

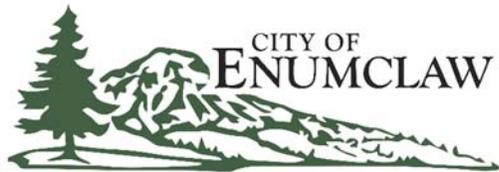
# Gap Analysis Report

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## Shoreline Master Program City of Enumclaw

March 2019

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# 1. Introduction

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In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with shorelines of the state are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The City of Enumclaw (City) adopted its current SMP in 2012 (Ordinance No. 2509). In Enumclaw, Boise Creek and Newaukum Creek are the only Shorelines of the State. The City's SMP includes goals and policies, shoreline environment designations, and development regulations that guide the development and protection of these shorelines.

As a first step in the periodic review process, The Watershed Company (Watershed) reviewed the current SMP for consistency with legislative amendments made since its adoption. Watershed staff also reviewed the current SMP for consistency with the policies in the City's Comprehensive Plan, adopted in July 2016, and with the implementing development regulations in the Enumclaw Municipal Code (EMC). Finally, as the periodic review process represents an opportunity to revise and improve the SMP, both City and Watershed staff reviewed the current SMP for overall usability.

The purpose of this gap analysis report is to provide a summary of the review and inform updates to the SMP. The report is organized into the following sections according to the content of the review:

- **Section 2** identifies gaps in the SMP's consistency with legislative amendments. This analysis is based on a list of amendments between 2007 and 2017, as summarized by the Washington State Department of Ecology (Ecology) and provided to the City as a Periodic Review Checklist.
- **Section 3** identifies gaps in consistency of the SMP with the City's Critical Areas Ordinance (CAO) (EMC Chapter 19.02). The CAO was most recently updated in 2015, and applies to critical areas outside of shoreline jurisdiction. The SMP contains its own set of critical areas regulations by referencing the 2008 CAO adopted under Ordinance 2382 and included as Appendix A of the SMP.
- **Section 4** identifies gaps in consistency with the City's Comprehensive Plan, and with implementing sections of the City's development regulations other than the CAO.
- **Section 5** identifies issues of usability noted by both City staff and residents.

For each section, the report presents the topic, relevant section(s) in the SMP, a summary of the analysis (consistency or usability), and a recommendation for revisions to the SMP.

This report includes several tables that identify potential revision actions. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.
- **“Recommended”** indicates revisions that would improve consistency with state laws, but are not strictly required.
- **“Optional”** indicates revisions that represent ways in which the City could elect to amend its SMP in accordance with state laws, but that are not required or recommended for consistency with state laws.
- **“No Change Needed”** indicates the SMP is consistent with state law.
- **“Not Applicable”** indicates the legislative amendment does not apply within City shoreline jurisdiction.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1.

Table 1. Abbreviations used in this document.

Abbreviation	Meaning
BAS	Best available science
CARs	Critical areas regulations
City	City of Enumclaw
Ecology	Washington State Department of Ecology
EMC	Enumclaw Municipal Code
FEMA	Federal Emergency Management Agency
RCW	Revised Code of Washington
SMP	Shoreline Master Program
SMA	Shoreline Management Act
WAC	Washington Administrative Code

## 2. Consistency with Legislative Amendments

Table 2 summarizes mandatory and recommended revisions to the Enumclaw SMP based on the review of consistency with legislative amendments made since SMP adoption. Topics are organized in reverse chronological order of legislative amendments addressed. In general, mandatory changes to the SMP are minor in nature. The majority of them address revised rules with regard to SMP applicability, including updated exemption thresholds [listed under 2017a, 2016a, 2014a, and 2007c](#) and definitions.

Table 2. Summary of gaps in consistency with legislative amendments sorted by year, and associated mandatory and recommended SMP revisions.

