

ATTACHMENT “B”
(DRAFT “C” SMP)



DATE: May 26, 2015

TO: Mr. Doug Beagle, Town Administrator

FROM: Scott Clark, Contract Town Planner
Grant Middleton P.E., Contract Town Engineer

SUBJECT: **UPDATED** “Attachment B” – Final DOE Required Revisions to the 2011 Draft SMP

Attachment B: Ecology Required Changes to the Eatonville SMP, Resolution 2012-HH

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	PLANNING COMMISSION RECOMMENDATION	DOE REQUIRED AMENDMENTS
1	Page 2, Section 1.2	How to Use This Program (Shoreline Permitting)	If you propose to develop or alter lands adjacent to a shoreline of the state as defined in SMP Section 8.1 or propose work in the water, consult first with the Town Planner to determine if you need a shoreline permit. The Planner will also alert you about other necessary government approvals. To find out if your proposal is allowed by the Program, first determine the shoreline environment designation that applies to your site. Then check SMP Section 7.2 to determine if your proposal is exempt from a shoreline permit. If not, Then refer to Table 1 in Chapter 3 to see if the proposed use is allowed outright permitted, allowed permitted as a conditional use, or prohibited. Then refer to the policies and shoreline district	Minor clarification for consistency with WAC 173-27-040 and Section 7.2. As written, the description of the permit process seemed to indicate that if a project was exempt from a permit, there was no need to determine if the project complied with the SMP and the Act. The last sentence was clarified to describe the circumstances in which a project may be eligible for a Variance. The use of the word “prohibited” was	APPROVED	

			<p><u>designation</u> regulations in SMP Chapters 4 through 6. In some cases you’re a proposal may be prohibited that cannot meet specific standards, but because of dimensional or other constraints, may be eligible for a shoreline variance (SMP Section 7.4).</p>	<p>potentially confusing because a shoreline variance permit cannot be used to permit prohibited uses within shoreline jurisdiction under WAC 173-27-170.</p>		<p>DOE REQUIRED AMENDMENT</p>
2	Page 4, Section 1.9 and 1.10	Shoreline Jurisdiction	<p>1.9 Urban Growth Area In addition to the Town’s shoreline, the SMP update will <u>Town has considered and planed</u> for the Town’s its Urban Growth Area (UGA). If <u>When</u> annexed by the Town of Eatonville, the goals, <u>jurisdiction map</u>, policies and regulations of this program will be <u>in effect in applied to</u> those annexed areas.</p> <p>1.10 Shoreline Jurisdiction SMA jurisdiction includes all “shorelines of the state” as defined in RCW 90.58.030. In Eatonville, the shoreline area to be regulated by the Town’s SMP includes:</p> <p>The Mashell River, Little Mashell River, Lynch Creek and Ohop Creek within both the Town’s municipal boundary and its Urban Growth Area (UGA) (MAP A Appendix A).</p>	<p>The introduction of this section identifies the update process in future tense, the changes clarify the planning process has occurred, and adds the jurisdiction map as applicable. For consistency with WAC 173-26-150 and 173-26-160, shoreline jurisdiction does not include Urban Growth Areas (UGAs). Until an UGA is annexed into the municipal government’s corporate boundary, the Pierce County SMP will regulate that area.</p>	<p>APPROVED</p>	<p>DOE REQUIRED AMENDMENT</p>
3	Page 4, Section 1.10	Shoreline Jurisdiction	<p>Associated wetlands, deltas and floodways that are included in the shoreline jurisdiction are those that influence or are influenced by the regulated waters of the Puget Sound <u>shorelines of the state</u>. In general, a wetland is “associated” if all or a portion of the wetland falls within 200 feet from the ordinary high water mark. A wetland outside of this area may also be associated if it is in proximity to the shoreline and there is a demonstrated influence between the wetland and the shoreline. Such influence can include hydraulic continuity, such as a surface or groundwater connection- <u>, or location within the 100-year floodplain.</u></p>	<p>Eatonville is not located on Puget Sound. For consistency with WAC 173-22-040(3) associated wetlands are those that lie within the 100 year floodplain, and those wetlands within 200 feet as measured on a horizontal plane from the ordinary high water mark.</p>	<p>APPROVED</p>	
4	Page 10, 3.3.1	Natural Shoreline Environment Designation Management	<p>3.3.1 Natural 3. Management Policies</p>	<p>To meet the requirements found in WAC 173-26-211(4)(c), <i>Alternative Classification Systems</i>, policies to protect the areas below the ordinary high water</p>		

