

SMP Amendment Proposed Work Plan

November 30, 2017 – Updated January 11, 2018

The following summary of proposed revisions was developed by staff based on topics and issues identified through implementation and permit review since July 2014. The focus of these revisions is largely housekeeping in nature: clerical (correction/consistency), implementation efficiency (clarification/simplification) and integration (of other codes/policies). Revisions are anticipated in almost every section; however, a section is not listed below if only clerical or implementation efficiency revisions are anticipated. **Although the Planning Commission and City Council may consider policy decisions as they arise throughout the process, significant policy changes are not anticipated as part of the amendment.** With some exceptions that may be considered, the amendment is not intended to change the intent of the SMP, but rather to significantly improve its implementation. All revisions must demonstrate consistency with all goals, policies, and designation criteria as well as the background documents of the SMP.

SMP Section	Topic	Summary of Proposed Topics to Consider	Guiding Theme(s)
4.1.5	Critical Areas	Integration of BIMC 16.20 pending Council adoption	6,10
Appendix B	Critical Areas	Integration of BIMC 16.20 pending Council adoption	6,10
4.2.1	Existing Development (Nonconforming)	<p>Nonconforming Uses, Nonconforming Lots, and Existing Development</p> <ul style="list-style-type: none"> • Revisit optional approach to consider legally existing structures as conforming structures • Clarify applicability of “most restrictive” clause • Clarify difference between existing (nonconforming) structure and nonconforming use • Clarify consistency between general regulations and specific regulations (SMP 4.2.1.4) • Correct “entirely contained within the building” error (SMP 4.2.1.6.3.1.2.c) • Clarify that existing structures destroyed by natural disasters can be replaced if meeting geologically hazardous area provisions (SMP 4.2.1.6.1.2) • Revisit/clarify single family primary structures alteration/expansion (SMP 4.2.1.6.3.2) – applies only to within shoreline buffer, provide definition of landward, clarify “building configuration,” 25 percent of existing building footprint, clarify building area vs. development area, clarify what “bulk dimensions” and “lifetime” mean • Correct numbering structure of SMP 4.2.1.6.5; clarify non-essential residential accessory structures • Clarify SMP 4.2.1.7 – Encumbered and Nonconforming Lots – provide definition of redevelopment, clarify if it applies to critical areas or just critical area buffers, clarify what building area means, clarify if applicant can reduce buffers first (e.g., landslide hazard buffer) before being considered encumbered • Ensure consistency of SMP 4.2.1.7.1.e with critical areas section • Improve consistency of SMP 4.2.1.8 – Aquatic Structures – with Single Family Mitigation Manual • Clarify SMP 4.2.1.8.1 – what is included in “materials and standards”? • Clarify SMP 4.2.1.8.2 – where does it apply and to what? 	1,2,5,9,10

SMP Section	Topic	Summary of Proposed Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> • Provide clarity/detail in SMP 4.2.1.8.1.a – what are thresholds for when conditional use permit required? 	
4.0	Table 4-1 Table 4-2 Table 4-3	<p>Table 4-1 (Use and Modification Table)</p> <ul style="list-style-type: none"> • Clarify footnotes (revisit #22 re: mixed use physical separation) • Correct inconsistencies between table and text (e.g., subdivisions) • Revisit requirement for shoreline conditional use permit for all retaining walls • Clarify primary vs. accessory utilities • Clarify allowance of overwater structures when used as public trails <p>Table 4-2 (Dimensional Standards)</p> <ul style="list-style-type: none"> • Address missing footnotes (#5 and 7) • Clarify utilities setbacks <p>Table 4-3 (Buffers)</p> <ul style="list-style-type: none"> • Revise for improved readability and ease of administration • Clarify when “expands to include existing native vegetation applies” • Clarify that all shallow lots (<200 feet deep) are assigned narrower buffer • Clarify how buffer is measured for high bluff properties (i.e., what is between Zone 1 at OHWM and top of bluff) • Clarify criteria for Category A and B lots • Add figure reference and reference to Section 4.1.3 • Clarify what geomorphic classes are or where information about them is located • No change in required buffer widths is anticipated 	10
4.1.2	Environmental Impacts	<ul style="list-style-type: none"> • Clarify that mitigation follows a sequence/”when mitigation is required” language – if an impact cannot be avoided, mitigation is required • Simplify and clarify applicability section, clarify “development, use, activity” • Move vegetation management regulations to Section 4.1.3 (e.g., 4.1.2.5, Revegetation Standards) • Clarify and emphasize that either use of the Single-Family Mitigation Manual or submittal of a site-specific impact analysis is required; clarify when manual can be used • Delete references that don’t exist • Revisit “in perpetuity” requirement when mitigation is required (SMP 4.1.2.7) • Clarify mitigation and monitoring requirements (SMP 4.1.2.8), consider threshold (e.g., not required for > \$1000) for performance, mitigation/monitoring • Clarify that new impervious surface area requires mitigation (only mentioned in Single-Family Mitigation Manual); better tie to manual 	5,8,9,10