Row	Summary of change	Review	Action
<b>2017</b>			
a.	OFM adjusted the <b>cost threshold for substantial development</b> to \$7,047.	The SMP cites a cost threshold of \$5,000 for substantial development.  <b>Relevant Section(s):</b> <ul style="list-style-type: none"> <li>• EMC 15.36.030(A), (Chapter 6.4(A))</li> <li>• Definition for “Substantial Development” (SMP Chapter 7)</li> </ul>	<b>Mandatory:</b> Reference the updated cost threshold for substantial development. <a href="#">Actual dollar value will be removed with a reference put in-place to RCW 90.58.030(3)(e).</a>
b.	Ecology amended rules to clarify that the <b>definition of “development”</b> does not include dismantling or removing structures.	The SMP definition of development does not include language to clarify that dismantling or removing structures is not considered development.  <b>Relevant Section(s):</b> <ul style="list-style-type: none"> <li>• Definition for “Development” (SMP Chapter 7)</li> </ul>	<b>Mandatory:</b> Revise definition of “Development.”  <a href="#">The definition has been updated using Ecology suggested wording. Therefore, structures can be removed without requiring a Shoreline Substantial Development Permit.</a>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
c.	Ecology adopted rules that clarify <b>exceptions to local review under the SMA</b> .	The SMP does not include these exceptions to local review under the SMA.	<b>Mandatory:</b> Add reference to statutory exceptions. Recommended to create a separate section for the exceptions. <a href="#">Exceptions incorporated using ecology's suggested wording in Permits section EMC 16.36.030.</a>
d.	Ecology amended rules that clarify <b>permit filing procedures</b> consistent with a 2011 statute.	The SMP's discussion of permit filing procedures and reviews references the date of "receipt" and "transmittal to the Administrator." The SMP lacks guidance on the use of read receipt requested mail and mailing Shoreline Substantial Development Permit, Conditional Use Permit, and Variances simultaneously, if applicable to the same project.  <b>Relevant Section(s):</b>  <ul style="list-style-type: none"> <li>• EMC 15.36.030 &amp; .040 (also under SMP Chapter 6)</li> </ul>	<b>Recommended:</b> Modify language in SMP Chapter 6 for consistency with legislative updates. Ecology has provided recommended language. <a href="#">The date of filing with Ecology is now established in the SMP for purposes of appealing a Shoreline Decision to the Shoreline Hearings Board.</a>
e.	Ecology amended <b>forestry use regulations</b> to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	Forest practices are prohibited within shoreline jurisdiction. The SMP does not clarify that practices that involve only timber cutting are not SMA development.	<b>No change needed.</b>

Row	Summary of change	Review	Action
		<p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• 5.3.7 – Forest Practices</li> <li>• Definition for “Forest Practices” (SMP Chapter 7)</li> </ul>	
f.	Ecology clarified the SMA does not apply to lands under <b>exclusive federal jurisdiction</b>	No lands under exclusive federal jurisdiction in shoreline jurisdiction.	<b>No change needed.</b>
g.	Ecology clarified “default” provisions for <b>nonconforming uses and development</b> .	<p>The SMP adopts the non-conforming provisions of EMC 15.10 by reference. The SMP includes only a definition for “Non-conforming development.”</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• EMC 15.36.070, Non-conforming Uses (also under SMP Chapter 6)</li> <li>• EMC 15.10, Non-conforming Uses, Structures, and Signs</li> <li>• Definition for “Non-conforming development” (SMP Chapter 7)</li> <li>•</li> </ul>	<p><b>Optional:</b> Consider updating definitions section to include distinct definitions for nonconforming use, nonconforming lot, and nonconforming development/structure consistent with WAC 173-27-080.</p> <p><u>Definitions incorporated using Ecology’s suggested language. This provides clarity for development allowances when one of these nonconformities apply within a property.</u></p>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting <b>periodic reviews</b> .	The SMP states that the City will review and update the SMP within 7 years of adoption. The SMP does not include a discussion of the scope and process for conducting periodic reviews,	<b>Recommended:</b> Include reference to RCW and WAC to clarify scope and process for conducting periodic reviews of the SMP. Ecology has provided example language.

Row	Summary of change	Review	Action
		<p>nor does it reference RCW 90.58.080 or WAC 173-26-090.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 6.3, Amendments to this Master Program</li> </ul>	<p><u>References incorporated using Ecology’s suggested language.</u></p>
i.	<p>Ecology adopted a new rule creating an <b>optional SMP amendment process</b> that allows for a shared local/state public comment period.</p>	<p>The SMP does not address the optional joint amendment process.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 6.3, Amendments to this Master Program</li> </ul>	<p><b>Optional:</b> Include reference to WAC 173-26-104 regarding the submittal of proposed SMP amendments to Ecology.</p> <p><u>No changes made.</u></p>
j.	<p><b>Submittal</b> to Ecology of proposed SMP amendments.</p>	<p>The SMP does not address the submittal of SMP amendments to Ecology.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 6.3, Amendments to this Master Program</li> </ul>	<p><b>Optional:</b> Include reference to WAC 173-26-110 that clarifies what documents local governments need to provide to ecology during amendment and review processes.</p> <p><u>No changes made.</u></p>
<b>2016</b>			
a.	<p>The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the <b>Americans with Disabilities Act</b>.</p>	<p>The SMP definition of “Exemption” references WAC 173-27-040 for the list of exemptions. Section EMC 15.36.030(D), Shoreline Exemptions, makes no reference to the WAC nor does it list specific exemptions. If the SMP adopts exemptions</p>	<p><b>Recommended:</b> Add reference to WAC 173-27-040 to Section 15.36.030(D) for clarity.</p> <p><u>Language incorporated in section D to include ADA exemption.</u></p>