		<p>Policies</p>	<p>4a. Areas with a Natural designation should be managed for public recreation and conservations uses only. Any use that would substantially degrade the ecological functions or natural character of the shoreline area should not be allowed.</p> <p>5b. The following new uses should not be allowed in the "Natural" environment:</p> <ul style="list-style-type: none"> ai. Single-family Residential bii. Commercial uses ciii. Industrial uses div. Non-water-oriented recreation ev. Roads, utility corridors, and parking areas that can be reasonably located outside of "Natural" designated shorelines. <p>6c. Scientific, historical, cultural, educational research uses, and low-intensity water-oriented recreational access uses may be allowed provided they do not cause significant ecological impacts.</p> <p>7d. New development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.</p> <p><u>e. New over-water structures should only be allowed for water-dependent uses, public access, or ecological restoration. Such structures should be limited to the minimum size necessary to achieve the intended use.</u></p> <p><u>f. Uses waterward of the OHWM should not be allowed that adversely impact ecological functions to critical freshwater habitat except where necessary to achieve the objectives of the SMA, and then only when the adverse impacts are mitigated according to the mitigation sequence in section</u></p>	<p>mark (OHWM) are necessary in each environment designation since the SMP does not include a separate Aquatic designation for areas below the OHWM.</p> <p>The numbering in this section is inconsistent with the rest of section 3.3.</p>		<p>DOE REQUIRED AMENDMENT</p>
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			<p><u>5.3.2(6) of the SMP.</u></p> <p><u>g. shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.</u></p>		
5	Page 11, 3.3.2	Shoreline Residential Shoreline Environment Designation Management Policies	<p>3. Management Policies</p> <p>a. The Town should maintain shoreline functions by applying dimensional standards such as setbacks, limiting new shoreline stabilization, and requiring vegetation conservation and/or enhancement when permitting development.</p> <p>b. Development should be consistent with the no net loss policy, taking into account 1) the environmental limitations and sensitivity of the shoreline area, 2) proposed mitigation for anticipated impacts, 3) the level of infrastructure and services available, and 4) other comprehensive planning considerations.</p> <p>c. Multifamily and commercial development in this designation should include public access and public recreation whenever feasible provided significant ecological impacts can be mitigated.</p> <p>d. Access, utilities, and public services should be available and adequate to serve existing needs and/or planned future development.</p> <p><u>e. New over-water structures should only be allowed for water-dependent uses, public access, or ecological restoration. Such structures should be limited to the minimum size necessary to achieve the intended use.</u></p> <p><u>f. In order to reduce the impacts of shoreline development</u></p>	<p>To meet the requirements found in WAC 173-26-211(4)(c), <i>Alternative Classification Systems</i>, policies to protect the areas below the ordinary high water mark (OHWM) are necessary in each environment designation since the SMP does not include a separate Aquatic designation for areas below the OHWM.</p>	<p>DOE REQUIRED AMENDMENT</p>

