

Summary of the changes that were made to the February 2011 draft Shoreline Master Program regulations

Q. #	Code Section	Description of Code Section	Explanation of Edit/Response
General Changes and Changes Made to all Shoreline Environments			
1	23.60.001 and 23.60.002	Defining the SMP and Title and purpose	Restore was removed from section 23.60.002.B.1 and a new section 23.60.001, Definition of Seattle Shoreline Master Program, was added to describe the three components of the Master Program, which includes a Shoreline Restoration and Enhancement Plan. This is a new requirement that is non regulatory and will be enacted through a Resolution.
	23.60.020.C.18	Shoreline exemptions	included that temporary development cannot remove any trees greater than 6" DBH
2	23.60.027 & 23.60.028	Explaining restoration plan	Revised section 23.60.027 and added a new section 23.60.028 to address Port of Seattle comments
3	23.60.032	SU standards	Deleted requirement to mitigate all adverse effects to ecological functions. Added requirement that NNL to ecological function must be achieved
4	23.60.034	Conditional use standards	Deleted requirement to mitigate all adverse effects to ecological functions. Added requirement that NNL to ecological function must be achieved
5	23.60.036	Variance standards	Deleted requirement to mitigate all adverse effects to ecological functions. Added requirement that NNL to ecological function must be achieved
6	23.60.039	"Feasibility" definition	Deleted this section and moved definition of feasible to the definitions section.
7	23.60.040	"Reasonable" definition	Deleted this section and moved definition of reasonable to the definitions section.
	23.60.041.A.2.b		typo corrected "do" changed to "due"
	23.60.090		Subsection C was revised and subsection D. "lot" was changed to "development site"
	23.60.092.B.1.c	Temporary uses	modified to include does not remove <u>or harm</u> native vegetation
	23.60.122	Non-conforming uses	Revised to include standards for replacement of existing structures that contain non-conforming uses.
8	23.60.124	Non-conforming structures	revised to include that replacement of existing structures overwater on lots with 35-ft or less of dry land is allowed
9	23.60.152	General Development Standards	Deleted land disturbing activities from first sentence in response to WSDOT's comments and DPD confirmed that it is unnecessary
10	23.60.152	General Development Standards	Edited to remove specific development standards. The specific development standards were moved to the appropriate section of the code.
	23.60.152.G		Add subject of the Director's Rule (Construction Stormwater Control Technical Requirements)
11	23.60.152.J	General Development Standards	rewritten to clarify and arsenic was removed from prohibited substances.

5	23.60.152.K	Creosote Pile Repair	Creosote piles allowed to be repaired if under an existing structure that is not being removed/replaced or if fewer than 50% of the piles
12	23.60.152.L and M	General Development Standards	clarified that this is a requirement for new and replaced structures and included specific standard for transparency levels for covered moorage and boat sheds.
	23.60.152.M	General Development Standards	Included reference to subsection that includes standards for when light transmitting features are required for docks and piers.
	23.60.152 N and O	General Development Standards	New subsections added to include standards for use of tires and other floatation material in the Shoreline District
	23.60.152.P	General Development Standards	Included standard that Artificial night lighting shall be minimized by focusing the light on the dock surface, using shades that minimize illumination of the surrounding environment and using lights that minimize penetration into the water.
13	23.60.152.Q	General Development Standards	Formerly 23.60.152 M: Included provision to allow fulfillment of requirement prior to commencement of construction
14	23.60.152.T	General Development Standards	Deleted
15	23.60.158	Mitigation	Shoreline mitigation was clarified to indicate that mitigation is required for new shoreline development and to compensate for loss of ecological function.
16	23.60.160	Priority habitat protection	Included "as determined by the Director" for hyporheic zones and will map these zones after adoption of the regulations.
17	23.60.160	Priority habitat protection	Deleted the inclusion of Essential Public Facilities (EPFs) b/c we have a clearer process for EPFs in 23.60.157 and 23.80.
	23.60.160.B.5	Priority habitat protection	Included exception for priority salt water habitat that is designated b/c it used by anadromous fish for migration
	23.60.164	Standards for regulated public access	Non-motorized pull-out area was added, included that limiting hours is required to be approved by the Director and pervious material is required to be used to the greatest extent feasible for pedestrian pathways.
18	23.60.172	Shoreline modifications	Section modified to include a table of the shoreline modifications that are allowed in each shoreline environment and the standards that apply. Deleted shoreline modification standards from each shoreline environment.
	23.60.172.B	Shoreline modifications	B. Any proposed shoreline modification located on state-owned aquatic lands must be authorized by the WA DNR prior to obtaining authorization from the Director.
	23.60.174	Artificial reef standards	Included additional development standard that require that artificial reefs be designed for restoration or recreation purposes.
19	23.60.174	Artificial reef standards	Modified to include that toxic material cannot be used in artificial reefs.
		Mitigation sequencing requirements/guidance	Remain in the regulations. In all cases the list is not inclusive and the regulations allow for the applicant to use different methods of mitigation if other methods exist that are as effective or more effective than the listed methods. The methods will guide applicants and planners and this will result in more efficient project review.
26	23.60.174 - 23.60.190	Boat launching and landing facilities	New section added to provide standards for boat launching and landing facilities.
	23.60.175	Dredging standards	Updated section based on input from the Army Corps of Engineers and the Port of Seattle.
20	23.60.182		
	23.60.184.I		Modified to include loss of loss or modification of upland vegetation functions and habitat and shallow water vegetation functions.