Row	Summary of change	Review	Action
		<p>solely by reference to the WAC, there is no need for an amendment to include the ADA exemption.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• EMC 15.36.030(D), Shoreline Exemptions (also in SMP Chapter 6)</li> </ul>	
b.	<p>Ecology updated <b>wetlands critical areas guidance</b> including implementation guidance for the 2014 wetlands rating system.</p>	<p>The SMP includes a broad reference to the “Washington state wetland rating system for western Washington” and EMC 19.02 (Critical Areas Regulations) references the 2004 wetlands rating system.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 5.2.1.3, Critical Area Regulations</li> <li>• EMC 19.02.090(B), Wetland Category</li> </ul>	<p><b>Mandatory:</b> Revise SMP and Critical Areas Regulations to reference 2014 wetlands rating system and update the scoring system accordingly. <u>The <del>Alternatively, reference the</del> most recently adopted CAO <del>includes the correct reference using correct year and Ecology publication #.</del></u></p> <p><u>This update in BAS for wetland delineations within shoreline properties results in greater environmental protection.</u></p> <p><u>Is our current CAO compliant with SMA?</u></p>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
<b>2015</b>			
a.	The Legislature adopted a <b>90-day target</b> for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address special procedures for WSDOT projects. <u>This provision puts a greater emphasis on WSDOT projects in shoreline jurisdiction by reducing the review window.</u>	<b>Optional:</b> Consider amending SMP to define special procedures for WSDOT projects per WAC 173-27-125. Ecology has provided example language.  <u>Incorporated into SMP section 6.3.3.</u>
<b>2014</b>			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).	Piers and docks are prohibited in Enumclaw’s SMP.  <b>Relevant Section(s):</b>  • SMP 5.3.5, Piers and Docks	<b>No change needed.</b>
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.	Enumclaw has no existing floating on-water residences and they are listed as a prohibited use.  <b>Relevant Section(s):</b>  • SMP 5.4.6.3(K), Residential Regulations	<b>No change needed.</b>
<b>2012</b>			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .	The SMP does not outline the SMP appeal process, although it is not required to provide provisions outlining an appeal to the SMP itself.	<b>No change needed.</b>

Row	Summary of change	Review	Action
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .	<p>The SMP references the “approved federal wetland delineation manual,” although the shoreline critical areas regulations include inconsistent and somewhat contradictory references to RCW 36.70A.175, the Army Corps manual, and the Ecology manual.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 5.2.1(H), Critical Areas</li> <li>• <u>EMC 19.02.140(D)(1)(a) &amp; .090(A)(1), definitions for “Wetland” and “Wetland Edge” in SMP Appendix A</u></li> </ul>	<p><b>Mandatory:</b> Revise shoreline critical areas regulations to consistently reference the “approved federal wetland delineation manual” or RCW 36.70A.175.</p> <p><del>Alternatively, reference the most recently adopted CAO.</del></p> <p><u>Reference to RCW added at the end of SMP section 5.2.1.H.</u></p> <p><u>This update in BAS for wetland delineations within shoreline properties results in greater environmental protection.</u></p>
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .	Not applicable. Enumclaw has no saltwater shorelines.	<b>Not applicable.</b>
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.	Enumclaw has no existing floating on-water residences.	<b>No change needed.</b>
d.	The Legislature authorized a new <b>option to classify</b>	The current SMP does not classify existing legally established residential structures as conforming, even	<b>Optional:</b> Consider whether or not the City would like to classify existing legally

Row	Summary of change	Review	Action
	<p><b>existing structures as conforming.</b></p>	<p>if they don't meet current standards or setbacks.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• EMC 15.36.070, Non-conforming Uses (also in SMP Chapter 6)</li> <li>• EMC 15.10, Non-conforming Uses, Structures, and Signs</li> </ul>	<p>established residential structures as conforming, even if they don't meet current standards or setbacks. <u>No change is required, therefore none made to the SMP as it adequately addresses nonconforming situations.</u></p>
<p><b>2010</b></p>			
<p>a.</p>	<p>The Legislature adopted <b>Growth Management Act – Shoreline Management Act clarifications.</b></p>	<p>Shoreline critical areas are addressed by adopting by reference the 2008 version of EMC 19.02, included as Appendix A of the SMP. The SMP excludes some sections of EMC 19.02 that conflict with SMA guidelines, and includes some shoreline specific critical areas regulations to supplement EMC 19.02.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 5.2.1, Critical Areas</li> <li>• EMC 19.02, Critical Areas</li> </ul>	<p><b>No change needed.</b></p>
<p><b>2009</b></p>			
<p>a.</p>	<p>The Legislature created new “relief” procedures for instances in which a <b>shoreline restoration project within a UGA</b> creates a shift in Ordinary High Water Mark.</p>	<p>The SMP does not address relief procedures for shoreline restoration projects which create a shift in OHWM.</p> <p><u>This has the opportunity to prevent unnecessary</u></p>	<p><b>Optional:</b> <u>Consider including Aa</u> reference to WAC 173-27-215 related to shoreline restoration projects in <u>sub-Section 5.3.12.2.F. has been added.</u> Ecology has</p>

