

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; <del>(strikethrough)</del> = deleted text	RATIONALE – ECOLOGY CONCLUSION
<i>SMP Policies:</i>				
1-B	SHORELINE GOALS & POLICIES - "Shoreline Protection"	SMP Goal	<p><b>LU255</b> Avoid development in areas identified as special wildlife or priority saltwater or fresh water habitat unless no feasible alternative location exist, <u>except for a water-dependent use or water-related use that has a functional requirement for a location over water and is located in saltwater habitat that is priority habitat solely due to its use by anadromous fish for migration, provided the</u> <del>((and the new))</del> development <del>((is designed to))</del> mitigates impacts <u>to achieve no net loss of ecological function.</u></p>	<p>Required changes to the identified policy, are necessary to recognize the Shoreline Management Act's preference to support water-dependent uses, pursuant to RCW 90.58.020 and WAC 173-26-201 (2) (d) in the SMP-Guidelines.</p>
<i>Subchapter 3: General Provisions (Parts: 1-Use Standards, 2-Nonconforming Uses and Structures , 3-Development Standards, and 4-Shoreline Modifications)</i>				
2-B	PERMITS AND EXEMPTIONS - 23.60A.020.C.17	Temporary Development	<p><del>((17. Temporary development of four weeks or fewer if the development:</del></p> <ul style="list-style-type: none"> <li><del>a. Does not remove any native vegetation;</del></li> <li><del>b. Does not remove any trees greater than 6 inches DBH;</del></li> <li><del>c. Does not include the erection of a permanent structure; and</del></li> <li><del>d. Does not cause or contribute to permanent adverse impacts to ecological functions and mitigates any temporary adverse impacts to ecological function including impacts caused by overwater structures.))</del> </li></ul>	<p>The proposed "temporary use" provisions are listed in the City's SMP as a shoreline exemption, but are not consist with Substantial Development Permit exemptions listed in RCW 90.58.030 or WAC 173-27.040. Pursuant to WAC 173-27-040 (2) (g), local jurisdictions are provided the authority to interpret "normal appurtenances" to a single-family residence, based on local circumstances. However, this authority does not extend to allow jurisdictions to create new categories of exemptions beyond residential appurtenance. Therefore, the "temporary development" exemption cannot be allowed, as part of the City's updated SMP, as the provisions are not consistent with the sections of the SMA (RCW 90.58) or the administrative WAC (173-27) as described above.</p>
3-B	P-1 USE STANDARD: IDENTIFICATION OF PRINCIPAL AND ACCESSORY USES – 23.60A.090.A. 1. – 4.	Floating Home Moorages & Floating On-Water Residences as allowed uses	<ol style="list-style-type: none"> <li>1. Boat moorage, off-loading goods from boats, dry<del>((-))</del>docks, swimming platforms, uses on vessels authorized under Sections 23.60A.214 and 23.60A.215, or other use components that by their nature require an over water location to operate;</li> <li>2. Railroad, rail transit, streets, bridges and tunnels that reasonably need to cross water that is regulated in this Chapter 23.60A; <del>((or))</del></li> <li>3. <u>Floating home moorages, floating homes and floating on-water residences authorized under Section 23.60A.202 and 203; or</u></li> <li>4. Allowed, allowed as a special use, allowed as a shoreline conditional use or allowed as a Council conditional use as a use overwater in the specific regulations for the type of use or for the shoreline environment.</li> </ol>	<p>The SMP-Guidelines under WAC 173-26-241 (3) (J), require jurisdictions to prohibit new over-water residential uses, while also accommodating existing uses as a part of the comprehensive SMP-update. After local adoption of the City's updated SMP, the Washington State Legislature passed Engrossed Substitute Senate Bill 6450 (ESSB 6450), which amended the SMA under RCW 90.58.270, clarifying that existing "floating on-water residence" that are legally established prior to July 2014, shall be considered a "conforming use".</p> <p>Therefore, the required change is necessary to respond to the 2013/2014 amendment to the SMA (ESSB 6450), thus identifying existing "floating on-water residences" as an allowed over-water use in the City's updated SMP.</p>
4-B	P-1 USE STANDARD: TEMPORARY DEVELOPMENT, SHORELINE MODIFICATION AND USES - 23.60A.092	Temporary use provisions	<p><del>((23.60A.092 Temporary development, shoreline modifications and uses</del></p> <p><del>A. Development, shoreline modification limited to floats, and uses that will occur for four weeks or less may be exempt from obtaining a shoreline substantial development permit as provided in Section 23.60A.020; developments that are exempt shall comply with the Shoreline Management Act and the standards and provisions of this Chapter 23.60A.</del></p> <p><del>B. Development or Uses for Up to Six Months</del></p> <ol style="list-style-type: none"> <li><del>1. The Director may approve a permit for a development, shoreline modification or use for a time period of up to six months if the development, shoreline modification, or use complies with the standards and provisions of this Chapter 23.60A, except as provided in subsection 23.60A.092.B.2, and the following standards:</del> <ul style="list-style-type: none"> <li><del>a. Does not include the erection of a permanent structure;</del></li> <li><del>b. Does not cause or contribute to permanent adverse impacts to ecological functions and mitigates any temporary adverse impacts to ecological function;</del></li> <li><del>c. Does not remove or harm native vegetation; and</del></li> <li><del>d. If new impervious surface is created, this surface is removed and planted with native vegetation at the end of the temporary use.</del></li> </ul> </li> <li><del>2. If no reasonable alternative exists, in approving a temporary development or use the Director may allow:</del> <ul style="list-style-type: none"> <li><del>a. Views to be blocked;</del></li> <li><del>b. Public access to be blocked for a period of up to three months; and</del></li> <li><del>c. Development within the shoreline setback but farther than 15 feet from the OHW mark.</del></li> </ul> </li> </ol> <p><del>-C. Temporary development, floats, or uses shall not interrupt any legally established permanent use of a property.))</del></p>	<p>Same rationale as item 2-B.</p>

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5-B	P-3 (GENERAL) DEVELOPMENT: ARCHAEOLOGICAL AND HISTORIC PRESERVATION – 23.60A.154.A. – C.	Archaeological & Historic Preservation Development Standards	<p>A. Developments, shoreline modifications and uses on <u>any sites having historic, cultural, scientific, or educational value</u> <del>((of historic or archeological significance or sites containing items of historic or archeological significance))</del>, as defined by the Washington State Department of Archaeology and Historic Preservation <u>and local tribes</u>, shall reasonably avoid disruption of the historic or archeological resource.</p> <p>B. Applications <del>((that include excavation))</del> in areas documented by the Washington State Department of Archaeology and Historic Preservation to contain archaeological resources shall include a <u>preliminary cultural resource evaluation or</u> site inspection and a written report prepared by a qualified professional archaeologist <u>in compliance with Section 106 of the National Historic Preservation Act or State Executive Order 05-05</u>, approved by the City, prior to the issuance of a permit.</p> <p>C. If any archaeological resources are uncovered during <u>the proposed work</u> <del>((excavation))</del>, work shall be stopped immediately, and the applicant shall notify the City, affected tribes, and the State Department of Archeology and Historic Preservation.</p>	<p>The identified changes are necessary to respond to comments<sup>1</sup> (attachment D; 17) and to ensure consistency with SMP-Guideline requirements in WAC 173-26-221 (1) (c) that are intended appropriately manage the protection of historic, archaeological and cultural features within shoreline areas.</p>
6-B	P-3 (GENERAL) DEVELOPMENT: STANDARDS FOR ENVIRONMENTALLY CRITICAL AREAS IN SHORELINE DISTRICT – 23.60A.156.C.	Critical Areas Ordinance Reference	<p>B. Applicable regulations. Chapter 25.09, as set out in Ordinance 122050 and amended by Ordinances 122370 and 122738, 124105, <u>124447</u> and by this ordinance introduced as C.B. <del>((117913))</del>, is incorporated by reference into this Chapter 23.60A with respect to the shorelines within the Shoreline District. The designations, standards and procedures in Chapter 25.09 are modified as set out in subsections 23.60A.156.E through 23.60A.156.N for environmentally critical areas in the Shoreline District. If there are any conflicts between the standards and procedures in Chapter 25.09 incorporated into this Chapter 23.60A and other provisions of the Shoreline Master Program, the requirements most protective of ecological functions apply, except when preempted by federal or state law or where this Shoreline Master Program expressly states that these regulations do not apply</p> <p>C. <u>Environmentally</u> <del>((C))</del>critical <del>((A))</del>areas <u>designation and location</u></p> <p><u>1. Environmentally critical areas mean:</u> <del>((are designated as))</del></p> <p><u>a. Priority habitat areas and shoreline setbacks described in Sections 23.60A.160 and 23.60A.167; and</u></p> <p><u>b. Areas designated in Section 25.09.020, as amended by this Ordinance.</u></p> <p><u>2. Environmentally critical areas are located as follows:</u></p> <p><u>a. Areas designated</u> in Section 25.09.020, as amended by this Ordinance, are located as set out in Section 25.09.030.</p> <p><u>b. <del>((Identification of w))</del>Wetlands</u> and delineation of their boundaries pursuant to this Chapter 25.09 shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements in lieu of the "Washington State Wetlands Identification and Delineation Manual" as adopted by Ecology (Publication #96-94).</p>	<p>At the City's request, the identified amendments to the City's environmentally critical areas regulations, update the references to the relevant City Ordinances that regulate environmentally critical areas and are intended to further clarify habitats and areas which qualify for protection under the updated SMP as critical area pursuant to WAC 173-26-201 (2) in the SMP-Guidelines</p>
7-B	P-3 (GENERAL) DEVELOPMENT: VEGETATION & IMPERVIOUS SURFACE MANAGEMENT – 23.60A.190.D.4	Vegetation Management	<p>a. Any surface disturbed or cleared of vegetation and not to be used for development shall be planted with native vegetation, except that pre-disturbance landscaped areas containing non-native vegetation located <u>farther than 100-ft from the OHW</u> <del>((outside the shoreline setback))</del> may be re-landscaped using non-native, noninvasive vegetation;</p>	<p>The identified changes are related to the City's response to issues raised in comments submitted to Ecology (Attachment D; 37). The revised provision emphasize the importance in maintaining native vegetation within areas immediately adjacent to the shoreline, for which the provision allows additional flexibility for re-landscaping in areas more than 100-feet upland of the shoreline edge. Therefore, the changes are necessary to satisfy the vegetation management requirements in WAC 173-26-221 (5), and mitigation sequencing requirements under WAC 173-26-201 (2) (e) (i).</p>
<p><i>Subchapter 3: Standards Applicable to Specific Uses (Part 5)</i></p>				
8-B	AGRICULTURE – 23.60A.193.B	Vegetation Requirement	<p>B. Agricultural uses <u>proposed on land not currently in agricultural use</u> shall not remove native vegetation; and</p>	<p>Based on comments received by Ecology (Attachment D; 27), the following changes are necessary to appropriately distinguish between existing and new (proposed) agricultural activities. The SMP-Guidelines at WAC 173-26-241 (3) (a), state that SMP provisions that modify or restrict agricultural activities are only to be applied to "new agriculture" on land not previously supporting agricultural activities.</p>
9-B	MARINA STANDARDS 23.60A.200.B. (2.a.-g.) and (3. -.7)	Marina Best Management Practices	<p>2. Marina owners shall require owners and operators of vessels <u>and floating on-water residences</u> moored in recreational marinas or commercial marinas <del>((shall))</del>to use BMPs to minimize impacts on the aquatic environment. The BMPs include the following:</p> <p>a. Use <del>((ing))</del> <u>natural and toxic free</u> <del>((non-toxic-))</del>cleaners and other products <del>((used on vessels-))</del>that drain into the water;</p> <p>b. Limit <del>((ing))</del> the amount of gray water produced by minimizing water use;</p> <p>c. Dispose <del>((ing))</del> of sewage at pump-out stations or through a pump-out service;</p> <p>d. Dispos <u>e</u> <del>((ing))</del> of garbage, food scraps <u>and other compostable material</u>, waste material and recyclables into the appropriate on-land receptacles;</p> <p>e. Store <del>((ing))</del> all outside materials in a secure manner so that they do not enter the water because of wind or wave action;</p>	<p>The identified required changes to Marina Best Management Practices (Marina BMP's) in the updated SMP, provide a necessary reference to existing "floating on-water residences" as a conforming use allowed within marinas. The amendments also provide clarity in response to confusion noted through public input<sup>2</sup> (Attachment D; 29) related to "cleaning products" and the "double containment" provision in the updated SMP.</p> <p>Also, see rationale for items #3-B, #9-B, #10-B, and #11-B describing</p>