			<p><u>and increase effective use of water resources, multiple use of overwater facilities should be encouraged.</u></p> <p><u>g. Uses waterward of the OHWM should not be allowed that adversely impact ecological functions to critical freshwater habitat except where necessary to achieve the objectives of the SMA, and then only when the adverse impacts are mitigated according to the mitigation sequence in section 5.3.2(6) of the SMP.</u></p> <p><u>h. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.</u></p>			
<p>6</p>	<p>Page 12, 3.3.3</p>	<p>Urban Conservancy Shoreline Designation Management Policies</p>	<p>3. Management Policies</p> <p>a. The Town shall maintain shoreline functions by, applying development standards for setbacks, buffers, shoreline stabilization, vegetation conservation and enhancement, critical areas protection, and water quality to assure no net loss of shoreline ecological functions, and contribute to the restoration of ecological functions over time in areas where ecological degradation has occurred.</p> <p>b. Uses that preserve the natural character of the area and preserve open space, floodplain or sensitive lands either directly or over the long term should be the primary allowed uses. Uses that restore ecological functions should be allowed if the use is otherwise compatible with the purpose of the environment and the setting.</p> <p>c. Activities and uses that would substantially degrade or permanently deplete the physical or biological resources of the area should be prohibited.</p>	<p>To meet the requirements found in WAC 173-26-211(4)(c), <i>Alternative Classification Systems</i>, policies to protect the areas below the ordinary high water mark (OHWM) are necessary in each environment designation since the SMP does not include a separate Aquatic designation for areas below the OHWM.</p>		

			<p>d. Multifamily and commercial development in this designation should include public access and public recreation whenever feasible provided significant ecological impacts can be mitigated.</p> <p><u>e. New over-water structures should only be allowed for water-dependent uses, public access, or ecological restoration. Such structures should be limited to the minimum size necessary to achieve the intended use.</u></p> <p><u>f. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of overwater facilities should be encouraged.</u></p> <p><u>g. Uses waterward of the OHWM should not be allowed that adversely impact ecological functions to critical freshwater habitat except where necessary to achieve the objectives of the SMA, and then only when the adverse impacts are mitigated according to the mitigation sequence in section 5.3.2(6) of the SMP.</u></p> <p><u>h. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.</u></p>			DOE REQUIRED AMENDMENT																				
7	Page 12, 3.4	Use and Standards Table	<p>3.4 Use, Modifications and Standards Tables All uses and developments in the Eatonville shoreline jurisdiction shall comply with the use regulations contained in Table 1. Refer to the text sections of this Program for all applicable provisions related to specific uses and development standards.</p>	Table 1 addresses both uses (per Chapter 6) and modifications (per Chapter 5) in the SMP. This change corrects an internal inconsistency.	APPROVED																					
8	Page 13, Table 1	Environment Designation	<table border="1"> <thead> <tr> <th>Shoreline Uses and Modifications</th> <th>Shoreline Residential</th> <th>Urban Conservancy</th> <th>Natural</th> </tr> </thead> <tbody> <tr> <td>Agriculture and Forest Practices</td> <td>P</td> <td>P</td> <td>P C</td> </tr> <tr> <td><u>Aquaculture</u></td> <td><u>P</u></td> <td><u>P</u></td> <td><u>C</u></td> </tr> <tr> <td>Dredging and Dredge Material Disposal</td> <td>C</td> <td>C</td> <td>C</td> </tr> <tr> <td>Fill, Excavation, Ditching, Clearing and Grading</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Shoreline Uses and Modifications	Shoreline Residential	Urban Conservancy	Natural	Agriculture and Forest Practices	P	P	P C	<u>Aquaculture</u>	<u>P</u>	<u>P</u>	<u>C</u>	Dredging and Dredge Material Disposal	C	C	C	Fill, Excavation, Ditching, Clearing and Grading				The changes in the Matrix reflect several inconsistencies with WAC 173-26 or internally with the proposed SMP as follows:		DOE REQUIRED AMENDMENT
Shoreline Uses and Modifications	Shoreline Residential	Urban Conservancy	Natural																							
Agriculture and Forest Practices	P	P	P C																							
<u>Aquaculture</u>	<u>P</u>	<u>P</u>	<u>C</u>																							
Dredging and Dredge Material Disposal	C	C	C																							
Fill, Excavation, Ditching, Clearing and Grading																										

