Periodic Review Checklist: 2021 version

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the "periodic review" of their Shoreline Master Programs (SMPs). The review is required under the SMA at RCW 90.58.080(4). Ecology rules that define the procedures for conducting these reviews include a requirement to use this checklist to ensure a successful review (WAC 173-26-090). By filling out this checklist, the local government is demonstrating compliance with the minimum scope of review requirements of WAC 173-26-090(2)(d)(ii). The checklist is organized into two parts.

Part One is used to identify how the SMP complies with current state laws, rules and guidance. This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments.

Part Two is used to document local review to ensure the SMP is consistent with changes to the local comprehensive plans or development regulations, and to consider changes in local circumstances, new information or improved data. As part of this periodic review the local government should include consideration of whether or not the changes warrant an SMP amendment.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

Use the **review column** to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b). Ecology recommends reviewing all items on the checklist.

Use the **action column** as a final summary identifying your final action taken to address the identified change in state law, rule or guidance. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b). This will likely include one of the following:

- Amendment proposed (include code citation);
- No amendment needed; or
- Not applicable.

Example

Row	*Summary of change*	*Review*	*Action*
2017a	OFM adjusted the cost threshold for substantial development to $7,047.	21A.25.290B refers to the statutory thresholds, as amended by OFM.	No amendments needed.

For more information

Coordinate with Ecology regional planner for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
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Part One: State laws, rules and guidance review

Part One is used to demonstrate compliance with WAC 173-26-090(2)(d)(i)(A). This checklist identifies amendments to state law, rules and applicable updated guidance adopted between 2007 and 2021 that may trigger the need for local SMP amendments during periodic reviews.*

Row	*Summary of change*	*Review*	*Action*
2021			
a.	The Legislature amended **floating on-water residences** provisions	Port Townsend does have FOWRs and therefor amendments are needed	*Amendment proposed:* Modification was made to DR-8.8.1, a new definition is added to §15.3 that aligns with the current state laws
b.	The Legislature clarified the permit exemption for **fish passage projects**	A minor adjustment is needed	*Amendment proposed* Added to §2.4(D)(15) the phrase "such as projects designed to improve fish or wildlife passage"
2019			
a.	OFM adjusted the **cost threshold for building freshwater docks**	Not applicable; Port Townsend has two freshwater lakes regulated under the SMP: Chinese Gardens and Kah Tai Lagoon. Both waterbodies are designated "Natural" by Appendix A Official Shoreline Environment Designations (SED) Map. SMP DR 5.7.1(f) and Table 5 both prohibit overwater structures and docks, piers and floats in the Natural Designation.	No action required to comply with WAC.
b.	The Legislature removed the requirement for a shoreline permit for **disposal of dredged materials at Dredged Material Management Program sites** *(applies to 9 jurisdictions)*	Not applicable. SMP 9.5 addresses Dredging & Dredge Spoil Disposal, but Port Townsend is not one of the local jurisdictions affected by this requirement.	No action required.
c.	The Legislature added **restoring native kelp, eelgrass beds and native oysters** as fish habitat enhancement projects.	SMP 2.4 Exemptions from SSDP; Item D(13) is generally consistent with RCW 90.58.147. Local jurisdiction	*Amendment proposed* Amended §2.4 D(13) Exemptions with specific

Row	Summary of change	Review	Action
		does not have authority to modify exemptions; consider exact language from state statute or a simple reference to RCW 90.58.147 and WAC 173-27-040	citations to RCW 90.58.147 and WAC 173-27-040.
2017			
a.	OFM adjusted the **cost threshold for substantial development** to $7,047.	The following sections use outdated dollar amount of $5,000: Section 2.4 D(1) Exemptions from SSDP; DR 8.5.3 Development Regulations for Boat launches and SMP 15.6 Definition for 'Substantial Development' and are therefore not consistent with the current standard.	*Amendment proposed* Amended Sections 1.6 C(2); 2.4 D(1); DR 8.5.3 and 15.6 Definition 'Substantial Development' to replace specific dollar value with reference to RCW90.58.030(3) threshold to avoid future amendments each time OFM adjusts the threshold amount.
b.	Ecology permit rules clarified the **definition of "development"** does not include dismantling or removing structures.	In Chapter 15.3 definition of "Development" does not include the new clarification See ECY example language	*Amendment proposed* Amended §15.3 Definitions to add clarification: "development" does not include dismantling structures; corrected RCW citation.
c.	Ecology adopted rules clarifying **exceptions to local review under the SMA.**	Section 2.2 does not address these exceptions established by statute. SMA exceptions apply regardless of inclusion in the SMP but amendment is recommended -Add ECY example language to help clarify for implementation	*Amendment proposed* Amended Section 2.2. (Note: Slight modification to first paragraph of ECY's sample language).
d.	Ecology amended rules clarifying **permit filing procedures** consistent with a 2011 statute.	Repetitive language in 10.6.6 Filing CUPs; 10.7.5 Filing Variances and 10.13.5 Final Decisions. Term 'date of filing' is correct but SMP fails to require submittal to ECY by return receipt mail. SMP 10.11 Multiple Permits - does not address concurrent filing with ECY	*Amendment proposed* Deleted SMP 10.6.6 and 10.7.5 to remove repetitive language in. Amended SMP 10.13.5 Transmittal of Final Decision, including addition of SMP 10.13.5.2 Filing with Dept of Ecology provisions consistent with WAC and Ecology Guidance example language (XX) – (i). Distinguished SMP 10.13.5.1 distribution of local decision