<sup>1</sup> Comments in lines "E-3" and "E-4" beginning on page 17 of Attachment D.

<sup>2</sup> Comment in line "F-4" on page 29 of Attachment D.

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			<p>f. Nonuse of <del>((Not using))</del> herbicides, pesticides or fertilizers; and</p> <p>g. Use <u>((ing))</u> a double containment system when using <u>hazardous and/or toxic</u> products on the vessel <u>and floating on-water residence</u> to contain any spills in the second receptacle and prevent the products from entering the water.</p> <p>3. Marinas shall be operated and managed in a manner to preserve water quality pursuant to Title 22, subchapter VIII, Stormwater Code, and to protect the public health. The Director shall adopt a rule establishing model BMPs based on Department of Ecology’s Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 as a minimum standard.</p> <p>4. Non-commercial slip-side vessel <u>and floating on-water residences</u> maintenance is limited to:</p> <p>a. Interior vessel <u>and floating on-water residence</u> repair and cleaning, replacement of running gear and other cleaning and repair activities excluding hull scraping and painting, which is prohibited.</p> <p>b. Twenty-five percent of the exterior of the vessel <u>and floating on-water residence</u> above the deck at any one time; exterior work involving paint, varnish and other toxic substances below the deck is prohibited. The Director may establish appropriate BMPs based on Department of Ecology’s Resource Manual for Pollution Prevention in Marinas May 1998, Revised 2009 Publication #9811 in a Director’s Rule.</p> <p>5. Marinas shall provide restrooms connected to the sewer system for use by any patron of the marina facility. At a minimum, the facilities are required to include one toilet and one washbasin. The Director shall determine the need for additional facilities to provide reasonable hygiene based on the number of slips, percentage of live-aboard slips, and the number of transient moorage slips within the marina.</p> <p>6. Marinas having either more than 3,500 linear feet of moorage or slips large enough to accommodate vessels <u>and floating on-water residences</u> larger than 20 feet in length shall provide a sewage pump-out facility or the best available method of disposing of sewage wastes.</p> <p>7. In Lake Washington and the Puget Sound overwater projections, boat lifts, and areas used for vessel <u>and floating on-water residence</u> moorage shall be located a minimum distance of 30 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable. In Lake Union and Portage Bay overwater projections, boat lifts, and areas used for vessel <u>and floating on-water residence</u> moorage shall be located a minimum distance of 15 feet waterward from the OHW mark or in a minimum water depth of 8 feet, whichever is less to the extent reasonable.</p>	<p><i>the need to address “floating on-water residences” in response to stakeholder’s request, passage of ESSB 6450 and consistency with amendments to RCW 90.58.270.</i></p>
10-B	<p>FLOATING ON-WATER RESIDENCE STANDARDS (New) <u>23.60A.203. (A. – F.)</u></p>	<p>Floating on-water residences authorization, maintenance, repair, remodeling, relocation, expansion, rebuilding and replacement. AND “D”Administrati on Registration of Floating on-water residences AND “E.”Minimizing impacts on the aquatic environment from Floating on-water residences</p>	<p><u>23.60A.203 Standards for floating on-water residences</u></p> <p><u>A. Floating structures that contain dwelling units and vessels that contain dwelling units shall be regulated as floating homes pursuant to Section 23.60A.202, with the exception of floating on-water residences that comply with this Section 23.60A.203, house barges that comply with Section 23.60A.204, residences allowed under Section 23.60A.206, and vessels that comply with Section 23.60A.214. Locating other uses on floating on-water uses authorized pursuant to this section 23.60A.203 is prohibited.</u></p> <p><u>B. For purposes of this Chapter 23.60A, a floating on-water residence is allowed only if it:</u></p> <p><u>1. Was used as a dwelling unit within the City prior to July 1, 2014.</u></p> <p><u>2. Was moored pursuant to a lease or ownership interest at a marina, as defined by Section 23.60A.926, within the City prior to July 1, 2014.</u></p> <p><u>C. Maintenance and repair, remodeling, relocation, expansion, rebuilding, and replacement</u></p> <p><u>1. Floating on-water residences legally established pursuant to subsection 23.60A.203.D are regulated as a conforming use, and relocation, repair and maintenance, remodeling, expansion, and replacement are allowed subject to the following standards:</u></p> <p><u>a. Normal maintenance and repair, as defined in Section 23.60A.020.C.1, is allowed, and replacement is not considered the common method of repair for this type of structure.</u></p> <p><u>b. Remodeling is limited to the interior and to changing the siding or architectural features on the exterior of the existing structure, except that exterior open railings may be added as part of a remodel as allowed in subsection 23.60A.203.C.1.c.</u></p> <p><u>c. Open railings may be added around existing exterior spaces and stairs to access these spaces, provided that if the top of the railing exceeds the height limits in subsection 23.60A.203.C.1.e, the maximum height of the railing is 36 inches.</u></p> <p><u>d. Relocation is allowed, and owners should update the floating on-water residence verification within 60 days.</u></p> <p><u>e. Expansion is allowed provided that:</u></p> <p><u>1) The height of the structure shall not exceed 18 feet if the current height of a floating on-water residence is 18 feet or lower, measured from the main deck or three feet above the surface of the water, whichever is lower;</u></p> <p><u>2) The height of the structure shall not exceed the current height if the current height of a floating on-water residence is more than 18 feet but less than 21 feet, measured from the main deck or three feet above the surface of the water, whichever is lower;</u></p> <p><u>3) The height of the structure shall not exceed 21 feet if the current height of a floating on-water residence is 21 feet or more, measured from the main deck or three feet above the surface of the water, whichever is lower; and</u></p> <p><u>4) No expansion of overwater coverage is allowed, except a single expansion at or below the surface of the water may occur as follows:</u></p> <p><u>a) The applicant provides documentation demonstrating that the expansion is the minimum necessary to provide stability as certified by a naval architect to correct stability problems for the structural size and configuration that existed before July 1, 2014, and the area of such expansion shall not be used for any purpose other than to provide stability; and</u></p>	<p><i>Similar to the rationale described above (under Item #2), 2013/2014 amendments to RCW 90.58.270 require that the City’s updated SMP consider existing “Floating On-Water Residence” that are legally established prior to July 2014, as a conforming use in the updated SMP. In addition, ESSB 6450 requires that a updated SMP, accommodate legally established “Floating On-Water Residences”:</i></p> <p><i>“...through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.”</i></p> <p><i>In response to on-going stakeholder requests for clarity and conforming status of existing houseboats (SOWRSG, 2013), and to comply with ESSB 6450, a new section will be provided in the updated SMP, dedicated to managing existing, legally established “Floating On-Water Residences”.</i></p> <p><i>Consistent with ESSB 6450, the new section of the SMP in 23.60A.203: distinguish “Floating On-Water Residences” from a “Floating Home” (subsection “A”), clarifies when an existing “Floating On-Water Residence” needed to be moored in the City (subsection “B”), and provides reasonable development standards related to “maintenance, repair, remodeling, relocation, expansion, rebuilding and replacement” (subsection “C”). Subsection “D” provide administrative provisions that the City intends to use to verify that an existing “Floating On-Water Residence” is “legally established”. Subsection “E” identifies best management practices to minimize on-water residential impacts to aquatic resources.</i></p> <p><i>Ecology finds that the development regulations provided in subsection “C” are “reasonable”, consistent with RCW 90.58.270, as “repair” and “maintenance” of existing legally established Floating On-Water Residence would not require compensatory mitigation, but would require owners/tenants to follow best management practices (subsection “E”), to minimize ecological impacts to aquatic resources.</i></p>