			Landward of the OHWM	P	P	P	<p>The word Modification was added to the title of the first column to correctly reflect the content of Table 1 that includes permitting requirements for both Modifications and Uses.</p> <p>WAC 173-26-211(5)(a)(ii)(D) requires a conditional use permit for Forest Practices within the Shoreline Natural Environment Designation. This change is also consistent with WAC 173-26-211(5)(a)(ii)(E), which calls for the Natural SED to restrict agriculture to low intensity uses.</p> <p>Aquaculture is not identified in the proposed SMP. The addition of Aquaculture for the purpose of restoration was added to the document for consistency with RCW 90.58.020 and WAC 173-26-201(2)(d).</p> <p>WAC 173-26-241(3)(d) allows for Commercial non-water-oriented uses in shoreline jurisdiction. This is also allowed in section 6.3 of the proposed SMP.</p> <p>New structural shoreline stabilization is not prohibited in section 5.1.2(3) of the SMP, but requires a conditional use permit. Shoreline stabilization structures are also allowed in WAC 173-26-231(3)(a)(iii).</p>	
			Waterward of the OHWM	C	C	C		
			Habitat Restoration and Enhancement	P	P	P		
			Mining	X	X	X		
			Public Recreational Use and Development					
			Water-Oriented	P	P	P		
			Non-Water-Oriented	C	X	X		
			Residential Use and Development					
			Single-family Residential	P	P	X		
			Multifamily Residential or Mixed-use	P	P	X		
			Industrial Use and Developments	X	X	X		
			Commercial Use and Development					
			Water-Oriented	P	P	X		
			Non-Water-Oriented	XP	X	X		
			In-Stream Structures					
			Restoration Related	P	P	P		
			Non-Restoration Related	C	C	C		
			Shoreline Stabilization					
			Bioengineered or soft shoreline stabilization	C	C	C		
			New Structural Shoreline Armoring	XC	XC	XC		
			Replacement and structural shoreline armoring	C	C	C		
			Parking (primary use)	X	X	X		
			Transportation Use and Development (not trails)	P	P	P		
			Utility Use and Development	P	P	PC		

9	Page 15, Figure 1	Shoreline Jurisdiction Map	<p>SHORELINE MASTER PROGRAM UPDATE TOWN OF EATONVILLE</p> <p>TOWN OF EATONVILLE PRELIMINARY DRAFT SHORELINE ENVIRONMENT DESIGNATION (SED)</p> <p><u>* Open water areas of Ohop Creek, Lynch Creek, Mashel River, and Little Mashel River are designated Aquatic.</u></p>	<p>The first two changes remove language identifying the SMP Map as a draft document. This change is needed to clearly identify the map as the official Shoreline Jurisdiction Map for the town.</p> <p>The removal of the footnote on the map is the only reference to the Aquatic SED in the SMP. This is required for internal consistency.</p>	APPROVED	DOE REQUIRED AMENDMENT
10	Page 17	General Policies and Regulations	<p>CHAPTER 4. GENERAL USE POLICIES AND REGULATIONS</p>	<p>The title of Chapter Four of the SMP is inconsistent with the content. Chapter Four contains general provisions consistent with WAC 173-26-221. These policies and regulations apply to all projects everywhere in shoreline jurisdiction; Chapter Six of the SMP contains policies and regulations for specific uses.</p>	APPROVED	
11	Page 20, 4.3.2(3)(a) and (b)	Critical Fresh Water Habitat Buffer	<p>3. Per EMC 15.16.175 <u>The following stream buffers are established for the Town’s shorelines of the state, as follows: Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.</u></p> <p>a. Lynch Creek and Ohop Creek Buffer Width. A standard buffer of 150 feet shall be maintained in all shoreline environments designations <u>consistent with EMC 15.16.175(K).</u></p> <p>b. Mashell River and Little Mashell River. A standard buffer of 200 feet shall be maintained in all shoreline environments designations <u>consistent with EMC 15.16.175(K).</u></p>	<p>The method of measuring the buffer is not defined in the SMP. This change is necessary to clearly define the buffer in shoreline jurisdiction. The additional language comes from the Eatonville Critical Areas Code as the method for measuring the critical fresh water habitat buffer.</p>	APPROVED	DOE REQUIRED AMENDMENT
12	Page 20, 4.3.2(5)	Environmental Protection and	<p>5. <u>All development within shoreline jurisdiction shall achieve no-net-loss of ecological function. To achieve this, a proponent of any all new shoreline use or development shall mitigate adverse environmental impacts and/or</u></p>	<p>The SMP does not contain a general regulation identifying the need to meet</p>	APPROVED	