Row	Summary of change	Review	Action
		Amend for consistency with WAC 173-27-130 per the ECY Checklist Guidance pg. 6.	from SMP 10.13.5.2 filing with ECY. Date of Filing at SMP 10.16 Appeals Added Ecology example language (ii)(A – C) to describe the different 'date of filing' descriptions by permit type as part of the judicial appeal process with SHB.
e.	Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	SMP does not include any Forest Practices provisions. No commercial timber lands are known to exist within the city. In 2003, the City assumed jurisdiction over Class IV – General forest practices and adopted PTMC 19.06 Tree Conservation Ordinance. DNR is no longer involved in any forest practices in the city; any harvest would now be per city ordinance. Staff does not recall receiving questions about forest practice. Clearing for conversion is addressed in the SMP. **SMP 15.3 Definitions – Clearing** - this definition includes 'clear cutting and selective harvest', terms typically limited to commercial forest practices. This confounds forest practices with other vegetation clearing & tree removal activities. **SMP 9.3 Alteration of Natural Landscape - Clearing, Grading and Vegetation Removal** - Policy 9.3.1 *Prohibit speculative clearing, grading or vegetation removal*.	*Amendment proposed* §15.3 amendment to "Clearing" definition

Row	Summary of change	Review	Action
		As implemented by DR 9.3.1. Per ECY Checklist Guidance "It is not necessary to amend local SMP forestry regulations to reflect this [timber-cutting] clarification. However, it could be helpful for jurisdictions with extensive commercial forestry, if questions about applicability of forest practices laws and rules arise frequently".	
f.	Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction**	Not applicable; City has no lands under exclusive federal jurisdiction. NOTE: Exclusive federal jurisdiction (e.g. Rainier & Olympic Nat'l Parks, and some military bases) is separate & different from the more general limit of SMP applicability to federal actions on federal lands, and from the SMP 2.2.F citation regarding CZMA federal consistency.	No Action required.
g.	Ecology clarified "default" provisions for **nonconforming uses and development**.	Chapter 11 addresses Nonconforming Development (uses, structures & lots). Local discretion to establish such provisions is allowed, and the provisions of WAC 173-27-080 only apply in the absence of such local provisions.	*Amendment proposed* Staff recommends amending Sections 11.2 Nonconforming Uses, and 11.3 Nonconforming Structures, and Chapter 15 Definitions (nonconforming use, nonconforming development/structure to improve consistency with PTMC 17.88 Nonconforming Lots, Structures and Uses and better reflect Ecology's example language.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**.	SMP 13.1 addresses Periodic Review, including citation to WAC & most of the 3 review categories.	*Amendment proposed* To improve clarity & aid implementation: • 13.1 Adding missing category "consistency with City Comp Plan and development regs; Rephrase

Row	Summary of change	Review	Action
			"and changes in State ~~statutes~~ laws and ~~regulations~~ guidelines." • 13.1, 13.2.2: Providing more precise citations to the authority of RCW 90.58.080(4) & process of WAC 173-26-090; .
i.	Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.	SMP Amendments are addressed in SMP Section 13.2 and PTMC 20.01.040 (Type V-Legislative). It does not appear there are any impediments to using this option. Section 13.2.1 addresses SMP amendments with adequate reference to WAC 173-26. The specific RCW references (.120 & .200) are inaccurate/misleading, better to simply refer to Chapter 90.58 RCW.	*Amendment proposed* Added mention of optional shared comment period to SMP 13.2.1. Corrected WAC/RCW references in 13.1 and 13.2.
j.	**Submittal** to Ecology of proposed SMP amendments.	Section 13.2.1 Addresses amendments in general terms including adequate reference to WAC 173-26.	SMP not required to include submittal process/ requirements. No Action required.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the **Americans with Disabilities Act**.	Section 2.4 lists exemptions but does not include this ADA exemption. Amend 2.4 to include new exemption.	*Amendment proposed* Added ECY recommended language to SMP 2.4 D(16)
b.	Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.	**Section 6.5.3** incorporates the 2018 CAO (PTMC 19.05) by reference and identifies exceptions for its implementation in shorelines (i.e. critical area permits, reasonable use exceptions, definitions, wetland provisions). **PTMC 19.05.020 Definitions - Wetland Rating** and **19.05.110(B.4) Wetlands - Classification** both specify use	*Amendment proposed* Revised SMP 6.9 Wetlands to delete provisions that are now/will become duplicative based on the concurrent CAO amendments intended to address the ECY 2018 recommended language for PTMC Section 19.05.110 Wetlands. See also related PTMC 19.05 Additional Amendment items