Row	Summary of change	Review	Action
		<p><u>regulatory hardship on properties proposing restoration activities.</u></p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 5.3.12, Shoreline Restoration and Ecological Enhancement</li> </ul>	<p>provided example language.</p> <p><u>Incorporated Rrelief procedures and WAC reference have been incorporated into SMP 5.3.12.2.F, Shoreline Restoration and Ecological Enhancement.</u></p>
b.	Ecology adopted a rule for certifying <b>wetland mitigation banks</b> .	<p>The SMP allows for the use of certified mitigation banks to compensate for unavoidable impacts.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 5.2.1.3, Critical Area Regulations</li> </ul>	<b>No change needed.</b>
c.	The Legislature added <b>moratoria authority</b> and procedures to the SMA.	<p>The SMP does not address moratoria authority. <u>This gives the City an opportunity to begin the public process on establishing a moratorium on a use or activity in the shoreline environment.</u></p> <p><b>Relevant Section(s):</b></p> <p><u>SMP Section 6.4.2., Moratoria Authority and Requirements</u></p>	<p><b>Optional:</b> <u>Consider whether the The City would like to plans to address Moratoria Authority and Requirements under an SMP Section 6.4.2. moratoria in the revised SMP.</u></p>
<b>2007</b>			
a.	The Legislature clarified <b>options for defining "floodway"</b> as either the area that has been established in	The SMP adopts a FEMA definition for "Floodway," though it is inconsistent with	<b>Recommended:</b> Update definition for "Floodway" with Ecology's recommended

Row	Summary of change	Review	Action
	FEMA maps, or the floodway criteria set in the SMA.	<p>the updated guidance for using FEMA maps to define.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• Definition for “Floodway” (SMP Chapter 7)</li> </ul>	<p>language for using the FEMA maps to define the floodway. <a href="#">Definition updated using Ecology’s suggested wording.</a></p> <p><a href="#">The floodway area outlines the channel of a river necessary to discharge a base flood as well as limiting development from any increase to the base flood elevation for upstream properties.</a></p>
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a <b>list and map of streams and lakes</b> that are in shoreline jurisdiction.	<p>The SMP includes a list and map of streams that are in shoreline jurisdiction.</p> <p><b>Relevant Section(s):</b></p> <ul style="list-style-type: none"> <li>• SMP Section 1.2, Shoreline Jurisdiction</li> </ul>	<p><b>No change needed.</b></p> <p>Update maps as necessary.</p>
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include <b>fish habitat enhancement projects</b> that conform to the provisions of RCW 77.55.181.	<p>The SMP definition of “Exemption” references WAC 173-27-040 for the list of exemptions. Section 15.36.030(D), Shoreline Exemptions, makes no reference to the WAC nor does it list specific exemptions. If the SMP adopts exemptions solely by reference to the WAC, there is no need for an amendment to include the fish</p>	<p><b>Recommended:</b> Add reference <a href="#">added</a> to WAC 173-27-040 to Section 15.36.030(D) for clarity.</p>

<i>Row</i>	<i>Summary of change</i>	<i>Review</i>	<i>Action</i>
		habitat enhancement project exemption.  <b>Relevant Section(s):</b>  EMC 15.36.030(D), Shoreline Exemptions (also in SMP Chapter 6)	

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### 3. Consistency with Critical Areas Ordinance

The City’s SMP alone provides protection for critical areas within shoreline jurisdiction. The current SMP regulates critical areas in shoreline jurisdiction through the adoption of City’s Critical Areas Ordinance (CAO), as codified in Chapter 19.02 of the EMC in 2008. The SMP makes note of the fact that some sections of the EMC 19.02 shall not apply in shoreline jurisdiction, and includes supplemental regulations to be applied in shoreline jurisdiction. Elsewhere throughout the City, critical areas are regulated solely by EMC 19.02. While the SMP adopts the 2008 version of EMC 19.02 by reference, it also includes the code as Appendix A of the SMP. EMC 19.02 was most recently updated in 2015, though those updates were not applied to Appendix A of the SMP. The relationship between these sets of regulations could be clarified. Additionally, both sets of critical areas regulations are currently outdated in several areas relative to the best available science and current guidance.

Table 3 below summarizes issues to be resolved related to shoreline critical areas regulations. The table is organized by critical areas regulations subject area. A more detailed discussion of wetland and stream buffers follows Table 3.