		Critical Areas	impacts to shoreline ecological functions whether or not the use/development requires a shoreline substantial development permit or is exempt from a shoreline permit consistent with WAC 173-26-201(2)(e) , <u>the mitigation sequence in 4.3.2(6) of this SMP.</u>	no-net-loss of ecological functions as required in WAC 173-26-186(8).		
13	Page 21, 4.3.2(7)	Environmental Protection and Critical Areas	7. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through <u>restoration efforts to improve ecological function of the shoreline may be permitted when appropriate.</u>	This change accomplishes two requirements. First, restoration does not meet the definition of mitigation as defined in WAC 173-26-201(2)(e) so the language is removed. Second, encouragement of appropriate restoration efforts is required in WAC 173-26-221(2)(c)(iv)(C)(III), which is absent in the SMP.	APPROVED	
14	Page 37, 6.2.2	Agriculture	<p>6.2.2 Regulations</p> <p>1. Existing legally established agricultural operations are permitted to continue.</p> <p>2. New agriculture is an agricultural activity proposed on lands not currently in an agricultural use. <u>operations and new accessory structures shall be subject to the Town’s development regulations in EMC 18.04 and critical area regulations in 15.16.</u></p> <p><u>1. New agriculture shall be consistent with the policies and regulations of the SMA and this SMP,</u></p> <p><u>2. New agriculture shall be designed and located to meet no-net-loss of ecological function.</u></p> <p><u>3. Non-agricultural uses and structures on agricultural lands shall be subject to the applicable policies and regulations of this SMP.</u></p>	The town has proposed to allow agriculture within shoreline jurisdiction. As such, the town is required to meet the minimum standards for regulating agriculture under the SMA which are found in RCW 90.58.065 and WAC 173-26-241(3)(a).		DOE REQUIRED AMENDMENT
15	Page 37, 6.3	Aquaculture	<p>6.3 Aquaculture</p> <p>6.3.1 Policies</p> <p><u>1. Aquaculture should be located in areas that will not result in a net loss of ecological function to the shoreline and not negatively impact navigation and other water dependent uses.</u></p> <p><u>2. Aquaculture should be allowed for the restoration of native fish runs.</u></p> <p>6.3.2 Regulations</p> <p><u>1. Aquaculture is only permitted in association with the restoration of native fish species where it can be demonstrated no-net-loss of ecological function and the use will not conflict with existing preferred uses in this</u></p>	Aquaculture is a water-dependent use and a preferred use of the state’s shorelines. However, Eatonville has limited opportunities to establish aquaculture commercially on the Mashel River, Little Mashel River, Ohop Creek, and Lynch Creek. These river channels are relatively small; there is frequent flooding and active channel movement. It is	APPROVED	DOE REQUIRED AMENDMENT
					APPROVED	