Row	Summary of change	Review	Action
		of the 2014 Rating System; **SMP 6.9 Wetlands** also requires use of the 2014 Rating System in shoreline jurisdiction at DR-6.9.1 and 6.9.3.b, which are duplicative of .110(B.4). The SMP is consistent with this aspect of the most current technical guidance. When City's CAO was updated in 2018 (Ord. 3198), Ecology submitted recommended edits after adoption that address other wetland issues. Therefore, because other details of 19.05.110 did not reflect the most current technical guidance, SMP 6.9 at DR-6.9.3(a – f) provides shoreline-specific modifications re: coastal lagoons; exemption based on habitat score; wetland use for stormwater management; habitat scores for buffer widths; limit for buffer reduction; and the mitigation sequence.	detailed below that incorporate ECY's 10/30/18 edits to the CAO. These corollary revisions are anticipated to maintain/ improve SMP consistency with the most current technical guidance.
2015			
a.	The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.	SMP 8.15 Transportation Facilities does not reference this timeline target; SMP Section 10.2.3 defers to PTMC 20.01. WAC 173-27-125 applies regardless of SMP inclusion.	The provision is specific to WSDOT projects in shorelines jurisdiction; therefore, the ECY sample language was added to SMP 10.2.3 rather than the general procedures in PTMC 20.01. Added courtesy reference at 8.15
2014			
a.	The Legislature created a new definition and policy for **floating**	DR 8.8.1 prohibits "floating houses". No definition is provided. .DR9.4.1 prohibits	*Amendment proposed* To clarify related terms, Chapter 15 Definitions:

Row	Summary of change	Review	Action
	on-water residences legally established before 7/1/2014.	piers, docks, boat houses and floats for residential purposes.	Amended definition of "Boathouse" added "floating homes" and "FOWR" revised to be consistent with RCW 90.58.270 as amended by ESSB 6027 *See also Checklist items #2011.c, 11, 15 and 32 below*
2012			
a.	The Legislature amended the SMA to clarify **SMP appeal procedures**.	Section 13.2 addresses SMP Amendments, but references statute & rule citations rather than detailing SMP appeal process. According to ECY Guidance, SMPs do not typically outline SMP appeal procedures. Provisions are adequate as is. Section 15.6 Definition of "Shoreline Hearings Board" is incorrect (because an appeal of City's SMP would be heard by GMHB). Any appeal would be coordinated with ECY.	*Amendment proposed* Corrected 15.6, Definition of "Shorelines Hearings Board".
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**.	Policy 6.5.3 incorporates the City's 2018 CAO (PTMC 19.05) by reference and identifies exceptions for its implementation in shorelines. Section 6.9 provides additional shoreline-specific wetland provisions. PTMC 19.05.110 C(3) and 19.05.020 associated definitions for Delineation, Hydric Soils, Wetland Classification, and Wetland Edge, all require use of the current federal manual. The SMP is consistent with this requirement.	No action required. The concurrent CAO revisions, and related SMP revision to incorporate by reference the 2021 CAO are anticipated to maintain this consistency. *See also related PTMC 19.05 Additional Amendment items detailed below.*

Row	Summary of change	Review	Action
b.	Ecology adopted rules for new commercial **geoduck aquaculture**. **See Item 2011b supplemental table	**Table 5** lists Mechanical Geoduck Harvest as a P use in Aquatic in DNR tracts only, X in Natural and N/A in other designations. **Table 5.12-1 Boat Haven District 5** lists Mechanical Geoduck Harvest as n/a **SMP 8.4 Aquaculture** Policies & Regulations establish general and geoduck-specific provisions: Shellfish aquaculture is allowed only in the uplands of the Boat Haven District SED; Policy 8.4.1.a, DR-8.4.1.c, and DR-8.4.3 – 6 establish an allowance, application requirements and operational standards for geoduck harvest in DNR tracts SMP requires revision for WAC consistency: • new Geoduck proposals require CUP; • SDP required for substantial interference w/ normal public use of surface water. **SMP 15.2 Definitions – Aquaculture** does not specify the exclusion of wildstock geoduck harvest.	*Amendment proposed* See related checklist #9a Aquatic DR 5.6.3 revised to allow new commercial shellfish aquaculture with a CUP. Revised Use Tables: • Table 5.12-1 Boat Haven District – deleted reference to Mechanical Geoduck Harvest and footnote 2. Aquaculture "P" upland "C" in-water. • Table 5.13-1 Point Hudson "C" in marina subdistrict • Table 5 - deleted Mechanical Geoduck Harvest and added New Commercial Shellfish (including geoduck) as CUP in Aquatic and prohibited in all upland Designations. Revised Section 8.4 Aquaculture to improve consistency with WAC 173-26-241(3.b) and Checklist Guidance. Eliminated provisions for geoduck harvest in DNR tracts. Geoduck allowed as commercial shellfish aquaculture with a CUP in the Aquatic designation. The WAC's geoduck-specific provisions are integrated into the Shellfish Aquaculture regulations at 8.4.1 – 8.4.9. Section 15.2 definition of Aquaculture- amended to improve consistency with WAC and exclude harvest of wildstock geoduck.