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			<p><u>b) If an expansion is allowed under subsection 23.60A.203.C.1.e.4.a, no other expansion is allowed below, at or above the waterline for any purpose.</u></p> <p><u>5) If the total expansion over the life of the structure exceeds 120 square feet, gray-water containment or a waste-water hookup that disposes the gray water to the City’s waste-water disposal system is required.</u></p> <p><u>f. Replacement to the same size and configuration as established in the verification issued pursuant to subsection 23.60A.203.D as updated is allowed.</u></p> <p><u>g. Replacement with expansion shall comply with the standards in 23.60A.203.C.1.e, including the requirement that expansions greater than 120 square feet shall provide gray-water containment or a waste-water hookup that disposes the gray water to the City’s waste-water disposal system.</u></p> <p><u>2. When an owner of a verified floating on-water residence intends to expand, rebuild or replace the structure, prior to beginning any work:</u></p> <p><u>a. The owner/applicant shall present information to the Director demonstrating that the floating on-water residence will comply with subsection 23.60A.203.C.1. e through g, as applicable;</u></p> <p><u>b. The owner/applicant shall demonstrate any expansion will not create future stability problems for the floating on-water residence; and</u></p> <p><u>c. The owner/applicant shall update the verification records under subsection 23.60A.203.D.</u></p> <p><u>D. Verification of a floating on-water residence</u></p> <p><u>1. Each floating on-water residence shall be verified by the Director and the owner shall pay a one-time fee to receive a verification number plate. The fee shall be established by the Director to recover the reasonable costs of the program for issuing verification number plates. Owners of floating on-water residence allowed pursuant to subsection 23.60A.203.B may apply to the Director for verification or may wait until the Director asks for verification information. If a floating on-water residence is not verified, the Director may require the owner to submit verification information and pay the required fee.</u></p> <p><u>2. Verification shall constitute legal establishment of a floating on-water residence pursuant to the definition of floating on-water residence in Section 23.60A.912.</u></p> <p><u>3. A house barge authorized under Section 23.60A.204 may submit verification and be regulated as a floating on-water residence rather than a house barge.</u></p> <p><u>4. If an owner disputes the Director’s denial of verification as a floating on-water residence, the owner may appeal the Director’s determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director’s determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.203 precludes the City from enforcing this code under Chapter 23.90 SMC following a decision of the hearing examiner upholding the City’s denial of floating on-water residence verification.</u></p> <p><u>5. The owner shall display the verification number plate issued by the DPD on the pier and landward side of the floating on-water residence or on the side most commonly used for access from the pier.</u></p> <p><u>6. Failure to verify a floating on-water residence or to correctly display a verification number plate is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 and does not forfeit the owner’s right to maintain a floating on-water residence.</u></p> <p><u>7. Verification is transferable between owners but not transferable to another floating on-water residence, except for a replaced floating on-water residence as provided in subsection 23.60A.203.C.1.f and g.</u></p> <p><u>E. Minimizing impacts on the aquatic environment</u></p> <p><u>1. Owners and tenants of floating on-water residences shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:</u></p> <p><u>a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing of the sewage at a facility that is connected to the City’s waste-water disposal system;</u></p> <p><u>b. Dispose of garbage, food scraps, waste material and recyclables into appropriate on-land receptacles;</u></p> <p><u>c. Secure all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;</u></p> <p><u>d. Use natural and toxic free building material in exterior areas;</u></p> <p><u>e. Use natural and toxic free cleaning and other household products in outside areas and on exterior structures;</u></p> <p><u>f. Nonuse of herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and</u></p> <p><u>g. Use a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.</u></p> <p><u>2. The Director may establish alternate or additional best management practices to implement the requirements of subsection 23.60A.203.E by Director’s Rule.</u></p>	<p>SMP development standards require mitigation in the form of gray water containment or wastewater hook-up for ( future) expansion (exceeding 120 square feet) of an existing Floating On-Water Residence through remodeling, rebuilding or replacement actions.</p> <p>As noted within the City’s Shoreline Characterization (Seattle 2010) and Cumulative Impact Assessment (Seattle, 2012c,) water quality functions are currently degraded within Lake Union, the Ship Canal and Portage Bay, for which further water quality impacts through increased water temperature or lower dissolved oxygen would be detrimental to endangered species that migrate through these area, and thus, should be avoided in managing future non-water oriented development (WRIA-8, 2005 and SPU-ACOE, 2008; 87).Currently the federal Clean Water Act does not regulate “normal discharges incidental to the normal operation of a recreational vessels (USEPA, 2011)”.It is not clear if this exception applies to the live-aboard use of a vessel or floating on-water residence moored within a marina? Regardless, in 2008 Congress passed the “Clean Boating Act” that directed EPA to develop appropriate management practices related to recreational vessel discharge and directed the US Coast Guard to enforce any practices developed by EPA<sup>3</sup>, the status of this effort is on-going, for which it appears that EPA are currently working on their second of three phases in developing updated management requirements. However, overboard discharge of gray water effluent is known to contain nutrients (USEPA, 2009 and 2011), which further contribute to increased water temperature and lower dissolved oxygen levels in shallow water bodies with limited circulation, such as Lake Union (WRIA-8, 2005 and SPU-ACOE, 2008; 87). Therefore, future development contributing to water quality concerns in these areas, should be appropriately managed to ensure compliance with SMP-Guideline requirements related to Environmental Impact Mitigation (WAC 173-26-201 (2) (e)) and maintaining no net loss of shoreline ecological functions pursuant to WAC 173-26-186 (8).</p> <p>Ecology further finds that the City’s regulation are practicable and will not “effectively preclude” the continued use of an existing legally established floating on-water residence consistent with RCW 90.58.270 (6) (a) and (b). The provisions also satisfy concerns voiced by stakeholders participating in the City’s SMP-update, which requested clarification from the City pertaining to the conforming status of existing residences (SOWRSG, 2013; 5 and Attachment D). Consistent with ESSB 6450<sup>4</sup>, the identified provisions require “reasonable conditions and mitigation”, in the form of on-going compliance with Best Management Practices to minimize impacts to aquatic environment. Also consistent with the intent of ESSB 6450 to “preserve the existence and vitality of current, floating on-water residential uses... (Section 1. (3))”, the identified provisions authorize on-going “repair” and “maintenance” of existing residences without compensatory mitigation. The provisions do require mitigation for future development associated with expansion of an existing floating on-water residence, consistent with SMP-Guideline requirements to maintain no net loss of shoreline ecological functions (WAC 173-26-186 (8)). Therefore, considering the current ecologic conditions within Lake Union, the Ship Canal and Portage Bay and consistent with SMP-Guideline requirements, Ecology concludes that mitigation related to</p>

<sup>3</sup> Information provided on “Clean Boating Act History from EPA’s website at: [http://water.epa.gov/lawsregs/lawguidance/cwa/vessel/CBA/index.cfm#CP\\_JUMP\\_526476](http://water.epa.gov/lawsregs/lawguidance/cwa/vessel/CBA/index.cfm#CP_JUMP_526476)

<sup>4</sup> RCW 90.58.270 (6) (a) states: “A floating on-water residence legally established prior to July 1, 2014, must be considered a conforming use and accommodated through reasonable shoreline master program regulations, permit conditions, or mitigation that will not effectively preclude maintenance, repair, replacement, and remodeling of existing floating on-water residences and their moorages by rendering these actions impracticable.”

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; ( <del>strikethrough</del> ) = deleted text)	RATIONALE – ECOLOGY CONCLUSION	
				water-quality impacts associated with gray water discharge should be required for (future) expansion that exceeds 120 square feet, on an existing legally established floating on-water residences.	
11-B	STANDARDS FOR RESIDENCES OTHER THAN FLOATING HOMES HOUR BARGES AND VESSELS USE AS DWELLING UNITS - 23.60A.206..	Over-water Residence Standards	<b>23.60A.206 Standards for residences other than floating homes, <u>floating on-water residences</u>, house barges, and vessels (<del>used as</del>)<u>containing</u> dwelling units</b> A. Floating homes, <u>floating on-water residences</u> , house barges, and vessels ( <del>used as</del> ) <u>containing</u> dwelling units that comply with the standards of Sections 23.60A.202, <u>23.60A.203</u> , 23.60A.204, and 23.60A.214, respectively, are not subject to the standards of this Section 23.60A.206.	See rationale for items #3-B, #9-B, #10-8, and #11-B describing the need to address “floating on-water residences” in response to stakeholder’s request, passage of ESSB 6450 and consistency with amendments to RCW 90.58.270.	
12-B	STANDARDS FOR VESSELS AS DWELLING UNITS - 23.60A.214. [New] <u>E - F.</u>	Vessel dwelling unit standard for minimizing aquatic impacts	<b><u>E. Minimizing impacts on the aquatic environment</u></b> <b><u>1. Owners and tenants of vessels containing dwelling units shall use best management practices to minimize impacts on the aquatic environment. The best management practices include, but are not limited to, the following:</u></b> <b><u>a. Eliminate sewage discharge by either sealing overboard discharge and conveying sewage discharge to an approved disposal facility using a pump out station, a pump out service or other appropriate method or using port-a-potty or similar device and disposing the sewage at a facility that is connected to the City’s waste-water disposal system;</u></b> <b><u>b. Disposing of garbage, food scraps, waste material and recyclables into the appropriate on-land receptacles;</u></b> <b><u>c. Securing all outside furniture, barbeque grills, plant containers and other material to ensure that they do not enter the water because of wind or wave action;</u></b> <b><u>d. Using natural and chemical free building material in exterior area;</u></b> <b><u>e. Using natural and chemical free cleaning and other household products in outside areas and on exterior structures;</u></b> <b><u>f. Not using herbicides, pesticides or fertilizers in outside areas or on the exterior of the structure; and</u></b> <b><u>g. Using a double containment system when using toxic and/or chemical liquid products outside to contain any spills in the second receptacle to prevent these products from entering the water.</u></b> <b><u>2. The Director may establish appropriate best management practices to implement the requirements of subsection 23.60A.214.E by Director’s Rule.</u></b> <b><u>F. If the Director has issued an order finding a vessel does not qualify as a conventional recreational vessel under subsection 23.60A.214.B.1, the owner may appeal the Director’s determination to the hearing examiner within 30 days of the date the Director’s determination was mailed pursuant to the provisions in Chapter 23.76.</u></b>	The identified Best Management Practices (BMP’s) are intended to minimize impacts to the aquatic environment as a “Standards for vessels as dwelling unit” (23.60A.214) and as part of “Marina standards” (23.60A.200.B) applicable to: floating on-water residence and house barges that are moored within a marina. The BMP’s are necessary to ensure consistency with SMP-Guideline Boating Facility requirements to, “... limit the impacts to shoreline resources from boaters living in their vessels” (WAC 173-26-241 (c) (v)).	
<b>Subchapter 5 The Conservancy Management (CM) Environment</b>					
13-B	USES IN THE CM ENVIRONMENT - 23.60A.224.A.	Conservancy Management use provision	A. AGRICULTURAL AND FOREST PRACTICE	<del>(X)</del>	The identified change to consider “Aquaculture” activities as a “conditional use” within the City’s conservancy designations (i.e., CM, CR, CW, and UR) are necessary to ensure consistency with SMP-Guideline requirements and respond to public comments <sup>5</sup> (Attachment D; 27).  The SMP-Guidelines at WAC 173-26-241 (3) (b) recognize Aquaculture as a preferred, water-dependent use that is still evolving through the development of new technology and techniques related to the culture or farming of fish, shellfish, or other aquatic plants and animals. Therefore, the SMP-Guidelines require that local jurisdictions build in some flexibility to adapt to future forms of aquaculture, beyond the common practices that currently exist. Further, as a preferred, water-dependent use, aquaculture uses should not be prohibited without a definitive rationale responding to both SMA policies and SMP-Guideline requirements. The record from the City does not provide a rationale or analysis supporting the prohibition of aquaculture. Ecology recognizes that the urban nature of most of the City’s shoreline may not seem immediately appropriate to support aquaculture. However, requirements within the SMP-Guidelines do not require a local jurisdiction to include specific aquaculture development regulation to manage the use as a permitted use, but rather require that opportunities to consider allowing new forms of
			<u>A.1 Aquaculture</u>	<u>CU</u>	
			<u>A.2 Other agriculture and forest practice uses</u>	<u>X</u>	