			<u>SMP.</u>	appropriate to limit the scope and location for this use to ensure future use conflicts and environmental impacts are minimized. The allowance is required to ensure consistency with the priorities of shorelines of the state in RCW 90.58.020 and WAC 173-26-201(2)(d), for consistency with WAC 173-26-241(3)(b).		
16	Page 41, 6.5.2 (14)	Residential Development	14. Structures or development that are appurtenant to a single-family residence, including a garage, deck, driveway, utilities, fences, installation of a septic tank and drainfield and grading not to exceed two hundred fifty cubic yards and which does not place fill in any wetland or waterward of the OHWM, <u>and are consistent with the policies and regulations of this SMP shall be exempt from a shoreline substantial development permit when they are consistent with the exemption language found in 7.2.3(6) of this SMP.</u>	The exemption criteria from a substantial development permit for single family residences are not complete as written. As specified in WAC 173-27-040(1)(a) <i>Development exempt from substantial development permit requirement.</i> “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.”	APPROVED	
17	Page 48, 7.2.3	Exemptions Listed	The following activities shall be considered exempt from the requirements to obtain a shoreline substantial development permit but shall obtain a statement of exemption, as provided for in Section 7-5.4 <u>7.3</u> :	This change is needed for internal consistency.		DOE REQUIRED AMENDMENT
18	Page 52, 7.4	Criteria for Granting a Variance Permit	4. The Town is authorized to grant a variance from the performance standards of this Program only when all of the following criteria are met (WAC 173-27-170): a. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property; b. That the hardship described in (a) of this subsection 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;	The two added criteria are absent from the SMP. These are necessary for consistency with WAC 173-27-170 <i>Review Criteria for Variance Permits.</i>		

		<p>c. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;</p> <p>d. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;</p> <p>e. That the variance requested is the minimum necessary to afford relief; and</p> <p>f. That the public interest will suffer no substantial detrimental effect.</p> <p><u>g. In the granting of a shoreline variance permit located waterward of the ordinary high watermark, or within any wetland the applicant must also demonstrate that, in addition to 4.b-f above, all reasonable use of the property is precluded, and the public rights of navigation and use of the shoreline will not be adversely affected.</u></p> <p><u>5. In the granting of variance permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW.90.58.020 and shall not cause substantial adverse effects to the shoreline environment.</u></p> <p>6. Before making a determination to grant a shoreline variance, the Town shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas.</p> <p>7. A variance from Town development code requirements shall not be construed to mean a shoreline variance from shoreline master program use regulations and vice versa.</p> <p>8. Shoreline variances may not be used to permit a use or development that is specifically prohibited in an environment designation.</p>			<p>DOE REQUIRED AMENDMENT</p>
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			<p>the deficiencies and notify the Town and the applicant in writing. Ecology will not act on Conditional Use or Variance Permit application until the material requested in writing is submitted to them.</p> <p><u>120. In the approval or denial of a shoreline conditional use or variance the department of Ecology shall convey transmit to the Town and applicant its final decision approving, approving with conditions, or disapproving denial of the permit within thirty days (30) of the date of filing by the receiving the Town’s final decision. The Planning Director will notify those interested persons having requested notification of such decisions. Ecology will notify the Town and the applicant of the "date of filing" by telephone or electronic means, followed by written communication as necessary, to ensure that the applicant has received the full written decision.</u></p> <p><u>131. Ecology shall base its determination to approve, approve with conditions or deny a Conditional Use Permit or Variance Permit on consistency with the policy and provisions of the SMA and the criteria listed in this Program.</u></p>		<p>APPROVED</p>	<p>DOE REQUIRED AMENDMENT</p>
20	Page 58, 7.8.2(2)	Appeals to the Shoreline Hearings Board	<p><u>2. All appeals of any final permit decisions must be made to the Shoreline Hearing Board within twenty-one (21) days after the Town’s of Ecology’s final decision concerning the shoreline permit or formal approval to revisions of the permit. the date of filing as defined in section 7.6 of this SMP.</u></p>	This change is needed for consistency with RCW 90.58.140(6).	APPROVED	
21	Page 62, 8.2(17)	Definitions	<p><u>17. Agriculture. means the use of land for horticultural purposes.</u></p> <p><u>Agricultural activities means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;</u></p>	<p>Words defined in the statute and associated WACs are required to be used for consistency with WAC 173-26-020. The following terms are defined in 90.58.065 RCW.</p> <p>For consistency with RCW 90.58.065 and WAC 173.26.020(3).</p>	APPROVED	