Row	Summary of change	Review	Action
c.	The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.	DR 8.8.1 and DR 9.4.1 prohibit floating homes. No definition is provided.	*Amendment proposed* Chapter 15 Definitions revised for clarity of related terms. "Boathouse" "floating homes" and "FOWR" consistent with RCW 90.58.270 as amended by ESSB 6027 *See related checklist items: 2014a, 11, 15, 32*
d.	The Legislature authorizing a new **option to classify existing structures as conforming**.	SMP not required to include this optional provision. Section 11.3 addresses Nonconforming structures. The city staff researched this topic and does not recommend any changes.	No action required.
2010			
a.	The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**.	Key issues of consistency include: **1. Critical Areas & No Net Loss (NNL):** SMP 6.5 Critical Areas General Policy #3 first sentence reliance on 'equal level of protection' is out of date from the newer NNL standard; SMP 6.8 Geohazard Policy #4, Wetland Policies 6.9.1 & 2, and Wetland Regulation 6.9.3.c establish additional specific no net loss requirements. **2. Separate or Referenced Critical Areas Protections:** SMP 6.1, Policy 6.5.3, DR-6.5.1 and DR-6.5.3 all establish that the SMP relies on the City's 2018 CAO (PTMC 19.05); Sections 6.5 – 6.9 appropriately specify exceptions & modifications for applying the CAO in shoreline; **3. 14-day Effective Date:** SMP 13.2.1 notes Ecology approval is required for SMP to be effective but does not	*Amendment proposed* **1. Critical Areas & NNL:** • SMP Policy 6.5.3 revised to reflect NNL. **2.** Revision to Policy 6.5.3 to accurately reference the pending 2021 CAO. Based on previous Ecology input re: SMP – CAO consistency, the City is proposing separate CAO revisions in concert with the SMP periodic review, detailed below as Additional Amendments. **3. 14-day Effective Date:**

Row	Summary of change	Review	Action
		specify that SMP amendments are effective 14 days from ECY notice of final action.	13.2.1 and 13.4 amended accordingly.
2009			
a.	The Legislature created new "relief" procedures for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.	RCW 90.58.580 and WAC 173-27-215. Provision may be used even if not in the SMP. Section 4.8 Restoration Goals & Policies, and Section 14 Shoreline Restoration Plan do not include this relief provision.	Replaced Policy 4.8.3*, uses Ecology's example language referencing the WAC that allows relief for restoration projects.
b.	Ecology adopted a rule for certifying **wetland mitigation banks**.	SMP 6.3 Impacts, Mitigation, Bonding and Monitoring - Regulation DR-6.3.6 allows use of certified wetland mitigation banks; SMP 6.5 Critical Areas – General - Policy 6.5.3 incorporates the City's 2018 CAO by reference; the CAO at PTMC 19.05.060C and .110(D)(5) allow for mitigation banks certified under WAC 173-700, and SMP 6.9 provides additional shoreline-specific wetland mitigation provisions. These provisions are consistent with RCW 90.84 and WAC 173-700. .	No action required. See also #2016.b above and Additional Amendments below about other SMP 6.9 and 19.05.110 revisions related to wetland mitigation.
c.	The Legislature added **moratoria authority** and procedures to the SMA.	SMP does not have provisions for moratoria and is not required to include this authority/procedure. City has local discretion to rely on state statute.	No action required.
2007			
a.	The Legislature clarified **options for defining "floodway"** as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Not applicable. There are no riverine systems in the city limits. However, Section 15.3 Definition of Floodplain includes a riverine graphic that shows the floodway as	*Amendment proposed* The graphic is proposed to be updated. No action required.

Row	Summary of change	Review	Action
		narrower in relation to the broader floodplain.	
b.	Ecology amended rules to clarify that **comprehensively updated SMPs shall include a list and map of streams and lakes** that are in shoreline jurisdiction.	Section 2.3 (A) lists the marine shorelines and lakes in PT under shoreline jurisdiction. Section 5.4 establishes the Official Shoreline Environment Designations map provided in Appendix A	No action required.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	Section 2.4 D(13) addresses projects to improve fish or wildlife habitat or fish passage and is generally consistent with RCW 90.58.147 which cross-references RCW 77.55.181.	*Amendment proposed* Amended Section 2.4 D(13) *[renumbered to 2.4.D(15)]* abbreviated with specific citation to RCW 90.58.147 and WAC 173-27-040(2)(p). See also 2019.c above.