<sup>5</sup> Comments in line “F-2” on page 27 of Attachment D.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; <del>(strikethrough)</del> = deleted text		RATIONALE – ECOLOGY CONCLUSION
					aquaculture, not be foreclosed based on perceptions of current practices. Therefore, the locally approved SMP should be amended to potentially consider aquaculture proposals through a conditional use permit process.
14-B	USES IN THE CM ENVIRONMENT - 23.60A.224.B.1	CM – Public Park use provision	1. In a public park <u>and if the use is not water-oriented, ecological restoration equivalent to the gross floor area of any new nonwater-oriented use is provided pursuant to Section 23.60A.155;</u> or		The identified change is necessary to ensure consistency with SMP-Guideline requirements at WAC 173-26-241 (3) (D), which requires ecologic restoration, when a nonwater-oriented commercial uses is allowed within shoreline jurisdiction.
<b>Subchapter 8: The Conservancy Recreation (CR) Environment</b>					
15-B	USES IN THE CR ENVIRONMENT - 23.60A.282.A.	Conservancy Recreation use provision	A. AGRICULTURAL AND FOREST PRACTICE	<del>(X)</del>	Same rationale as provided above in item #13-B.
			<u>A.1 Aquaculture</u>	<u>CU</u>	
			<u>A.2 Other agriculture and forest practice uses</u>	<u>X</u>	
16-B	DEVELOPMENT STANDARDS IN CR ENVIRONMENT - 23.60A.294.A.1.	CR - Multi-family Public Access Requirements	A. Private property. Public access shall be provided and maintained on privately owned waterfront lots for the following developments: 1. Existing multifamily residential development containing more than four units with more than <u>75</u> <del>(100)</del> feet of shoreline, <del>((except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development))</del> ; and		As noted in public comments submitted to Ecology (Attachment D; 41), the locally approved SMP, in sections 23.60A.294 and 23.60A.392 relieve multifamily residential developments located within shoreline jurisdiction, from public access requirements, if the lot is less than 100' in width, or in marine waters if there is an existing access point within 600' of the proposed development. Neither of these public access exceptions appear to be supported by SMP-Guideline provisions, as a multifamily residential development would not be considered a "preferred use" and therefore, should only be allowed, when the proposal includes public access. The City's existing SMP provided for a 75' lot width threshold, which seems reasonable considering anticipated physical constraints related to constructing a multi-family residential development on a small lot, for which it is assumed that public access opportunities would similarly be highly constrained.
<b>Subchapter 9: The Conservancy Waterway (CW) Environment</b>					
17-B	USES IN THE CW ENVIRONMENT - 23.60A.310.A.	Conservancy Waterway use provision	A. AGRICULTURAL AND FOREST PRACTICE	<del>(X)</del>	Same rationale as provided above in item #13-B.
			<u>A.1 Aquaculture</u>	<u>CU</u>	
			<u>A.2 Other agriculture and forest practice uses</u>	<u>X</u>	
<b>Subchapter 10: The Urban Commercial (UC) Environment</b>					
18-B	USES IN THE UC ENVIRONMENT - 23.60A.382. (A. – B.)	Urban Conservancy General Use provisions	A. Use regulations 1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.382 and Table A for 23.60A.382, and Section 23.60A.384. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.382. 2. <u>Waterfront lots, uses overwater.</u> <del>((Table A-))</del> and water-dependent and water-related uses a. Table A and subsections 23.60A.382.C through H apply to waterfront lots.		These changes are necessary to support internal consistency within the SMP related to the addition of use tables for upland lots within the UC environment designation consistent with the rationale provided in Item #19-B.



ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; <del>(strikethrough)</del> = deleted text))	RATIONALE – ECOLOGY CONCLUSION
			<p>b. <u>Uses overwater are regulated in Section 23.60A.384.</u></p> <p>c. If Table A for 23.60A.382 or <u>the</u> text of Section 23.60A.382 or Section 23.60A.384 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</p> <p>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.</p> <p>B. <u>Uses on upland lots are regulated in Section 23.60A.383. If Table A for 23.60A.383 or the text of Section 23.60A.383 states that a use is required to be water-oriented, a use that is not water-oriented is prohibited.</u></p> <p><del>((1. All uses allowed, allowed as a special use, or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.</del></p> <p><del>2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:</del></p> <p><del>a. Transportation uses that are prohibited on waterfront lots;</del></p> <p><del>b. Utility uses that are prohibited on waterfront lots;</del></p> <p><del>c. Heavy manufacturing uses; and</del></p> <p><del>d. High impact uses.))</del></p>	
19-B	USES IN THE UC ENVIRONMENT - 23.60A.383 (table) and (C. – E.)	New Use Table for upland uses	<p><del>[Insert "Table A for 23.60.383 as attached in Exhibit A]</del> <u>Table A for 23.60A.383 Uses in the UC Environment</u></p> <p><u>C. Uses accessory to floating homes, including storage, are allowed if located 35 feet or more waterward from the OHW mark.</u></p> <p><u>D. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.</u></p> <p><u>E. Utility service uses are allowed if they reasonably require a shoreline location to operate.</u></p>	<p>WAC 173-26-191 (2) (a) (ii) (A) requires that SMP regulations be sufficient in scope and detail to ensure consistency with the SMA and SMP-Guideline requirements. The locally adopted SMP (Ordinance # 124105) does not provide a list of uses categorized as either: "permitted", conditional" or "prohibited" for both waterfront and upland lots within the UC (Item #19-B), UG (Item #21-B), UI (Item #24-B), or the UM (item #26-B) environment designations.</p> <p>Therefore, the City provided Ecology with updated use tables for these environments conveying a level of detail necessary to satisfy SMP-Guideline requirements. The revisions to these tables are intended to provide transparency as to types of uses that are allowed within the environments.</p>
20-B	USES IN THE UC ENVIRONMENT - 23.60A.392.A.1.a	Public Access provisions	<p>a. Residential developments containing more than four units with more than <u>75</u> <del>((100))</del> feet of shoreline <del>((, except if located on saltwater shorelines where public access from a street is available within 600 feet of the lot line of the proposed development));</del></p>	<p>Same rationale as provided above in item #16-B.</p>
<b>Subchapter 11: The Urban General (UG) Environment</b>				
21-B	USES IN THE UG ENVIRONMENT - 23.60A.402.A.2	General use standards in the UG	<p>A. Use regulations</p> <p>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.402 and Table A for 23.60A.402. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.402.</p> <p>2. <del>((Table A and))</del> <u>Waterfront and upland lots and</u> water-dependent, <del>((and))</del> water-related uses, <u>and water-oriented uses.</u></p> <p>a. Table A and subsections 23.60A.402. <del>((C))</del> <u>B</u> through <del>((F))</del> <u>G</u> apply to waterfront lots <u>and to upland lots as indicated in the table.</u></p> <p>b. If Table A for 23.60A.402 or <u>the</u> text of Section 23.60A.402 or 23.60A.404 states that a use is required to be water-dependent, <del>((or))</del> water-related, <u>or water-oriented,</u> a use that does not have the required attribute is prohibited.</p> <p>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.</p> <p>4. A commercial, institutional, or manufacturing use, other than a use required to be water-dependent or water-related, shall be water-oriented unless:</p> <p>a. Either</p> <p>1) The applicant demonstrates the <u>development</u> site is unsuited for water-oriented uses because it has limited or no water access; or</p> <p>2) The use is <del>((in))</del> <u>part of</u> a development or on a site that includes a water-dependent use occupying <u>a minimum of</u> 50 percent of the site; and</p> <p>b. Ecological restoration occurs within the Shoreline District equivalent to the gross floor area of the proposed nonwater-oriented uses <u>pursuant to Section 23.60A.155</u> <del>((within the same geographic area as the proposed use)).</del></p> <p><del>((B. Uses on upland lots</del></p> <p><del>1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.</del></p> <p><del>2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:</del></p> <p><del>a. Transportation uses that are prohibited on waterfront lots</del></p>	<p>The identified changes are necessary to support internal consistency within the SMP related to the addition of use tables for upland lots within the UC (Item #19-B), UI (Item #24-B), or the UM (item #26-B) environment designations.</p> <p>Amendments to provision 4. a. 1) and 2) are minor non-substantive, clarifying amendments that were requested by the City.</p> <p>The reference to " 23.60A.155" in provision 4.b. pertains to the same rationale as item 10-C in Attachment C (Recommended Changes).</p> <p>Therefore, as described in item #19-B above, the City provided Ecology with updated use tables for these environments conveying a level of detail necessary to satisfy SMP-Guideline requirements. The revisions to these tables are intended to provide transparency as to types of uses that are allowed within the environments.</p>