			<p>Agricultural products includes but is not limited to horticultural, viticulture, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;</p> <p>Agricultural equipment and agricultural facilities includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and</p> <p>Agricultural land means those specific land areas on which agriculture activities are conducted.</p>		<p>APPROVED</p> <p>APPROVED</p> <p>APPROVED</p>	
22	Page	Definition	<p><u>Definition: Aquaculture is the culture or farming of fish, shellfish, or other aquatic plants and animals.</u></p>	<p>For consistency with WAC 173-26-020. This definition is found in WAC 173-26-020(6).</p>	<p>APPROVED</p>	
23	Page 62, 8.2(19)	Definition	<p>19. Development1. Development means any land use or action that alters a shoreline area or a critical area or its buffer, including town approvals that establish patterns of use such as subdivisions, short subdivisions, rezones, and conditional use permits. Means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level.</p>	<p>For consistency with WAC 173-26-020 and RCW 90.58.030(3)(a).</p>	<p>APPROVED</p>	
24	Page 63, 8.2(23)	Definition	<p>23. Ecological Functions1. Ecological functions, also referred to as “shoreline functions”, means the work performed or the role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the</p>	<p>The citation used in this definition is incorrect.</p>	<p>APPROVED</p>	

			shoreline’s natural ecosystem. See WAC 173-26-200(2)(c)-201(2)(c)(i).			
25	Page 63, 8.2(30)	Definition	30. Floodway 1. Floodway means the watercourse channel and adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water elevation more than one foot. <u>means the area, as identified in a master program, that has been established in federal emergency management agency flood insurance rate maps or floodway maps.</u>	For consistency with WAC 173-26-020 and RCW 90.58.030(2)(b).	APPROVED	
26	Page 63, 8.2(29)	Definition	29. Floodplain 1. Floodplain means the land area subject to inundation by a 100-year flood. <u>is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act.</u>	For consistency with WAC 173-26-020. The term floodplain is defined in WAC 173-26-020(17).	APPROVED	
27	Page 64, 8.2	Definition	Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.	For consistency with WAC 173-26-020. The word grading is defined in WAC 173-26-020(20).	APPROVED	
28	Page 68, 8.2(74)	Definition	74. Substantial Development 2. Substantial development means any development with a total cost or fair market value of five thousand seven hundred and eighteen dollars (\$5,718.00) <u>six thousand four hundred sixteen dollars (\$6,416, or more that requires a shoreline substantial development permit. or any development which materially interferes with the normal public use of the water or shorelines of the state.</u> The threshold total cost or fair market value of \$5,718.00 is set by the state office of financial management and may be adjusted in the future pursuant to SMA requirements, as defined in RCW 90.58.030(3)(e) as now or hereafter amended.	For consistency with the definition in RCW 90.58.020(3)(e) and to reflect the 2012 increase in the threshold level for a shoreline substantial development permit to \$6,416.	APPROVED	
29	Page 69, 8.2(85)	Definition	85. Wetlands 1. Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual (1997), that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. <u>Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape</u>	Words defined in the statute and associated WACs are required to be used for consistency with WAC 173-26-020. The term wetland is defined in WAC 173-22-030(10).The 1997 wetland manual is no longer effective.		DOE REQUIRED AMENDMENT

			<p>amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. The town of Eatonville has a map showing the approximate location and extent of wetlands. However, the map is only a guide, and will be updated as wetlands become better known. The exact location of a wetland’s boundary shall be determined in accordance with the above-stated manual as required by RCW 36.70A.175</p>			
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