***** See additional considerations for Ocean Management within Ecology's Ocean Management Checklist and associated guidance for using the Ocean Management Checklist. This checklist and guidance summarizes state law, rules and applicable updated information related to Ocean Resources Management Act (ORMA) and the Washington State Marine Spatial Plan (MSP). All jurisdictions with coastal waters must implement ORMA and the MSP applies to all jurisdictions that overlap with the MSP Study Area. Clallam County, Jefferson County, Grays Harbor County, Pacific County, Ilwaco, Long Beach, Raymond, South Bend, Cosmopolis, Ocean Shores, Hoquiam, Aberdeen, Westport need to plan for ocean uses consistent with ORMA and the MSP and should be using the Ocean Management Checklist in addition to this Periodic Review Checklist.

Part Two: Local review amendments

Part Two is used to demonstrate compliance with WAC 173-26-090(2)(d)(ii). This checklist identifies changes to the local comprehensive plans or development regulations, changes in local circumstances, new information or improved data that may warrant an SMP amendment during periodic reviews.

Changes to Comprehensive Plan and Development regulations

Question	Answer		Discussion
Have you had Comprehensive Plan amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	☐	Yes	A periodic update to the City's Comprehensive Plan was last performed in 2016 (Ord 3154) which pre-dates the date of the latest SMP. The Comprehensive Plan has been amended three times since: Ord 3229 in 2019, Ord. 3321 and Ord. 3322 in 2023. None of these updates trigger a need for an SMP amendment. The City is working on their Comprehensive Plan periodic update now, and the review is anticipated to be complete in December 2025.
	☒	No	
Have your had Development Regulations amendments since the SMP comprehensive update that may trigger need for an SMP amendment?	☒	Yes	PTMC 20.01.170 was Amended via ORD 3345 to comply with SB 5290 (changes to Local Project Review Act) in December 2024. We have edited the draft SMP accordingly.
	☐	No	
Has your Critical Areas Ordinance (CAO) been updated since the SMP comprehensive update? If yes, are there changes that trigger need for an SMP amendment?	☒	Yes	In 2018 the City passed ordinance 3198 adopting an update to the CAO (codified at PTMC 19.05) and also making limited corollary amendments to the SMP to align the CAO and SMP as required. We have made further proposed edits to the SMP at Chapter 6 Environmental Protection and incorporated modifications.
	☐	No	
Are CAO provisions incorporated by reference (with ordinance # and date) into your SMP? If yes, is it the current CAO or a previous version?	☒	Yes	*See above*
	☐	No	
Has any new shoreline area been annexed into your jurisdiction since your SMP was updated? If yes, were these areas pre-designated?	☐	Yes	
	☒	No	
Other	☐	Yes	
	☐	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP for consistency with amendments to the Comprehensive Plan and Development regulations. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules

See table, below

Changes to local circumstance, new information, or improved data

Question	Answer		Discussion
Has your jurisdiction experienced any significant events, such as channel migration, major floods or landslides that impacted your shoreline and could trigger a need for an SMP amendment?	☒	Yes	Yes - Two of the highest tides ever recorded occurred in 2022, with the 12-27-22 king tide event breaking historical records. Roadways, storm drains, and other infrastructure were all underwater during this event; ramps to the docks at the Boat Haven Marina reversed direction and required an uphill walk to go to the docks! With rising sea levels, climate modeling indicates the city must prepare for more king tide flooding events. The Port of Port Townsend has begun Phase 1 of their "Waterwalk and Sea Level Rise" Project extending from the bluff at west end of the Boat Haven to the bluff near the intersection of Water Street and East Sims Way. As alternatives are explored, it is important to take a holistic and collaborative approach to ensure that community priorities and requirements under the state's Shoreline Management Act (SMA) and the City's local SMP are fully considered. This periodic update process involved technical work and study for these options.
	☐	No	
Have FEMA floodplain or floodway maps been recently updated for your jurisdiction? If your SMP extends shoreline jurisdiction to the entire 100-year floodplain, has FEMA updated maps that trigger a need for an SMP amendment?	☒	Yes	Effective June 7, 2019, Port Townsend adopted new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM). ***See Table Item #3, below***
	☒	No	
Have you issued any formal SMP Administrative Interpretations that could lead to improvements in the SMP?	☐	Yes	
	☐	No	
Are there any Moratoria in place affecting development in the Shoreline?	☐	Yes	
	☒	No	
Have staff identified the need for clarification based on implementation or other changes? e.g., modifications to environment designations, mapping errors, inaccurate internal references.	☒	Yes	
	☐	No	
	☒	Yes	

Are there other changes to local circumstances, new information, or improved data that need to be addressed in your SMP?	☐	No	

If your review and evaluation resulted in proposed SMP text or map amendments, please create a table that identifies changes to the SMP to address changes to local circumstances, new information, or improved date. Example format:

SMP Section	Summary of proposed change	Citation to any applicable RCW or WAC	Rationale for how the amendment complies with SMA or Rules

See Table, below

Additional amendments

This section summarizes additional SMP amendments the City is addressing for issues of consistency related to the Comprehensive Plan and Development regulations, changes to local circumstance, new information, or improved data and to facilitate SMP implementation. Also detailed below are the corollary amendments to the CAO (PTMC 19.05) proposed concurrently with the SMP Periodic Review to ensure mutual consistency.