23.60.185	Grading, landfill and slope stabilization	Landfill shall not be placed in the critical root zone of any trees over 6" DBH, and grading, landfill and slope stabilization work shall not result in the compaction of soils in the critical root zone of any trees over 6" DBH
23.60.185.D	Grading	Modified to include "similar material" to this requirement
23.60.185.F	Grading and slope stabilization	Clarified standard
21 23.60.186	Mooring buoys, piles and floating dolphin standards	New section added to provide standards for mooring buoys, mooring piles and floating dolphins.
23.60.187.B.5	Piers	Modified to clarify that residential piers are limited to waterfront lots.
23.60.187.B.10	Piers	modified to require platform to be located a minimum of 30-ft from OWH.
23.60.187.C	Piers	Modified to include standards when light transmitting features are infeasible.
23.60.187.C	Piers	Revised to allow work sheds in Lake Union based on percentage of development site.
22 23.60.187.D	Pier and dock standards	Slip side maintenance was edited to address comments and to clarify that this standard is meant to regulate non-commercial slip-side maintenance.
23.60.187.E	Piers	additional potential impacts were included as follows: changes to wave and flow power or patterns, alteration of growing conditions and aquatic productivity, pollution resulting from boat and other uses (including maintenance of facilities and ancillary recreation uses), periodic or continual disturbance by human activity, and remaining shading of habitat after installation of grating
23 23.60.188	Shoreline stabilization standards	Clarified shoreline stabilization section that replacement of hard shoreline stabilization is allowed for water-dependent uses. Note: maintenance and repair, including replacement is an exempt activity per 23.60.020 but review is required per 23.60.020.
23.60.188.G	Shoreline Stabilization	Terraced and sloped bulkheads were added as an option for hard shoreline stabilization.
23.60.190.A.5	Vegetation management standards	revised to include "including all vegetation by species and number".
24 23.60.190.B.4	Vegetation management standards	"Chemicals" was added after "other"
23.60.190.C.1	Vegetation management standards	revised as follows: c. no native trees and no nonnative trees with a DBH greater than 6" are removed.
23.60.190.C.2	Vegetation management standards	revised as follows: removes non-native vegetation, except for trees with a DBH greater than 6", invasive plants, noxious weeds or dead native vegetation
23.60.190.C.3	Vegetation management standards	revised to include "that promotes the health and vigor of trees and shrubs"
23.60.190.C.3	Vegetation management	vegetation planting is required as part of mitigation then a plan is required. And mitigation is required for the removal of trees to compensate for the loss of woody debris into the adjacent aquatic environment.
23.60.190	Vegetation management	subsection revised and only dead native vegetation can be removed.

23.60.194	Standards for Aquaculture	Revised to include Aquaculture facilities are required to develop best management practices to mitigate impacts from the construction and management of the facilities.
25 23.60.195	Aquatic research section	New section added to provide standards for Aquatic Research uses
27 23.60.195	Standards for Aquatic Research	revised so that no structures may be constructed.
23.60.200	Standards for commercial and recreational marinas	New sections added to include standards for new and expanded marinas and for dredging in marinas. See 23.60.200.B.7 and C and D .
23.60.200	Standards for commercial and recreational marinas	exception added for view corridor requirement at recreational marinas with 35-ft or less of dry land.
23.60.204	Standards for house barges	Revised section to include standards for house barges that were built after 1990
23.60.212.B	Standards for streets	Revised to allow extra time for relocation of road if it is accomodating two projects.
23.60.214	Standards for live-aboard uses on vessels.	Revised to eliminate the 25% live-aboard limit
23.60.217	Standards for utility lines	Inlcuded standard to allow temporary relocation of overhead utility lines
23.60.217.G	Standards for utility lines	Modified to include the allowance for "a more habitat friendly configuration subject to approval by the Director".
23.60.219.B	Standards for yacht, boat and beach clubs	deleted b/c live-aboards are regulated in Sections 23.60.200 and 214
23.60.219	Yacht, boat and beach clubs	New provision was added to clarify that moorage facilities associated with YBBCs are required to comply with the standards for recreational marinas Section 23.60.200.
23.60.236.B.2.b	Public access requirement	requirement deleted b/c residential development is not allowed in the CM shoreline environment.
23.60.290	Setbacks in the CR	revised to state that set backs for natural athletic fields and concessions is 50-ft from OHW and 35-ft for pavilions.