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			<p><del>b. Utility uses that are prohibited on waterfront lots;</del>  <del>c. Residential uses that are prohibited on waterfront lots;</del>  <del>d. Lodging;</del>  <del>e. Live work units; and</del>  <del>f. High impact uses that are not water dependent or water related.))</del></p> <p>[Insert "Table A for 23.60A.402 as attached in Exhibit B] <a href="#">Table A for 23.60A.402 Uses in the UG Environment</a></p> <p><del>(C)</del> <u>B</u>. High impact uses are allowed as a special use if they are water-dependent or water-related.  <del>(D)</del> <u>C</u>. Existing single-family dwelling units and artist studio/dwellings are allowed.  <del>(E)</del> <u>D</u>. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.  <del>(F)</del> <u>E</u>. Utility service uses are allowed if they reasonably require a shoreline location to operate.</p>	
22-B	DEVELOPMENT STANDARDS IN THE UG ENVIRONMENT - 23.60A.410.A.	Shoreline setback in the UG	<p>A. A shoreline setback of <del>((15))</del> <u>35</u> feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as allowed in Section 23.60A.167.</p>	<p><i>The record submitted by the City, does not support allowing a 15-foot setback within the Urban General environment designation.</i></p> <p><i>The SMP-Guidelines in WAC 173-26-186 (8) (b) (i) (i), require that local master programs include regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline.</i></p> <p><i>The City's Best Available Science review (Seattle, 2005), supporting the development of the Environmental Critical Areas Ordinance, recommended a minimum 35-foot shoreline setback as necessary to protect existing fresh-water riparian habitats throughout the City.</i></p> <p><i>As a basis for the conclusion that SMP provisions will maintain no net loss, the City's Cumulative Impact Analysis assumes a minimum setback of 35-feet upland of the shoreline for nonwater-oriented commercial uses within the UG environment designation (Seattle, 2012c; 43). Therefore based on Ecology's review of the record submitted by the City, the proposed 15-foot setback is not consistent with SMP-Guideline requirements and therefore should be amended to 30-feet as justified by the City's Cumulative Impact Analysis (Seattle, 2012c) and Best Available Science review(Seattle, 2005).</i></p>
<b>Subchapter 13: The Urban Industrial (UI) Environment</b>				
23-B	USES IN THE UI ENVIRONMENT - 23.60A.482.B.	General use regulations in the UI	<p>B. U<del>((ses-on-u))</del>pland lots <u>and water-dependent or water-related uses</u></p> <p><u>1. Uses on upland lots are regulated in Section 23.60A.483.</u></p> <p><u>2. If Table A for 23.60A.483 or text of Section 23.60A.483 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</u></p> <p><del>((1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots are allowed on upland lots.</del></p> <p><del>2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zones and are allowed, allowed as a shoreline conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:</del></p> <p><del>a. Transportation uses that are prohibited on waterfront lots; except for cargo terminals and passenger terminals;</del></p> <p><del>b. Utility uses that are prohibited on waterfront lots except for:</del></p> <p><del>1) Solid waste management that are not water dependent or water related excluding solid waste transfer stations; and</del></p> <p><del>2) Recycling uses that are not water dependent or water related.</del></p> <p><del>c. High Impact uses that are water related; and</del></p> <p><del>d. Heavy manufacturing uses, including the extraction and mining of raw materials.))</del></p>	<p><i>These changes are necessary to support internal consistency within the SMP related to the addition of use tables for upland lots within the UI environment designation consistent with the rationale provided in Item #19-B.</i></p>
24-B	USES IN THE UI ENVIRONMENT - TABLE A FOR 23.60A.483.	Use Table for upland lots in the UI and general	<p>[Insert "Table A for 23.60A.483" as attached in Exhibit C] <a href="#">Table A for 23.60A.483 Uses in the UI Environment</a></p> <p><u>B. In the Duwamish area, yacht, boat and beach clubs and recreational marinas are allowed as a shoreline conditional use and in Lake Union and the Ship Canal yacht</u></p>	<p><i>Same rationale as provided above in item #19-B.</i></p>



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	and 23.60A.483. (B. – E.)	development regulations	<p><u>boat and beach clubs and recreational marinas are allowed if:</u></p> <ol style="list-style-type: none"> <li><u>1. The use does not include an eating and drinking establishment;</u></li> <li><u>2. The use is located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and</u></li> <li><u>3. The use is located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of an inadequate amount of dry land.</u></li> </ol> <p><u>C. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.</u></p> <p><u>D. Sewage treatment plants are allowed as a Council conditional use if:</u></p> <ol style="list-style-type: none"> <li><u>1. Located in the Duwamish area;</u></li> <li><u>2. A Plan Shoreline Permit is obtained pursuant to Section 23.60A.066 and a determination has been made for expansion of an existing sewage treatment plant that an alternative design and locating the expanded portion of the sewage treatment plant is infeasible and for a new sewage treatment plant that no feasible alternative location for the sewage treatment plant outside the shoreline exist as determined under Section 23.60A.066;</u></li> <li><u>3. The plant is set back 60 feet from the line of the OHW mark;</u></li> <li><u>4. Public access is provided along the entire length of the shoreline that is part of the sewage treatment facility, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and</u></li> <li><u>5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other adverse impacts on the human and natural environment are required.</u></li> </ol> <p><u>E. Utility service uses are allowed if they reasonably require a shoreline location to operate.</u></p>	
<b>Subchapter 14: The Urban Maritime (UM) Environment</b>				
25-B	USES IN THE UM ENVIRONMENT - 23.60A.502. (A. – B.)	General use regulations in the UM	<p>A. Use regulations</p> <ol style="list-style-type: none"> <li>1. All uses are allowed, allowed as a special use, allowed as a shoreline conditional use or prohibited pursuant to Section 23.60A.090, this Section 23.60A.502 and Table A for 23.60A.502 and Section 23.60A.504. Use categories and subcategories cover all uses in that category and subcategory except when a subcategory of that use is specifically shown in Table A for 23.60A.502.</li> <li>2. <del>((Table A))</del> <u>Waterfront lots, uses overwater,</u> and water-dependent and water-related uses.             <ol style="list-style-type: none"> <li>a. Table A and subsections 23.60A.502.C through H apply to waterfront lots.</li> <li>b. If Table A for 23.60A.502 or <u>the</u> text of Section 23.60A.502 or Section 23.60A.504 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</li> </ol> </li> <li>3. Regulations for specific shoreline modifications are set out in Sections 23.60A.172 through 23.60A.190.</li> </ol> <p>B. U<del>((ses on u))</del> <u>pland lots and water-dependent or water-related uses</u></p> <ol style="list-style-type: none"> <li><u>1. Uses on upland lots are regulated in Section 23.60A.503.</u></li> <li><u>2. If Table A for 23.60A.503 or text of Section 23.60A.503 states that a use is required to be water-dependent or water-related, a use that does not have the required attribute is prohibited.</u></li> </ol> <p><del>((1. All uses allowed, allowed as a special use or allowed as a shoreline conditional use on waterfront lots, are allowed on upland lots. 2. Uses prohibited on waterfront lots are regulated on upland lots by the underlying zone and are allowed, allowed as a conditional use, or prohibited as provided in the underlying zones, except for the following uses; these uses are prohibited on upland lots:</del></p> <ol style="list-style-type: none"> <li><del>a. Transportation uses that are prohibited on waterfront lots except for:             <ol style="list-style-type: none"> <li><del>1) Vehicle storage and maintenance; and</del></li> <li><del>2) Heliports and helistops, which may be allowed as a Council conditional use if:                 <ol style="list-style-type: none"> <li><del>a) The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:                     <ol style="list-style-type: none"> <li><del>i. A public facility; or</del></li> <li><del>ii. Located at least 2,000 feet from a residential zone;</del></li> </ol> </del></li> <li><del>b) The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;</del></li> <li><del>c) The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;</del></li> <li><del>d) Open areas and landing pads shall be hard surfaced; and</del></li> <li><del>e) The use meets all federal requirements, including those for safety, glide angles and approach lanes. ———</del></li> </ol> </del></li> </ol> </del></li> </ol> <li><del>b. Utility uses that are prohibited on waterfront lots, except for recycling uses that are not water dependent or water related;</del></li>	<p><i>These changes are necessary to support internal consistency within the SMP related to the addition of use tables for upland lots within the UM environment designation consistent with the rationale provided in Item #19-B.</i></p>