Item #	SMP Section	Summary of issue (i.e. what's new/different; errors/conflict)	Review (i.e. where we looked & what we found)	Action
Improve Consistency with Adopted Local Plans/Regulations				
1	**Chapter 6 Environmental Protection:** **6.1 Introduction;** **6.5 Critical Areas – General;** **6.6 Critical Saltwater Habitat/ FWHCAs; and** **6.9 Wetlands**	Related to but separate from above items #2016.b wetland guidance; 2011.a wetland delineation manual; 2010.a SMA-GMA; and 2009.b wetland mitigation banks. SMP 6.5.3 incorporates the City's 2018 CAO (PTMC 19.05) by reference for application in shoreline jurisdiction with some limitations/ exceptions to ensure consistency with SMA. The City's SMP was also amended in 2018 but some inconsistencies/ redundancies between the two sets of regulations remain.	**1) 6.5 Critical Areas – General:** Policy 6.5.3 CAO incorporation by reference language should reflect the correct date & ordinance # for the concurrent 2021 CAO Update; Also, Ecology advises to either 'incorporate by reference' or use 'direct incorporation' by appendix, not both, to avoid duplicative language and streamline the document construct. 2) Avoid duplicative critical areas regulations. Staff prefers merging all development regulations into CAO.	1) Throughout – Eliminated all references to 'Appendix E' due to singular CAO 'incorporation by reference' at 6.5.3. SMP 6.1 Introduction – and Policy 6.5.3 Corrected/ clarified 'incorporation by reference' language; 2) Moved SMP critical areas development regulations into CAO. Cross reference 12, 48b Geo hazards; 46b F&W; 1e Wetlands.
	1a	WAC 173-26-201(2)(e) Mitigation sequencing is cited but not included in the development regulations	For better consistency with the WAC move the mitigation sequence text from Chapter 15 Definitions to a stronger position as an actual regulatory provision.	DR 6.3.1 added mitigation sequence

Item #	SMP Section	Summary of issue (i.e. what's new/different; errors/conflict)	Review (i.e. where we looked & what we found)	Action
	1b	Check DRs 6.4 for consistency with minimum requirements in WAC 173-26-221(1)(c)	DR 6.4.2 does not address site inspection	Revised DR 6.4.2 to include site inspection per WAC
	1c	Policy language contains regulatory provisions	Policy 6.5.3 contains language best addressed as regulatory provisions	Moved exceptions/modifications language to DR 6.5.1
	1d	Critical Saltwater Habitats 1) incorrect citations, 2) reliance on outdated Appendix F Critical Saltwater Habitats	1) SMP 6.6 Critical Saltwater Habitats – Fish & Wildlife Habitat Conservation Areas reference citation needs correction for accuracy: WAC 365-190-~~080(5)(a)(6).~~130 2) Delete Appx F - rely on Ch 15 definitions for FWHCAs and Critical Saltwater Habitats, which cite to RCW/WAC and the most up to date PHS data, RATHER THAN SMP reliance on potentially out of date 2002 info in Appendix F.	In Section 6.6 Critical Saltwater Habitats (FWHCAs): 1) Corrected WAC citations 2) Deleted reference to Appendix F. Delete Appendix F Critical Saltwater Habitats Table of Contents – Deleted Appendix F.
	1e	SMP 6.9 Wetlands - During the 2018 CAO Update, ECY comments on the wetland provisions were received too late to include. For SMA consistency, the SMP included wetland provisions that modify how the CAO applies in shoreline jurisdiction. If/when the CAO wetland provisions become SMA-consistent, the SMP will not need such CAO modifier provisions.	SMP 6.9 Wetlands - Resolve issues from 2018 CAO and SMP Updates. Move previously approved ECY critical areas language from SMP to PTMC 19.05. so that SMP incorporation by reference of CAO provisions requires fewer exceptions for implementation in shoreline jurisdiction (i.e. 6.9.3.a-f).	6.9 Wetlands - Removed redundant exception/ modification provisions as unnecessary and address same issues with related but separate revisions to PTMC 19.05.110 described as items #39 – 49 below.
2	**Throughout**	Implement climate mitigation/adaptation per recent	Staff reviewed ECY 2017 Sea Level Rise guidance and suggestions from	**New/amended policies:**