Shoreline Setbacks

Standard changed in all shoreline setbacks from "“avoid reducing vegetation coverage,” to, “avoid reducing vegetation height, volume, density or coverage.”

Conservancy Shorelie environments

Aquaculture was changed to a prohibited use.

Feasible used when required by the WAC and when required by mitigation sequencing. If required by mitigation sequencing "*feasible*" is in italics.

Conservancy Waterway

1 23.60.310

Table of uses was updated to include all existing uses that are currently allowed including minor vessel repair and boat moorage. Aquaculture was changed from allowed as a conditional use to prohibited

Urban Commercial

1	23.60.382	Use table	WR Colleges, institutes for advanced study, vocational schools and museums are now allowed on waterfront lots
2	23.60.382	Use table	Changed "street level" to :lowest floor level" Note: This change still under City review.
	23.60.382.C	Use table	Revised section regulating existing single family, multifamily and artist studio/dwelling units located overwater to clearly state that existing uses are allowed and to describe how these uses will be regulated.
3	23.60.384		A new section was added to describe the uses allowed overwater
4	23.60.390		Shoreline setback section updated to clarify setbacks for structures
		Public access all shoreline environments	Changed public access requirement so that WR uses where "The use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water;" are not required to provide public access but water-related uses
5	23.60.392		
	23.60.236.A, 294.A, 392.A, 414.A		Moved to 23.60.164

Urban General, Urban Industrial and Urban Maritime

1	23.60.200		Revised BMPs for marinas based on comments
	23.60.402, 23.60.482 &		Dry docks were changed from a conditional use to an allowed use in the UI and UM and from a prohibited use to an allowed use in the UG shoreline environment
2	23.60.502	Use tables	Use table updated and simplified to include that all WD and WR industrial and commercial uses are allowed and that uses on upland lots are governed by the underlying zones except for some uses that are currently prohibited on upland lots.
3	23.60.502	Use tables	Uses that were determined to support WD/WR and allowed as 20% of the lot as a conditional use are now an allowed use (no conditional use required). Eating and drinking establishments removed from non-water-dependnet and water-related uses allowed.
	23.60.402, 23.60.482 &		
4	23.60.502	Use tables	
			Boat moorage was changed from a conditional use to an allowed use; animal husbandry was changed to a prohibited use; single family dwelling units changed from prohibited to prhibiting new untis and allowing existing units and artist studio/dwelling changed from a conditional use to prohibting new and allowing existing units.
5	23.60.402	Use table	
	23.60.406, 23.60.486 &	Height sections of the UG, UI and UM shoreline environments	
3	23.60.506		Revised to include allowances for additional height.
	23.60.410, 23.60.490,		
6	23.60.510	Use tables	Shoreline setback sections updated to clarify setbacks for structures
	23.60.414, 23.60.494 &	Public access all shoreline environments	Changed public access requirement so that WR uses where "The use has a functional requirement for a waterfront location, such as the arrival or shipment materials by water, or the need for large quantities of water;" are not required to provide public access but water-related uses
7	23.60.514		
		UM uses allowed overwater	
8	23.60.504		A new section was added to describe what non-water-dependent uses are allowed overwater in the UM environment.

Urban Harborfront Shoreline Environment

23.60.442		Aquaculture was changed from an allowed use to a conditional use
23.60.442.K		Revised to allow staging for construction on waterfront lots
23.60.442 - 460		Many subsections revised and Section 23.60.460 is new.
23.60.443		Section deleted

Urban Residential Shoreline Environment

23.60.540	Use table	Accessory dwelling units, congregate residences and nursing homes changed from an allowed use to a prohibited use
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Shoreline Environment Designation and Locations

Shoreline designation Map

Withdrew proposal to re-designate existing Urban Stable shoreline environment on Shilshole Ave NW to Urban Residential. This area will continue as Urban Stable, which is renamed Urban Commercial.

Definitions

23.60.904	"B"	Boat Yard added
23.60.902	"C"	Critical root zone added, Custom craft work modified to include boat building as a water related custom craft work. water
23.60.908	"D"	Dry dock added, DBH added, dock added, dredging revised
23.60.912	"F"	Feeder bluff added
23.60.916	"H"	Habitat unit revised
23.60.924	"L"	Added "Light transmitting feature" means a surface that allows ambient light to pass through the surface such as grating on a deck or
23.60.924	"L"	Revised definition of liveaboard vessel, added live-aboard and live-aboard use
23.60.926	"M"	Marina, commercial revised, boat livery added to
23.60.928	"N"	Native vegetation and non-native aquatic species added
23.60.932	"P"	Pier revised
23.60.933	"Q"	Quay and queuing added
23.60.936	"S"	Ship yard added, boat livery added to "sale and rental of small boats, boat parts and accessories" definition
23.60.938	"T"	Tree added
23.60.942	"V"	Vegetation cover was added and View corridor was revised to include vegetation
23.60.944	"W"	Water related uses revised to included storage of material that is transported by a vessel and is either loaded or off-loaded in the Shoreline District in the definition of water-related uses.