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; ( <del>strikethrough</del> = deleted text))	RATIONALE – ECOLOGY CONCLUSION															
26-B	USES IN THE UM ENVIRONMENT TABLE A - 23.60A.503. and 23.60A.503. (B. – F.)	Use table for upland lots in the UM and general development regulations	<p><del>c. High impact uses; and</del>  <del>d. Heavy manufacturing, including the extraction and mining of raw materials.))</del></p> <p>[Insert "Table A for 23.60A.503", as attached in <i>Exhibit D</i>] <a href="#">Table A for 23.60A.503 Uses in the UM Environment</a></p> <p><u>B. Office uses within the Lake Union area are allowed, and residential uses and non water-dependent institutional uses are allowed as a shoreline conditional use, if located in structures designated as Landmarks, pursuant to Chapter 25.12, Landmark Preservation, when the structure is not located over water.</u></p> <p><u>C. Recreational marinas are allowed and yacht, boat and beach clubs are allowed as a shoreline conditional use, if:</u></p> <ol style="list-style-type: none"> <li><u>1. Located so as to not conflict with manufacturing uses due to dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and</u></li> <li><u>2. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent or water-related commercial uses because of an inadequate amount of dry land.</u></li> </ol> <p><u>D. Heliports and helistops, which may be allowed as a Council conditional use if:</u></p> <ol style="list-style-type: none"> <li><u>1. The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:</u> <ol style="list-style-type: none"> <li><u>a. A public facility; or</u></li> <li><u>b. Located at least 2,000 feet from a residential zone:</u> <ol style="list-style-type: none"> <li><u>i. The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;</u></li> <li><u>ii. The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;</u></li> <li><u>iii. Open areas and landing pads shall be hard-surfaced; and</u></li> <li><u>iv. The use meets all federal requirements, including those for safety, glide angles and approach lanes.</u></li> </ol> </li> </ol> </li> </ol> <p><u>E. Minor communication utilities are allowed, except freestanding transmission towers, which are prohibited.</u></p> <p><u>F. Utility service uses are allowed if they reasonably require a shoreline location to operate.</u></p>	Same rationale as provided above in item #19-B.															
<b>Subchapter 15: The Urban Residential (UR) Environment</b>																			
27-B	USES IN THE UR ENVIRONMENT - 23.60A.540.A	Aquaculture Use	<table border="1"> <thead> <tr> <th data-bbox="522 1064 1361 1104">Uses</th> <th data-bbox="1361 1064 1827 1104">Waterfront Lots</th> <th data-bbox="1827 1064 2278 1104">Upland Lots</th> </tr> </thead> <tbody> <tr> <td data-bbox="522 1114 1361 1155">A. Agricultural and Forest Practice</td> <td data-bbox="1361 1114 1827 1155">X</td> <td data-bbox="1827 1114 2278 1155">X</td> </tr> <tr> <td data-bbox="522 1155 1361 1195">A.1 Community Garden</td> <td data-bbox="1361 1155 1827 1195">P</td> <td data-bbox="1827 1155 2278 1195">P</td> </tr> <tr> <td data-bbox="522 1195 1361 1235">A.2 Other agricultural and forest practice uses</td> <td data-bbox="1361 1195 1827 1235">X</td> <td data-bbox="1827 1195 2278 1235">X</td> </tr> <tr> <td data-bbox="522 1235 1361 1306"><u>A.3 Aquaculture</u></td> <td data-bbox="1361 1235 1827 1306"><u>CU</u></td> <td data-bbox="1827 1235 2278 1306"><u>CU</u></td> </tr> </tbody> </table>	Uses	Waterfront Lots	Upland Lots	A. Agricultural and Forest Practice	X	X	A.1 Community Garden	P	P	A.2 Other agricultural and forest practice uses	X	X	<u>A.3 Aquaculture</u>	<u>CU</u>	<u>CU</u>	Same rationale as provided above in item #13-B.
Uses	Waterfront Lots	Upland Lots																	
A. Agricultural and Forest Practice	X	X																	
A.1 Community Garden	P	P																	
A.2 Other agricultural and forest practice uses	X	X																	
<u>A.3 Aquaculture</u>	<u>CU</u>	<u>CU</u>																	
28-B	DEVELOPMENT STANDARDS IN THE UR ENVIRONMENT - 23.60A.575.A. (New) <u>3. a. – c.</u> and B.	Shoreline setbacks in the UR environment	<p>A. A shoreline setback of 35 feet from the OHW mark is required. No development, use, or shoreline modification is allowed within this shoreline setback except as provided in Section 23.60A.167 and as follows:</p> <ol style="list-style-type: none"> <li>1. The minimum necessary for:             <ol style="list-style-type: none"> <li>a. Single-family dwelling units allowed pursuant to subsection 23.60A.282.E; and</li> <li>b. One pedestrian pathway per single-family dwelling or for each 10 multifamily dwelling units, limited to 3 feet wide and constructed of pervious surface.</li> </ol> </li> <li>2. More than 15 feet landward of the OHW mark for one on-grade patio per single-family dwelling unit or for each 10 dwelling units, limited to 45 square feet.</li> </ol> <p><u>3. On smaller lots as follows:</u></p> <ol style="list-style-type: none"> <li><u>a. If the dry land portion of the lot from OHW to the street is less than 70 feet but more than 35 feet, an existing single family residence may be replaced if the replacement structure:</u> <ol style="list-style-type: none"> <li><u>1) Is no closer to the OHW than the existing single family residence;</u></li> <li><u>2) Does not increase in size (height and footprint) within the shoreline setback; and</u></li> <li><u>3) Is located as far as possible from the OHW mark to accommodate the size of the existing single family residence footprint; or</u></li> </ol> </li> <li><u>b. If the dry land portion of the lot from OHW to the street is 35 feet or less, the replacement structure can be rebuilt within the shoreline setback if the replacement is no larger in size (height and footprint) of the existing single family; and</u></li> <li><u>c. Under subsection 23.60A.575.A.3.a or b if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District is provided pursuant to Section 23.60A.155.</u></li> </ol>	<p><i>At the City's request, amendments to provision 23.60A.575.A provide additional standards in subsections (3) a. – c.) that are intended to satisfy mitigation sequencing pursuant to WAC 173-26-201 (2) (e) of the SMP-Guidelines.</i></p> <p><i>Also, the amendment to 23.60A.575.B restores a setback standard from existing regulations to protect views of the shoreline.</i></p>															

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES: <u>underline</u> = new text; ( <del>strikethrough</del> = deleted text)	RATIONALE – ECOLOGY CONCLUSION
			B. ( <del>Existing structures and uses that would be considered nonconforming because they are located in the required shoreline setback in the UR Environment are not regulated as a nonconforming structures based on setback standards. Such structures may not be expanded in any manner in the setback but may be replaced if an area of ecological restoration equivalent to the footprint of the structure located in the shoreline setback within the Shoreline District within the same geographic area as the site is provided</del> ) <u>In addition to shoreline setback required in subsection 23.60.575.A, residences on waterfront lots shall not be located further waterward than adjacent residences as measured in 23.60.206.B.2.</u>	
29-B	DEVELOPMENT STANDARDS IN THE UR ENVIRONMENT - 23.60A.578.A.1.	Public Access for Multi-family Residential	1. Residential developments containing more than four units with more than 75 feet of shoreline ( <del>, except if located on saltwater shorelines where public access from a street is available within 600 feet of the proposed development</del> );	Same rationale as provided above in item #16-B.
<b>Subchapter 16: Definitions</b>				
30-B	DEFINITIONS – “F” 23.60A.912. “Floating on-water residence”	New Definition	<u>“Floating on-water residence” means any floating structure, other than a floating home, that was legally established prior to July 1, 2014 and is designed or used primarily as a residence, has detachable utilities, and is the subject of a lease or sublease at a marina, or whose owner has an ownership interest in a marina, as of July 1, 2014. See, RCW 90.58.270. For the purpose of this chapter, a structure will be considered designed or used primarily as a residence if it contains a dwelling unit.</u>	See rationale for items #3-B, #9-B, #10-B, and #11-B describing the need to address “floating on-water residences” in response to stakeholder’s request, passage of ESSB 6450 and consistency with amendments to RCW 90.58.270.

**References:** Provided at the end of Attachment A (Findings and Conclusions).



**Exhibit A – Uses on upland lots in the *Urban Conservancy (UC) Environment***

**23.60A.383 Uses allowed on upland lots in the UC Environment**

<u>Table A for 23.60A.383</u> <u>Uses in the UC Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<b><u>A. AGRICULTURAL AND FOREST PRACTICE</u></b>	
<b><u>A.1. Aquaculture</u></b>	<u>CU</u>
<b><u>A.2. Community Garden</u></b>	<u>P</u>
<b><u>A.3. Other agricultural and forest practice uses</u></b>	<u>X</u>
<b><u>B. CEMETERIES</u></b>	<u>X</u>
<b><u>C. COMMERCIAL USES</u></b>	
<b><u>C.1. Commercial uses WO</u></b>	<u>P</u>
<b><u>C.2. Animal shelters and kennels</u></b>	<u>P</u>
<b><u>C.3. Eating and drinking establishments</u></b>	<u>P</u>
<b><u>C.4. Entertainment uses</u></b>	<u>P</u>
<b><u>C.5. Food processing and craft work uses</u></b>	<u>P</u>
<b><u>C.6. Laboratories, research and development</u></b>	<u>P</u>
<b><u>C.7. Lodging</u></b>	<u>P</u>
<b><u>C.8. Medical services</u></b>	<u>P</u>
<b><u>C.9. Offices</u></b>	<u>P</u>
<b><u>C.10. Sales and services, automotive</u></b>	<u>P</u>
<b><u>C.11. Sales and services, general</u></b>	<u>P</u>
<b><u>C.12. Sales and services, heavy</u></b>	<u>P</u>
<b><u>C.13. Commercial uses not WO</u></b>	<u>X</u>
<b><u>D. HIGH-IMPACT USES</u></b>	<u>X</u>
<b><u>E. INSTITUTIONAL USES</u></b>	<u>P</u>
<b><u>F. LIVE-WORK UNITS</u></b>	<u>X</u>
<b><u>G. MANUFACTURING USES</u></b>	
<b><u>G.1. Light manufacturing</u></b>	<u>P</u>
<b><u>G.2. General manufacturing</u></b>	<u>P</u>
<b><u>G.3. Heavy manufacturing</u></b>	<u>X</u>
<b><u>H. PARKS AND OPEN SPACE USES</u></b>	<u>P</u>
<b><u>I. PUBLIC FACILITIES</u></b>	<u>See subsection 23.60A.207</u>
<b><u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u></b>	<u>See Section 23.60A.210</u>