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		changes to Comp Plan Chapter 4. Land Use Element - Air Quality Managment, Climate Mitigation & Adaptation Goal 8: Policy 8.8.1: Consider projected climate change impacts and adaptation strategies when investing in public projects and updating disaster preparedness plans, land use plans, and regulations.	Local 2020 (see staff response to SMP scoping comments); 2018 State SLR projections and existing City flood damage prevention methods (PTMC16.08). and identified numerous opportunities for policy revision throughout SMP Chapters 4, 5, 6, 8, 9, 13 and 15 to better reflect Comp Plan's climate change goals & policies. This is only a first step as the City will seek to address climate change planning more broadly recognizing that not all future mitigation/ adaption strategies will be appropriately addressed by the SMP alone.	**Chapter 2 Scope, Jurisdiction and Amendments** **2.3 B extent of shorelines jurisdiction.** **Chapter 4 Master Program Elements** at Shoreline Use Policies 4.2.6 and 4.2.7, Restoration & Adaptive Management Policies 4.8.2 and 4.8.6; **Chapter 5 Shoreline Environments** at Natural Policy 5.7.1, Conservancy Policy 5.8.4, Shoreline Residential Policy 5.9.6, Historic Waterfront Policy 5.11.1, Boat Haven Policy 5.12.15, Point Hudson Policies 5.13.9 and5.13.15; **Chapter 6 Environmental Protection** at Impacts, Mitigation, Bonding and Monitoring Policy 6.3.6, Critical Saltwater Habitats Policy 6.6.5, Frequently Flooded Areas and Tsunami Inundation Areas Policy

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				6.7.2, and Wetlands Policy 6.9.1; **Chapter 8 Specific Use Standards** at Agriculture Policy 8.3.2; **Chapter 9 Specific Modification Standards** at General Policies and Regulations Policy 9.2.1, Shoreline Stabilization Measures and Flood Protection Works Policy 9.7.8; **Chapter 13 Master Program – Review, Amendments and Adoption** at Amendments to Master Program 13.1(a) Master Program Periodic Review; and **New/amended regulations:** Shoreline Residential Designation DR 5.9.5, Urban Designation DR-5.10.4(g.ii.6), and Table 5 Height Limit in Shoreline Residential: cross reference

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				to DR-5.9.5 that allows increased height for primary residence to 35 feet where necessary to avoid flood damage, and Point Hudson Designation DR 5.13.4(d.ii.1)
	Address New Information, or Improved Data			
3	**Throughout**	New FEMA Flood Insurance Rate Maps (FIRMs) became effective 6/7/2019, and map the VE Zone and Coastal AE Zone floodplain areas of the City. See also FEMA Map Service Center (https://msc.fema.gov/portal/homehttps://msc.fema.gov/portal/home) and Coastal FIRMs webpage (https://www.fema.gov/flood-maps/coastal/insurance-rate-maps)	**SMP Policy 6.5.3** incorporates the City's CAO (PTMC 19.05) by reference; **PTMC 19.05.090 Frequently Flooded Areas** provisions rely on City's Flood Damage Prevention Ordinance (PTMC 16.08); **SMP 6.7 Frequently Flooded Areas and Tsunami Inundation Areas** Policy 6.7.1 and Regulation DR-6.7.1 both cite to the PTMC 16.08 Flood Ordinance. **PTMC 16.08.070 Basis for establishing the areas of special flood hazard** establishes the June 2019 FEMA FIRMs as the effective maps. Therefore, SMP adequately relies the newer flood maps.	No amendments needed.
4	**3.6B Summary of Inventory &**	Kah Tai Lagoon wetland rating has changed since 2007 SMP Comprehensive	Ecology advised City not to revise the Chapter 3 summary of the 2002	No action.

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	Characterization - Kah Tai Trough	Update. SMP assumes Type I; Rick Mraz, Wetlands Policy Lead for ECY conducted an analysis and concluded it was actually a Type II Coastal Lagoon under a rating system (7/6/06). Since then the rating system has changed again (in 2014) and so this information may also now be out of date.	Shoreline Inventory/ 2004 Characterization absent an addendum to those Inventory and Characterization Reports, which is beyond the scope of this periodic review.	
	Facilitate Local Implementation			
5	**Throughout**	SMP 2.4.B requires a Letter of Exemption only for projects that are also subject to a federal USACE Section 10 or Section 404 permit, but other provisions are unclearly worded to imply written authorization is required for all SSDP Exemptions. To better reflect common practice, and to help streamline the application & review process, clarify, Director may waive separate application and written SSDP Exemption when review can be conducted in conjunction with an underlying permit. Require written exemptions for bulkhead construction/repair; projects requiring Critical Areas review or federal review/approval.	Unclear wording in multiple provisions including, but not limited to: Chapter 2 , Table 5.13-1 (temporary use), 8.13, 9.7, and Chapter 10). Revise these sections, and any others throughout SMP to specify that written is only required when Critical Areas Review or federal 401 or 404 permit applies, per WAC 173-27-050. Consistent with SMP 2.4(B) Staff recommends written Letter of Exemption be required for shoreline armoring. See also SMP 9.7	Eliminated implied "written" exemption as follows: • Applicability 2.2.C deleted as duplicative of 2.4; • Exemptions form SDP 2.4.A and E • Point Hudson Subdistrict Table 5.13-1 (temporary use), • Residential Development 8.13 Intro, • Shoreline Stabilization & Flood Protection 9.7 Intro, • Procedures for Processing Shoreline Permits 10.2.3A, • Administrative Authority and Responsibility 10.14.1. b