Table 3. Issues to be resolved to integrate the City’s CAO into the updated SMP

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Action
<b>Applicability</b>			
1	Shoreline Critical Areas Regulations documents	<p><b>Review:</b>            The SMP adopts the City’s CAO (EMC 19.02), as adopted in 2008 (Ordinance #2382), by reference. The SMP also includes the text of the applicable CAO as Appendix A. EMC 19.02 states that the CAO does not apply in shoreline jurisdiction. The relationship between the CAO, Appendix A, and SMP, and the applicability of shoreline critical areas regulations, could be clarified in the updated SMP.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• Section 5.2.1, Critical Areas</li> <li>• Appendix A</li> </ul> <p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• 19.02, Critical Areas Ordinance</li> </ul>	<p><b>Recommended:</b> Modify language in Section 5.2.1 to clarify that the CAO, as incorporated as Appendix A, shall act as the shoreline critical areas regulations.</p>

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Action
2	CAO exclusions from SMP	<p><b>Review:</b> The SMP excludes “provisions of Enumclaw Critical Areas Regulations that include ‘reasonable use’ provisions” or those “relating to ‘variance’ and ‘exemption’ procedures.” This is a necessary step to ensure compliance with the SMA, although the guidance could be further clarified for City staff and residents by explicitly stating which sections shall not apply in shoreline jurisdiction. These specific sections in the CAO (EMC 19.02) clearly state that they are not applicable in shoreline jurisdiction, although those same statements do not exist in the corresponding sections of SMP Appendix A. <a href="#">The shoreline variance process</a></p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• 5.2.1(D)</li> <li>• 5.2.1(E)</li> </ul> <p><b>Appendix A:</b></p> <ul style="list-style-type: none"> <li>• 19.02.020(B), Exempt Activities</li> <li>• <a href="#">19.02.030(B), Exemptions – Reasonable Use</a></li> <li>• <a href="#">19.2.170, Variance</a></li> </ul>	<p><b>Recommended:</b> Modify language in SMP Section 5.2.1 to cite the specific sections of SMP Appendix A which do not apply, or remove those sections completely from the appendix. Update the reference to EMC 19.02 to cite the most up-to-date CAO, which includes statements of exclusion in the relevant sections.</p>
<b>Wetlands</b>			
3	Ecology modified its wetland buffer guidance in 2014 and again in 2018.	<p><b>Review:</b> The current SMP CARs specify wetland buffers based on wetland category and habitat scores as determined by the 2004 Ecology wetland rating system. The resulting buffer widths identified in the current SMP are not consistent with recent Ecology guidance published in 2018. See discussion and Tables 4, 5, and 6 below for additional details.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• Section 5.2.1.3, Critical Area Regulations, <a href="#">Wetland Buffers</a></li> </ul>	<p><b>Mandatory:</b> Revise SMP Appendix <a href="#">AB</a> to reference 2014 wetland rating system and update the scoring system accordingly. <a href="#">Reference changed to cite correct rating system.</a></p> <p><b>Recommended:</b> Revise wetland buffers based on 2018 wetland buffer guidance and minimization table in the SMP to be consistent with current Ecology guidance. See discussion and Tables 4, 5, and 6 below for additional details.</p>

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Action
		<ul style="list-style-type: none"> <li>Appendix A, Critical Areas</li> </ul>	<p><a href="#">The table and buffer requirements have been incorporated under Section 5.2.1.3. Critical Area Regulations, Wetland Buffers. In addition, the Wetland buffers listed under 19.2.90 of Appendix A, CAO have been removed and refer to SMP 5.2.1.3 to avoid redundant code.</a></p>
<b>Stream Buffers</b>			
4	Stream buffer widths	<p><b>Review:</b>            The current SMP CARs specify stream buffers based on stream class. The buffer widths identified in the current SMP are not consistent with current best available science. See discussion and Table 7 below for additional details.</p> <p><b>Appendix A:</b></p> <ul style="list-style-type: none"> <li>19.02.100(C), Streams and Watercourses</li> </ul>	<p><b>Recommended:</b> Revise stream buffers in the SMP to be consistent with current best available science. See discussion and Table 7 below for additional details. <a href="#">At this time, the City has decided not to revise its stream buffers in shoreline jurisdiction.</a></p>
<b>Definitions</b>			
5	Definition of “Geologically Hazardous Areas”	<p><b>Review:</b>            Neither the SMP nor Appendix A include a definition of “Geologically Hazardous Areas” consistent with the definition in RCW 36.70A.030.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>Section 7.0, Definitions</li> </ul> <p><b>Appendix A:</b></p> <ul style="list-style-type: none"> <li>Appendix D, Critical Area Definitions (of Appendix A)</li> </ul>	<p><b>Recommended:</b> Add definition for “Geologically Hazardous Areas” consistent with RCW 36.70A.030 to either the SMP or shoreline critical areas regulations. <a href="#">A definition is not listed outright under the updated CAO.</a></p> <p><a href="#">Definition is incorporated in Appendix -D of Appendix A of EMC Chapter 19.02 – Critical areas code.</a></p>
6	Definition of “Fish and Wildlife Habitat Conservation Area”	<p><b>Review:</b>            Neither the SMP nor Appendix A include a definition of “Fish and Wildlife Habitat Conservation Area”</p>	<p><b>Recommended:</b> Add definition for “Fish and Wildlife Habitat Conservation Area” consistent with RCW 36.70A.030 to either</p>