**Exhibit A – Uses on upland lots in the *Urban Conservancy (UC) Environment***

<u>Table A for 23.60A.383</u> <u>Uses in the UC Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<u>K. RESIDENTIAL USES</u>	
<u>K.1. Artist studio/dwelling</u>	<u>P</u>
<u>K.2. Congregate residences</u>	<u>P</u>
<u>K.3. Floating homes and moorage</u>	<u>See subsection 23.60A.383.B</u>
<u>K.4. Multifamily residences</u>	<u>P</u>
<u>K.5. Nursing homes</u>	<u>P</u>
<u>K.6. Single-family dwelling units</u>	<u>P</u>
<u>K.7. Other residential uses</u>	<u>X</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60A.211</u>
<u>M. STORAGE USES</u>	<u>P</u>
<u>N. TRANSPORTATION FACILITY USES</u>	
<u>N.1. Bridges and tunnels</u>	<u>P</u>
<u>N.2. Cargo terminals</u>	<u>X</u>
<u>N.3. Moorage</u>	
<u>N.3.a. Boat moorage</u>	<u>P</u>
<u>N.3.b. Dry boat storage</u>	<u>P</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	
<u>N.5.a. Parking, principal use</u>	<u>P</u>
<u>N.5.b. Parking, accessory use</u>	<u>P</u>
<u>N.6. Passenger terminal</u>	<u>WO</u>
<u>N.7. Rail Transit Facilities</u>	<u>P</u>
<u>N.8. Transportation Facilities, Air</u>	
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>P</u>
<u>N.11. Railroads</u>	<u>P</u>
<u>N.12. Streets</u>	<u>P</u>

**Exhibit A – Uses on upland lots in the *Urban Conservancy (UC) Environment***

<u>Table A for 23.60A.383</u> <u>Uses in the UC Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<u>O. UTILITY USES</u>	
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60A.383.C</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>X</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60A.383.D</u>
<u>P. UTILITY LINES</u>	<u>P</u>

**KEY**

CU = Shoreline Conditional Use

P = Allowed by permit

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WD/WR = Allowed for water-dependent or water-related uses; prohibited otherwise

WO = Allowed for water-oriented uses;

X = Prohibited

C. Uses accessory to floating homes, including storage, are allowed if located 35 feet or more waterward from the OHW mark.

D. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

(...)



**Exhibit B – Uses on upland lots in the *Urban General (UG Environment***

<b>Table A for 23.60A.402 Uses in the UG Environment</b>		
<b>Uses</b>	<b>Waterfront Lots</b>	<b><u>Upland Lots</u></b>
A. AGRICULTURAL AND FOREST PRACTICE		
A.1. Aquaculture	CU	<a href="#"><u>CU</u></a>
A.2. Other agricultural and forest practice uses	X	<a href="#"><u>X</u></a>
B. CEMETERIES	X	<a href="#"><u>X</u></a>
C. COMMERCIAL USES		
C.1. Animal shelters and kennels	P	<a href="#"><u>P</u></a>
C.2. Eating and drinking establishments	P	<a href="#"><u>P</u></a>
C.3. Entertainment uses	P	<a href="#"><u>P</u></a>
C.4. Food processing and craft work uses	P	<a href="#"><u>P</u></a>
C.5. Laboratories, research and development	P	<a href="#"><u>P</u></a>
C.6. Lodging	X	<a href="#"><u>X</u></a>
C.7. Medical services	P	<a href="#"><u>P</u></a>
C.8. Offices	P	<a href="#"><u>P</u></a>
C.9. Sales and services, automotive	X	<a href="#"><u>P</u></a>
C.10. Sales and services, general	P	<a href="#"><u>P</u></a>
C.11. Sales and services, heavy	P	<a href="#"><u>P</u></a>
C.12. Sales and services, marine	P	<a href="#"><u>P</u></a>
D. HIGH-IMPACT USES	See subsection 23.60A.402. <del>(C)</del> <u>B</u>	<a href="#"><u>See subsection 23.60A.402.B</u></a>
E. INSTITUTIONAL USES	P	<a href="#"><u>P</u></a>
F. LIVE-WORK UNITS	X	<a href="#"><u>X</u></a>
G. MANUFACTURING USES	P	<a href="#"><u>P</u></a>
H. PARKS AND OPEN SPACE USES	P	<a href="#"><u>P</u></a>
I. PUBLIC FACILITIES	See Section 23.60A.207	<a href="#"><u>See Section 23.60A.207</u></a>
J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational	See Section 23.60A.210	<a href="#"><u>See Section 23.60A.210</u></a>
K. RESIDENTIAL USES		
K.1. Accessory dwelling unit	X	<a href="#"><u>X</u></a>
K.2. Adult family homes	X	<a href="#"><u>X</u></a>
K.3. Artist studio/dwelling	See subsection 23.60A.402. <del>(D)</del> <u>C</u>	<a href="#"><u>SU</u></a>

**Exhibit B – Uses on upland lots in the *Urban General (UG Environment***

<b>Table A for 23.60A.402 Uses in the UG Environment</b>		
<b>Uses</b>	<b>Waterfront Lots</b>	<b><u>Upland Lots</u></b>
K.4. Assisted living facilities	X	<u>X</u>
K.5. Congregate residences	X	<u>X</u>
K.6. Detached accessory dwelling unit	X	<u>X</u>
K.7. Domestic Violence Shelter	X	<u>X</u>
K.8. Floating homes and moorage	X	<u>X</u>
K.9. Mobile park home	X	<u>X</u>
K.10. Multifamily residences	X	<u>X</u>
K.11. Nursing homes	X	<u>X</u>
K.12. Single-family dwelling units	See subsection 23.60A.402. <del>(D)</del> C	<u>See subsection 23.60A.402.C</u>
K.13 Other residential uses	X	<u>X</u>
L. RESTORATION AND ENHANCEMENT USES	See Section 23.60A.211	<u>See Section 23.60A.211</u>
M. STORAGE USES	P	<u>P</u>
N. TRANSPORTATION FACILITY USES		
N.1. Bridges and tunnels	P	<u>P</u>
N.2. Cargo terminals	WD/WR	<u>WD/WR</u>
N.3. Moorage		
N.3.a. Boat moorage	P	<u>P</u>
N.3.b. Dry boat storage	P	<u>P</u>
N.4. Navigational locks	X	<u>X</u>
N.5. Parking	X	<u>X</u>
N.5.a. Parking, principal use	X	<u>X</u>
N.5.b. Parking, accessory use	P	<u>P</u>
N.6. Passenger terminal	WD/WR	<u>WD/WR</u>
N.7. Rail transit facilities	P	<u>P</u>
N.8. Transportation facilities, air		
N.8.a. Airports, land-based	X	<u>X</u>
N.8.b. Airports, water-based	SU	<u>SU</u>
N.8.c. Heliports	X	<u>X</u>
N.8.d. Helistops	X	<u>X</u>
N.9. Vehicle storage and maintenance	X	<u>X</u>

**Exhibit B – Uses on upland lots in the *Urban General (UG Environment***

<b>Table A for 23.60A.402 Uses in the UG Environment</b>		
<b>Uses</b>	<b>Waterfront Lots</b>	<b><u>Upland Lots</u></b>
N.10. Tugboat services	P	<u>P</u>
N.11. Railroads	P	<u>P</u>
N.12. Streets	P	<u>P</u>
O. UTILITY USES		
O.1. Communication utilities, minor	See subsection 23.60A.402. <del>(F)</del> <u>D</u>	<u>See subsection 23.60A.402.D</u>
O.2. Communication utilities, major	X	<u>X</u>
O.3. Power plants	X	<u>X</u>
O.4. Recycling	WD/WR	<u>WD/WR</u>
O.5. Sewage treatment plants	X	<u>X</u>
O.6. Solid waste management	WD/WR	<u>WD/WR</u>
O.7. Utility service uses	See subsection 23.60A.402. <del>(F)</del> <u>E</u>	<u>See subsection 23.60A.402.E</u>
P. UTILITY LINES	P	<u>P</u>

**KEY**

CU = Shoreline Conditional Use

P = Allowed by permit

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-related uses; prohibited otherwise

X = Prohibited

~~(C)~~B. High impact uses are allowed as a special use if they are water-dependent or water-related.

~~(D)~~C. Existing single-family dwelling units and artist studio/dwellings are allowed.

~~(E)~~D. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

~~(F)~~E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

(...)



**Exhibit C – Uses on upland lots in the *Urban Industrial (UI) Environment***

**23.60A.483 Uses allowed on upland lots in the UI Environment**

<u>Table A for 23.60A.483</u> <u>Uses in the UI Environment</u>	
<u>Use</u>	<u>Upland Lots</u>
<b><u>A. AGRICULTURAL AND FOREST PRACTICE</u></b>	
<u>A.1. Aquaculture</u>	<u>CU</u>
<u>A.2. Other agricultural and forest practice uses</u>	<u>P</u>
<b><u>B. CEMETERIES</u></b>	<u>X</u>
<b><u>C. COMMERCIAL USES</u></b>	<u>P</u>
<b><u>D. HIGH-IMPACT USES</u></b>	<u>WD/WR</u>
<b><u>E. INSTITUTIONAL USES</u></b>	
<u>E.1. Colleges</u>	<u>WD/WR</u>
<u>E.2. Institute for advanced study</u>	<u>WD/WR</u>
<u>E.3. Major institutions – uses approved through a master plan</u>	<u>P</u>
<u>E.4. Vocational or fine arts schools</u>	<u>P</u>
<u>E.5. Yacht boat and beach clubs</u>	<u>See subsection 23.60A.483.B</u>
<u>E.6. Other institutional uses</u>	<u>X</u>
<b><u>F. LIVE-WORK UNITS</u></b>	<u>X</u>
<b><u>G. MANUFACTURING USES</u></b>	
<u>G.1. Light manufacturing</u>	<u>P</u>
<u>G.1. General manufacturing</u>	<u>P</u>
<u>G.1. Heavy manufacturing</u>	<u>SU</u>
<b><u>H. PARKS AND OPEN SPACE USES</u></b>	<u>P</u>
<b><u>I. PUBLIC FACILITIES</u></b>	<u>see Section 23.60A.207</u>
<b><u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u></b>	<u>See Section 23.60A.210</u>
<b><u>K. RESIDENTIAL USES</u></b>	<u>X</u>
<b><u>L. RESTORATION AND ENHANCEMENT USES</u></b>	<u>See Section 23.60A.211</u>
<b><u>M. STORAGE USES</u></b>	<u>P</u>
<b><u>N. TRANSPORTATION FACILITY USES</u></b>	
<u>N.1. Bridges and tunnels</u>	<u>P</u>
<u>N.2. Cargo terminals</u>	<u>WD/WR</u>
<u>N.3. Moorage</u>	

