No Net Loss Statement (April 2012)*
- *Fife Restoration Plan (April 2012)*
- *Technical Memorandum re: Narrative Rationale Describing Revised Shoreline Environment Designations July 2012)*

Summary of Issues identified by Ecology as Relevant to its Decision:
Shoreline jurisdiction: Shoreline jurisdiction is defined in the statute. It is the City's intent to not extend jurisdiction to include land necessary for buffers for critical areas however, language needs to be included to make this intent clear.

Attachment B specifies a required change to the language in Section 1 to clarify the City's intent to limit shoreline jurisdiction.

Administrative provisions: Review criteria for shoreline conditional use and shoreline variance permits must be consistent with WAC 173-27-160 and WAC 173-27-170 respectively. In addition, language is needed to ensure exemptions are construed narrowly and that the exempt activity remains consistent with the SMP and the SMA (WAC 173-27-040).

Attachment B identifies required changes and rationale to resolve these inconsistencies.

Therefore, Ecology finds that the proposed SMP as approved by Fife by Resolution No. 1490 is not consistent with the applicable SMP Guideline requirements, as specifically identified in Attachment B (Required Changes). However, Ecology also finds that the SMP can be amended to ensure compliance with the SMP Guidelines through the City's acceptance of Required Changes listed in Attachment B.

Pursuant to WAC 173-26-120 Ecology has also identified Recommended Changes (Attachment C) to the SMP for consideration by the City.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP, subject to and including Ecology's required changes (itemized in Attachment B), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide a level of protection at least equal to that provided by the City's existing critical areas ordinance.

Consistent with RCW 36.70A.480(4), Ecology concludes that those SMP provisions relating to critical areas within Shoreline Management Act jurisdiction assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's new comprehensive SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that Fife has chosen not to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480 (6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas and their buffer areas (that don't extend beyond SMA jurisdiction) shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the Fife shoreline master program are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective fourteen (14) days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action. Approval of the updated SMP and proposed alternative/s is effective fourteen (14) days from Ecology's final action approving the alternative/s.

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
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.
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)
3	**7.D.3 (b) 3 Public Access Pages 55 – 60**		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 should be provided for all non-water dependent uses, which includes water-related and water-enjoyment uses.

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
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
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(42). 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.
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 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. ...	To improve consistency with WAC 173-27-170 and correct outdated references and language.

ITEM	DRAFT SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
			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 with the Act and ~~above goals and policies or~~ the shoreline master program.	Revisions are needed to improve consistency with WAC 173-27-040(1)

DRAFT Attachment C: Ecology Recommended Changes – Fife Shoreline Master Program, Resolution No. 1490. The following changes are recommended to clarify elements of the City's SMP locally adopted 7/24/2012

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; ~~strikethrough~~ = deletions)	RATIONALE
1	**4. Definitions and Acronyms**	Public access	~~"Public access" means a physical approach to and along the shoreline available to the general public. This may also include visual approach.~~ Public Access is the ability of the public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. See also WAC 173-26-221(4).	Improved consistency within the SMP and with WAC 173-26-221(4)
2	**7. C. Flood Hazard Reduction**	Gravel removal for flood control	Add a second regulation to 3: a. All shoreline development shall comply with Fife Municipal Code, Title 15.40 Flood Damage Prevention b. Removal of gravel for flood control shall be consistent with 7 (G) 2 (c) 2	Language suggested to insure consistency of implementation.
3	**7.F. Water quality and G. Shoreline Modifications** **Page 62**		F. 3. Regulations a. All shoreline development shall comply with Fife Municipal Code, regulations related to water quality, including but not limited to Title 13, Title 15, and Title 21. G. ~~All shoreline development shall comply with Fife Municipal Code regulations related to water quality, including but not limited to Title 13, Title 15, and Title 21.~~ Shoreline Modifications	Correction to formatting error
4	**10.K Permit Time requirements and Extensions** **Page 105**		Delete all of Section K which is duplicative of provisions in Section M and change section letters that follow.	Suggested revision to remove duplicative language.
5	**10.N Non-conforming Development, Development & Building Permits, and Unclassified Uses**		1.g. A use which is listed as a conditional use but which existed prior to adoption of the Master Program for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use. ~~A use which is listed as a conditional use but which existed prior to the applicability of the Master Program to the site and for which a Conditional Use Permit has not been obtained shall be considered a nonconforming use.~~	This provision contains two sentences which are essentially duplicative. Delete one of the sentences.

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; ~~strikethrough~~ = deletions)	RATIONALE
6	**10.N Non-conforming Development, Development & Building Permits, and Unclassified Uses**	Unclassified uses	Delete Provision N(3): ~~3. Unclassified Uses. Uses that are not classified within the applicable shoreline environment as "permitted," "conditional," or "prohibited" as identified in SMP Chapter 8 may be authorized by the Director as a conditional use, if the applicant can demonstrate that the use is substantially similar to a use identified as permitted or conditional.~~	Because of Item 5 on Attachment B, requiring the addition of language to 10.E Shoreline Conditional Use review criteria , this provision is no longer needed here