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Action
		<p>consistent with RCW 36.70A.030 and WAC 365-190-030.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>Section 7.0, Definitions</li> </ul> <p><b>Appendix A:</b></p> <ul style="list-style-type: none"> <li>Appendix D, Critical Area Definitions (of Appendix A)</li> </ul>	<p>the SMP or shoreline critical areas regulations.</p> <p><u>Definition is incorporated in Appendix D of Appendix A of EMC Chapter 19.02 – Critical areas code. In addition, Habitat Conservation, Fish and Wildlife was removed as it was less specific, as shown in the current critical areas code.</u></p>
7	Definition of “Wetland”	<p><b>Review:</b></p> <p>The SMP includes a definition of “Wetland” that is wholly consistent with RCW 36.70A.030. However, the Appendix A definition of “Wetland” is inconsistent. While the Appendix A definition includes the whole of the RCW definition, it also includes a substantial amount of superfluous text and criteria, some of which conflicts with other criteria set forth in the SMP and Appendix A.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>Section 7.0, Definitions</li> </ul> <p><b>Appendix A:</b></p> <ul style="list-style-type: none"> <li>Appendix D, Critical Area Definitions (of Appendix A)</li> </ul>	<p><b>Recommended:</b> Revise the shoreline critical area definition of “Wetland” to be wholly consistent with the SMP and RCW 36.70A.030.</p> <p><u>Although Appendix A and CAO definitions are consistent, they both include extra nonessential information. Parts A &amp; B were deleted from the Appendix A definition to give consistency between SMP and Appendix A. These parts list non-essential wetland type information and a list of artificial features which otherwise confuse what is considered a wetland.</u></p>

<sup>1</sup> This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.

<sup>2</sup> Locations in italics indicate that the location does not actually address the specific content described in the Summary of Change column; these locations are listed to indicate where generally related content is found.

## Wetlands

In July 2018, Ecology updated its guidance for wetland buffers. The change in guidance is the result of Ecology’s continued evaluation of the 2014 wetland rating system as it relates to the 2004 wetland rating system. The current SMP does not adopt the wetland buffer provisions of the City’s CAO, but rather includes distinct shoreline wetland buffer provisions. The current SMP employs wetland buffers, shown in Table 4, based on wetland rating, and habitat score, and availability of a vegetated corridor to connect WDFW Priority Habitats, where available.

~~which is an~~This approach is consistent with Ecology’s 2018 guidance<sup>1</sup>. However, the SMP references the 2004 wetland rating system, and the buffer widths included are not wholly consistent with best available science or Ecology’s most recent guidance. To align the SMP provisions with the updated guidance, we recommend updating the SMP CARs to reference the 2014 wetland rating system and updating the buffer provisions for consistency with Ecology’s new guidance for wetland buffer widths, as shown in Table 5 below.

Wetland buffer provisions in the City’s 2008 CAO vary substantially from the provisions in the City’s current CAO. This variation may result in confusion about how wetland buffers are applied throughout the City, and results in wetland buffers being administered inconsistently in Enumclaw depending on project location.

Table 4. Wetland buffer widths (in feet) under the current SMP (Section 5.2.1, Critical Areas)

Wetland Buffers - Current SMP								
Category	With minimization measures				Without minimization measures			
	Standard Buffer Width	Habitat Score			Standard Buffer Width	Habitat Score		
		21-25	26-29	30-36		21-25	26-29	30-36
<b>I: Based on Total Score</b>	75	105	165	225	100	140	220	300
<b>I: Bogs</b>	190	190	190	225	253	253	253	300
<b>I: Natural Heritage</b>	190	190	190	225	253	253	253	300
<b>I: Forested</b>	75	105	165	225	100	140	220	300
<b>II</b>	75	105	165	225	100	140	220	300
<b>III</b>	60	105	165	N/A	80	140	220	N/A
<b>IV</b>	40				53			

<sup>1</sup>Washington Department of Ecology. July 2018 Modifications for Habitat Score Ranges. Modified from Wetland Guidance for CAO Updates: Western Washington Version. Ecology Publication No. 16-06-001. Accessed November 2018.  
<https://fortress.wa.gov/ecy/publications/parts/1606001part1.pdf>

Table 5. Wetland buffer widths (in feet) proposed in Ecology’s 2018 guidance

Wetland Buffers - Proposed Per 2018 Ecology Guidance						
Category	With minimization measures			Without minimization measures		
	Habitat Score			Habitat Score		
	3-5	6-7	8-9	3-5	6-7	8-9
I: Based on Total Score	75	110	225	100	150	300
I: Bogs & Wetlands of High Conservation Value	190	190	225	250	250	300
I: Forested	75	110	225	100	150	300
II	75	110	225	100	150	300
III	60	110	225	80	150	300
IV	40			50		

Table 6. Wetland buffer impact minimization measures, per Ecology’s most recent guidance