SMP Section	Topic	Summary of Proposed Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> Consider new language that requires prioritizing where mitigation planting is located – has to go where it will have most ecological benefit 	
4.1.3	Vegetation Management	<ul style="list-style-type: none"> Relocate and revise, if needed, vegetation management-related regulations from SMP 4.1.2.5 <ul style="list-style-type: none"> SMP 4.1.2.5.1 – Revegetation Standards – improve clarity SMP 4.1.2.5.3 – Clarify what “altered or reduced” means; when applicable? SMP 4.1.2.5.4 – Revise for clarity; remove requirement for offsite mitigation to be in Zone 1 Clarify applicability section, non-retroactive nature of regulations Clarify which requirements apply to new development vs. existing development SMP 4.1.3.4 – Exceptions – clarify what is allowed without City review or approval, replace this section with tree and vegetation regulations (including exemption for yard and garden activities) from critical areas ordinance, remove requirement to leave downed hazard tree on site (if left, considered sufficient mitigation) SMP 4.1.3.5 – Create new section that just explains establishment of shoreline buffers (2 options); revisit HMP requirement and review process; remove references to documents that don’t exist or consider programmatic approach to vegetation maintenance by City or other land managers (SOP manual, also referenced in SMP 4.1.3.7) Provide mechanism for some level of significant tree removal (e.g., develop significant tree removal criteria) Revisit requirements for vegetation removal/replacement outside shoreline buffer (native and non-native, significant trees) SMP 4.1.3.6 – Clarify “1/3 2/3” provision; applicable to new development only? SMP 4.1.3.7 – Clarify applicability, provide consistency with other vegetation maintenance provisions, define “modified area,” delete minor pruning section, refer to critical areas tree and vegetation regulations, revisit requirement for clearing permit, clarify connection to SMP 4.1.4, Land Modification, as referenced, clarify utilities SMP 4.1.3.7.2 – Consolidate with new section relating to just shoreline buffers, clarify what “dimensions altered” means, clarify requirement for when Zone 1 must be restored SMP 4.1.3.7.3 – Clarify what “minimum necessary for public use” means, improve connection to Single-Family Mitigation Manual, clarify whether stairs need to be grated and type of mitigation required if not grated SMP 4.1.3.8.1 and 3 – Revise entire sections for clarity; no changes to size thresholds anticipated SMP 4.1.3.8.4 – View maintenance – clarify and simplify; reference critical areas tree and vegetation requirements?, delete requirement for Bluff Management Plan 	3,4,5,7,8,9,10

SMP Section	Topic	Summary of Proposed Topics to Consider	Guiding Theme(s)
		<ul style="list-style-type: none"> SMP 4.1.3.11 – Shoreline Structure Setback View Requirements – Clarify applicability, relocate option to build in Zone 2 language, correct figure references, simplify language, clarify what constitutes “most waterward point” 	
4.1.4	Land Modification	<ul style="list-style-type: none"> Eliminate requirement for clearing permit for “all clearing” to allow for nominal landscaping activities (e.g., 25 cubic yards/200 square foot thresholds) Clarify language, better integrate with other sections 	9,10
4.1.6	Water Quality and Stormwater Management	<ul style="list-style-type: none"> Integrate new (2016) stormwater regulations (BIMC 15.20) Add direct discharge criteria (i.e., when is one allowed? Considered necessary?) Update wood treatment regulations per agency guidelines Improve consistency with Single-Family Mitigation Manual 	6,10
Appendix D	Single-Family Mitigation Manual	<ul style="list-style-type: none"> Better integrate into code language – when it can be used and how it relates to vegetation management requirements Provide alternatives to rain garden for new impervious surface area; clarify where rain garden must be located when required (inside or outside shoreline buffer) Update per current agency guidance/requirements (e.g. Corps of Engineers, WDFW) 	4,5,6, 8,9,10
5.3	Boating Facilities	<ul style="list-style-type: none"> Revisit liveaboard threshold (currently 10 percent) Revisit management and operations (implementation) 	8,10
6.3	Overwater Structures	<ul style="list-style-type: none"> Improve consistency with Single-Family Mitigation Manual and other agency mitigation requirements Clarify grammar in prohibitions section Clarify length thresholds (how to determine) Clarify buoy density 	7,8,9,10
8.0	Definitions	<ul style="list-style-type: none"> Add missing definitions (e.g., significant tree, alteration, redevelopment) Clarify definitions 	10
Appendix A	Shoreline Designation Map	<ul style="list-style-type: none"> Correct inconsistencies between paper and GIS maps (one identified) Correct error (one identified) No changes to shoreline designations anticipated other than corrections 	10
Appendix E	Special Area Maps	<ul style="list-style-type: none"> Include corrected maps Consider construction limit lines for Manzanita Bay and Fletcher Bay 	7,10
All	Global edits	<ul style="list-style-type: none"> Clerical and implementation efficiency edits anticipated in every section 	10
--	Climate Change/Sea Level Rise	<ul style="list-style-type: none"> Incorporate climate adaptation/sea level rise into goals, policies and regulations. 	6
5.2	Aquaculture	<ul style="list-style-type: none"> To be included in amendment pending outcome of current limited amendment. 	7,10

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