**Exhibit C – Uses on upland lots in the *Urban Industrial (UI) Environment***

<u>Table A for 23.60A.483</u> <u>Uses in the UI Environment</u>	
<u>Use</u>	<u>Upland Lots</u>
<u>N.3.a. Boat moorage</u>	
<u>N.3.a.1. Commercial marina</u>	<u>P</u>
<u>N.3.a.2. Recreational marina</u>	<u>See subsection 23.60A.483.B</u>
<u>N.3.b. Dry boat storage</u>	<u>P</u>
<u>N.4 Navigational locks</u>	<u>X</u>
<u>N.5. Parking</u>	
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>P</u>
<u>N.6. Passenger terminal</u>	<u>WD/WR</u>
<u>N.7. Rail transit facilities</u>	<u>P</u>
<u>N.8. Transportation facilities, air</u>	
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>X</u>
<u>N.8.d. Helistops</u>	<u>X</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>X</u>
<u>N.10. Tugboat services</u>	<u>P</u>
<u>N.11. Railroads</u>	<u>P</u>
<u>N.12. Streets</u>	<u>P</u>
<u>O. UTILITY USES</u>	
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60A.483.C</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>P</u>
<u>O.5. Sewage treatment plants</u>	<u>See subsection 23.60A.483.D</u>
<u>O.6. Solid waste management excluding solid waste transfer stations, which are prohibited</u>	<u>P</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60A.483.E</u>
<u>P. UTILITY LINES</u>	<u>P</u>

**KEY**

CU = Shoreline Conditional Use

P = Allowed by permit

**Exhibit C – Uses on upland lots in the *Urban Industrial (UI) Environment***

SU = Special Use

WD = Allowed for water-dependent uses; prohibited otherwise

WR = Allowed for water-dependent uses; prohibited otherwise

X = Prohibited

B. In the Duwamish area, yacht, boat and beach clubs and recreational marinas are allowed as a shoreline conditional use and in Lake Union and the Ship Canal yacht boat and beach clubs and recreational marinas are allowed if:

1. The use does not include an eating and drinking establishment;
2. The use is located to not conflict with manufacturing uses because of dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and
3. The use is located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent commercial uses because of an inadequate amount of dry land.

C. Minor communication utilities are allowed, except for freestanding transmission towers, which are prohibited.

D. Sewage treatment plants are allowed as a Council conditional use if:

1. Located in the Duwamish area;
2. A determination has been made that an alternative design is infeasible and that an alternative location for expanding the sewage treatment plant is infeasible;
3. The plant is set back 60 feet from the line of the OHW mark;
4. Public access is provided along the entire length of the shoreline that is part of the sewage treatment facility, except for any portion occupied by barge loading and unloading facilities to serve the sewage treatment plant; and
5. All reasonable mitigation measures to protect views and to control odors, noise, traffic and other adverse impacts on the human and natural environment are required.

E. Utility service uses are allowed if they reasonably require a shoreline location to operate.

(...)

23.60A.503 Uses allowed on upland lots in the UM Environment

<u>Table A for 23.60A.503</u> <u>Uses in the UM Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<u>A. AGRICULTURAL AND FOREST PRACTICE</u>	
<u>A.1. Aquaculture</u>	<u>CU</u>
<u>A.2. Other agricultural and forest practice uses</u>	<u>X</u>
<u>B. CEMETERIES</u>	<u>X</u>
<u>C. COMMERCIAL USES</u>	
<u>C.1. Commercial uses WD/WR</u>	<u>P</u>
<u>C.2. Animal shelters and kennels</u>	<u>P</u>
<u>C.3. Eating and drinking establishments</u>	<u>P</u>
<u>C.4. Entertainment uses</u>	<u>X</u>
<u>C.5. Food processing and craft work uses</u>	<u>P</u>
<u>C.6. Laboratories, research and development</u>	<u>P</u>
<u>C.7. Medical services</u>	<u>P</u>
<u>C.8. Offices</u>	<u>See subsection 23.60A.503.B</u>
<u>C.9. Sales and services, automotive</u>	<u>P</u>
<u>C.10. Sales and services, general</u>	<u>P</u>
<u>C.11. Sales and services, heavy, excluding heavy commercial services, which are prohibited</u>	<u>P</u>
<u>C.12. Other commercial uses not WD/WR</u>	<u>X</u>
<u>D. HIGH-IMPACT USES</u>	<u>X</u>
<u>E. INSTITUTIONAL USES</u>	
<u>E.1. Colleges</u>	<u>WD/WR</u>
<u>E.2. Institute for advanced study</u>	<u>WD/WR</u>
<u>E.3. Vocational or fine arts schools</u>	<u>WD/WR</u>
<u>E.4. Yacht, Boat and beach clubs</u>	<u>See subsection 23.60A.503.C</u>
<u>E.5 Other institutional uses</u>	<u>See subsection 23.60A.503.B</u>
<u>F. LIVE-WORK UNITS</u>	<u>X</u>
<u>G. MANUFACTURING USES</u>	
<u>G.1 Light manufacturing</u>	<u>P</u>
<u>G.2 General manufacturing</u>	<u>P</u>
<u>G.3 Heavy manufacturing excluding extraction of minerals,</u>	<u>SU</u>

**Exhibit D – Uses on upland lots in the *Urban Maritime (UM) Environment***

<u>Table A for 23.60A.503</u> <u>Uses in the UM Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<u>which are prohibited</u>	
<u>H. PARKS AND OPEN SPACE USES</u>	<u>P</u>
<u>I. PUBLIC FACILITIES</u>	<u>See section 23.60A.207</u>
<u>J. RESEARCH USES, Aquatic Scientific, Historic, Cultural and Educational</u>	<u>See Section 23.60A.210</u>
<u>K. RESIDENTIAL USES</u>	<u>See subsection 23.60A.503.B</u>
<u>L. RESTORATION AND ENHANCEMENT USES</u>	<u>See Section 23.60A.211</u>
<u>M. STORAGE USES</u>	<u>P</u>
<u>N. TRANSPORTATION FACILITY USES</u>	
<u>N.1. Bridges and tunnels</u>	<u>P</u>
<u>N.2. Cargo terminals</u>	<u>P</u>
<u>N.3. Moorage</u>	
<u>N.3.a. Boat moorage</u>	
<u>N.3.a.1. Commercial marina</u>	<u>P</u>
<u>N.3.a.2. Recreational marina</u>	<u>See subsection 23.60A.503.C</u>
<u>N.3.b. Dry boat storage</u>	<u>P</u>
<u>N.4 Navigational lock</u>	<u>X</u>
<u>N.5. Parking</u>	<u>X</u>
<u>N.5.a. Parking, principal use</u>	<u>X</u>
<u>N.5.b. Parking, accessory use</u>	<u>P</u>
<u>N.6. Passenger terminal</u>	<u>P</u>
<u>N.7. Rail transit facilities</u>	<u>P</u>
<u>N.8. Transportation facilities, air</u>	
<u>N.8.a. Airports, land-based</u>	<u>X</u>
<u>N.8.b. Airports, water-based</u>	<u>SU</u>
<u>N.8.c. Heliports</u>	<u>See subsection 23.60A.503.D</u>
<u>N.8.d. Helistops</u>	<u>See subsection 23.60A.503.D</u>
<u>N.9. Vehicle storage and maintenance</u>	<u>P</u>
<u>N.10. Tugboat services</u>	<u>P</u>
<u>N.11. Railroads</u>	<u>P</u>
<u>N.12. Streets</u>	<u>P</u>



<u>Table A for 23.60A.503</u> <u>Uses in the UM Environment</u>	
<u>Uses</u>	<u>Upland Lots</u>
<u>O. UTILITY USES</u>	
<u>O.1. Communication utilities, minor</u>	<u>See subsection 23.60A.503.E</u>
<u>O.2. Communication utilities, major</u>	<u>X</u>
<u>O.3. Power plants</u>	<u>X</u>
<u>O.4. Recycling</u>	<u>P</u>
<u>O.5. Sewage treatment plants</u>	<u>X</u>
<u>O.6. Solid waste management</u>	<u>X</u>
<u>O.7. Utility service uses</u>	<u>See subsection 23.60A.503.F</u>
<u>P. UTILITY LINES</u>	<u>P</u>

KEY: CU = Shoreline Conditional Use

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X = Prohibited

B. Office uses within the Lake Union area are allowed, and residential uses and non water-dependent institutional uses are allowed as a shoreline conditional use, if located in structures designated as Landmarks, pursuant to Chapter 25.12, Landmark Preservation, when the structure is not located over water.

C. Recreational marinas are allowed and yacht, boat and beach clubs are allowed as a shoreline conditional use, if:

1. Located so as to not conflict with manufacturing uses due to dust or noise or other environmental factors, or parking and loading access needs or other safety factors; and
2. Located on lots that are not suited for a water-dependent or water-related manufacturing use or for other allowed water-dependent or water-related commercial uses because of an inadequate amount of dry land.

D. Heliports and helistops, which may be allowed as a Council conditional use if:

1. The use is for takeoff and landing of helicopters that serve a public safety, news gathering or emergency medical care function, is part of an approved transportation plan and is:
  - a. A public facility; or
  - b. Located at least 2,000 feet from a residential zone;
    - i. The use is located to minimize adverse environmental impacts on lots in the surrounding area, and on public parks and other areas where substantial public gatherings may be held;
    - ii. The lot is of sufficient size that operations of the use and flight paths of helicopters can be buffered from the surrounding area;
    - iii. Open areas and landing pads shall be hard-surfaced; and
    - iv. The use meets all federal requirements, including those for safety, glide angles and approach lanes.

E. Minor communication utilities are allowed, except freestanding transmission towers, which are prohibited.

F. Utility service uses are allowed if they reasonably require a shoreline location to operate.