Disturbance	Required Measures to Minimize Impacts
Lights	*Direct lights away from wetland
Noise	*Locate activity that generates noise away from wetland *If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source *For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10' heavily vegetated buffer strip immediately adjacent to the
Toxic runoff	*Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered *Establish covenants limiting use of pesticides within 150 ft of wetland *Apply integrated pest management
Stormwater runoff	*Retrofit stormwater detention and treatment for roads and existing adjacent development *Prevent channelized flow from lawns that directly enters the buffer *Use Low Intensity Development techniques (for more information refer to the drainage ordinance and
Change in water regime	*Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	*Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion *Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	*Use best management practices to control dust

## Streams

SMP Appendix A and EMC 19.02 (adopted in 2015) both establish stream buffers that vary among the four stream classes, as shown in Table 7 below. A wide range of stream buffer

widths are recommended by BAS, depending on the target functions and buffer conditions. Buffer continuity and vegetative quality are important factors in determining buffer widths. Current stream buffer requirements under SMP Appendix A and EMC 19.02 (2015) are consistently below the ranges recommended by BAS. Based on the functions that different widths of buffers provide, fish bearing stream buffers should be a minimum of 100 feet, although buffer averaging may be allowed to reduce these buffers to as low as 75 feet.

Table 7 below provides a comparison of current buffer widths alongside a summary of buffer width ranges derived from BAS and other local jurisdictions.

Table 7. Stream buffer provisions under SMP Appendix A and a range of buffer widths derived from BAS and other jurisdictions' CAOs.

<b>Stream Buffers - SMP Appendix A</b>		
<b>Stream Class</b>	<i>Current City Buffer Width</i>	<i>Buffer Width Range Comparison</i>
<b>Type S</b>	100	115 - 165
<b>Type F</b>	75	100 - 165
<b>Type Np</b>	25	50 - 65
<b>Type Ns</b>	25	50 - 65

## 4. Consistency with Comprehensive Plan and Other Development Regulations.

The Enumclaw Comprehensive Plan does not include a specific Shoreline Element. The Natural Environment Element of the Comprehensive Plan adopts the goals and policies of the 2012 SMP, or as subsequently amended, as an element of the plan by reference. A review of the current SMP was conducted to ensure consistency with the Comprehensive Plan, and no necessary changes to the SMP were identified at this time.

Several important sections of the Enumclaw Municipal Code directly reference shoreline management jurisdiction or adopt provisions of the SMP by reference, which is a useful measure to strengthen application of the SMP and improve clarity in regards to the applicability of shoreline regulations. Similar references are lacking from other sections of the EMC which could improve clarity and strengthen application of the SMP.

Table 8. Summary of recommended SMP and EMC revisions to improve consistency.

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Recommended Action
1	EMC references to SMP	<p><b>Review:</b> Important sections of the Enumclaw Municipal Code, particularly those pertaining to the Administration of Development Standards in Title 15, directly reference shoreline management jurisdiction or adopt provisions of the SMP by reference, which is a useful measure to strengthen application of the SMP and improve clarity in regards to the applicability of shoreline regulations. Similar references are lacking in Title 18 of the EMC, the Enumclaw Zoning Code, and Section 16.24 of the EMC, the Land Disturbing Activity Code. Incorporating references to the SMP in these code sections could improve the clarity of applicable regulations and strengthen the application of the SMP.</p> <p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• Title 18, Zoning</li> <li>• 16.24, Land Disturbing Activity</li> </ul>	<p><b>Recommended:</b> Consider incorporating references to the SMP and shoreline jurisdiction in Title 18, Zoning Code, and Section 16.24, Land Disturbing Activity Code, of the EMC.</p>
2	Definitions – Nonconforming	<p><b>Review:</b> The definitions in the SMP and Title 15 of the EMC for nonconforming</p>	<p><b>Recommended:</b> Consider revising the Title 15 definitions for consistency with the</p>

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Recommended Action
		<p>uses, lots, and structures are not wholly consistent with one another. Further updates are recommended to the SMP definitions in this Gap Analysis Report.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• Section 7.0, Definitions</li> </ul> <p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• 15.04, Definitions</li> </ul>	<p>updated SMP, or including language with the SMP definitions to clarify that they shall apply in shoreline jurisdiction.</p>
3	<p>Consistency between 15.36 EMC and Chapter 6</p>	<p><b>Review:</b></p> <p>Chapter 6 of the SMP is codified as section 15.36 of the EMC. Changes to Chapter 6 are proposed in this Gap Analysis Report, and these changes should be applied concurrently to EMC 15.36.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• Chapter 6</li> </ul> <p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• 15.36</li> </ul>	<p><b>Recommended:</b> Ensure that updates to Chapter 6 of the SMP are concurrently applied to Section 15.36 of the EMC.</p>
<p><sup>1</sup> This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.</p> <p><sup>2</sup> Locations in italics indicate that the location does not actually address the specific content described in the Summary of Change column; these locations are listed to indicate where generally related content is found.</p>			

## 5. Staff Recommendations & Other Issues for Consideration

City of Enumclaw Planning staff have also proposed modifications to the SMP. The proposed changes, rationale, and input from The Watershed Company are included in Table 9.

Table 9. Staff recommended changes to SMP

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Recommended Action
1	Accessory Dwelling Units (ADUs)	<p><b>Review:</b> The City has expressed an interest in the options available to simplify the process for constructing ADUs in shoreline jurisdiction. ADUs are not explicitly addressed in the current SMP. There may be precedent for including ADUs as a normal appurtenance at the local level, in which case they would qualify as an eligible exemption to a shoreline substantial development permit. See additional discussion and guidance below.</p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• Section 7.0, Definitions</li> <li>• Section 5.4.6.3 Residential Regulation</li> </ul> <p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• 19.34, Accessory Dwelling Units</li> </ul>	<p><b>Recommended:</b> Modify the definition of “Appurtenance” to include ADUs. In addition, modify the Residential Regulation under SMP Section 5.4.6.3 to include this use <u>and as determined by the director for additional structure types</u>. See additional discussion and guidance below.</p> <p><u>Definition is modified to include ADUs and other structures customary to a single-family use.</u></p>
2	<p><u>Add clarity to Shoreline exemptions versus a SSDP.</u> <u>Examples include:</u></p> <ul style="list-style-type: none"> <li>• <u>City culvert projects</u></li> <li>• <u>Trail work</u></li> <li>• <u>Invasive removal</u></li> </ul>	<p><b>Review:</b> <u>Shoreline-exempt activities are listed by state law under WAC 173-27-040 in addition to what constitutes substantial development under RCW 90.58.030(3)(e). Otherwise, allowances can be emphasized in certain sections of the code to produce a net benefit in public access and shoreline ecological function.</u></p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• <u>Section 5.1.3.3 Vegetation Conservation Regulation</u></li> <li>• <u>Section 6.1 Shoreline Permit Review Provisions</u></li> </ul>	<p><b>Recommended:</b> <u>Add clarity toward proposals to affect Vegetation Conservation activities including invasive species removal and trail construction and maintenance to assist with promoting these activities. In addition, list WAC 173-27-040 and RCW 90.58.030(3)(e) under the administrative sections of the SMP and Shoreline code within EMC.</u></p>

#	Issue	Review & Relevant Location(s) <sup>1, 2</sup>	Recommended Action
		<p><b>EMC:</b></p> <ul style="list-style-type: none"> <li>• <u>15.36.030(D), Shoreline Exemption</u></li> </ul>	
<b>3</b>	<u>Public Access for Residential Subdivision</u>	<p><b>Review:</b></p> <p><u>Shoreline Public access is required at the state level for residential subdivisions for <b>more than (4) lots</b>, per WAC 173-26-241</u></p> <p><b>SMP:</b></p> <ul style="list-style-type: none"> <li>• <u>5.1.2.3, Residential Development Regulations</u></li> </ul>	<p><b>Mandatory:</b></p> <p><u>Edit the code to read: “Public Access shall be required for all non-water dependent developments except for the following:</u></p> <p><u>Short subdivisions creating less than <b>five lots or less</b>;</u></p>

<sup>1</sup> This column attempts to capture the primary relevant location(s) of content related to the item described in the Summary of Change column; however, due to length of the SMP, all relevant locations may not be listed.  
<sup>2</sup> Locations in italics indicate that the location does not actually address the specific content described in the Summary of Change column; these locations are listed to indicate where generally related content is found.

## Accessory Dwelling Units (ADUs)

City Planning staff have expressed an interest in exploring options to simplify the process for constructing ADUs within shoreline jurisdiction. In particular, the City is interested in classifying ADUs as a normal appurtenance for a single-family residence, in which case the construction of ADUs would qualify as an eligible exemption from the shoreline substantial development permit process.

The shoreline substantial development permit exemption for single-family residences and associated appurtenances is established in WAC 173-27-040(2)(g). According to the WAC, “normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.” However, “local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program.”

There is precedent for including ADUs as a normal appurtenance under this allowance in local SMPs. The San Juan County SMP (2017) definition for normal residential appurtenances includes the following language:

Structures and activities considered normal residential appurtenances include **accessory dwelling units or other detached residential structures, garages,**

sheds, decks attached to primary structures, private pedestrian pathways, stairways to access shorelines, ramps, patios, fences, driveways, utilities, on-site sewage disposal systems, antennas, solar arrays, wind power generators serving a single structure, satellite dishes, boat houses landward of the primary residential structure served by marine railways that require a substantial development permit, official registered historic structures, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

Enumclaw could consider incorporating similar language in the updated SMP to establish ADUs as normal appurtenances within shoreline jurisdiction and give discretion to the Director for additional appurtenant structures not listed in the SMP definition. As a result, thereby residential appurtenant structures will qualifying for an exemption to the shoreline substantial development permit process.