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				10.3.2 Process – require written exemption if critical areas review/federal permit/bulkhead work; otherwise Director may waive written and address in underlying permit. Exemptions will be tracked in the City's permit tracking system by adding a box to select "SSDP Exemption Y/N".
5a	**Throughout**	Scientific, cultural and educational facilities. Review for consistency with RCW 90.58.100 which requires that each Shoreline Master Program (SMP) developed by local jurisdictions include "An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values". DAHP guidance in https://dahp.wa.gov/project-review/shoreline-managment-act	SMP appears consistent with the RCW in Sections :4.9 Historic, Cultural, Scientific and Educational Element and 8.14 Scientific, Cultural and Education Facilities. However, the definition (Chapter 15); Chapter 5 Environmental Designations text and use tables appear to allow NEW construction of these facilities which has caused confusion. New uses/ construction should be limited to water-oriented. Inconsistent use of "research use" vs. "facility". Should consistently use "facility" as per definition and 8.14	a. Natural designation Policy and DR 5.7.3 amended to clarify permitted use: restoration of existing and new *water-oriented* b. Conservancy designation DR 5.8.3 amended to clarify permitted use: restoration of existing and new *water-oriented* c. Residential designation DR 5.9.2 and 5.9.10 clarify restoration of existing d. Urban DR 5.10.10 "facility" e. Table 5 (Scientific, Historic, Cultural and Educational)- Restoration changed to "P" in all; new

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				row added for "New" facilities. f. Chapter 15 definition: modified to improve consistency with RCW 90.58.100
6	**Throughout** Appendix G Public Access Enhancement Projects	Search and delete reference to Urban Waterfront Plan and Comprehensive Public Access Plan Consider removing Appendix G Public Access Enhancement Projects from the SMP to become a separate stand-alone document	1) These plans were superseded by the 2007 SMP update; however, remaining references have been retained for historical context 2) Consider removing Appendix G Public Access Enhancement Projects from the SMP to become a separate stand-alone document as it appears to provide supplemental guidance but does not have regulatory effect and should be updated as needed per City discretion without a formal SMP Amendment; potentially to be titled the "2007 Shoreline Public Access Enhancement Project Recommendations" See related comments/edits at 1.5.A; 7.2; 7.3.5; and 7.3.15..	References retained at 1.5, Deleted from 5.13 intro; Clarification in 7.2 2) Appendix G deleted to become a separate stand-alone document
6a*	**2.3 Port Townsend Shoreline Jurisdiction**	RCW 35.21.160 establishes the City's jurisdiction extends to adjacent waters out to the mid-point line of County/State/US boundary.	This section does not define the City's jurisdiction waterward	Amended to address jurisdiction waterward extent per the RCW.
6b*	**2.4 Exemptions from Substantial**	When an SMP lists SDP Exemptions, Ecology recommends using the full, exact WAC language, or limited	While the SMP mostly presents the full text from the WAC, there are	Amended so that the full WAC text is provided for common exemptions in

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	Development Permit	abbreviations thereof with specific citations -	some items paraphrased or locally tailored.	City of PT; abbreviated with reference to WAC for rarely used exemptions. Amended 2.4.D.6 - inserted WAC 173.27.040 (2.g) (Note: while state statute refers to 35-foot height limit, the City's SMP and Zoning Code may further limit the maximum height of single-family residences)
6c*	**Table 2.5-1 Other Commonly Applicable Regulations/ Permits**	Incorrect reference/circular reference	The City's Flood Damage Prevention regulations are codified in Chapter 16.08 PTMC which requires a flood development permit or flood development review in conjunction with the underlying permit. Table reference to shoreline permit/critical areas is circular.	Corrected flood damage prevention references; deleted circular references.
6d*	**Chapter 3 Summary of Inventory and Characterization**	Technical information from the comprehensive update is nearly 20 years old.	3.1 Introduction - It seems helpful to provide more current context for this Chapter 3 summary of shoreline conditions. Since not required as part of a Periodic Review and perhaps beyond the scope of this PR, the City may consider a future SMP amendment to remove/more thoroughly revise this chapter since the available scientific & technical data sets and analyses are always changing over time to reflect the	3.1 Amended to clarify City will rely on most current, accurate and available information.

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			dynamic conditions of shoreline ecological systems.	
7	**Chapter 5 Shoreline Environments**	In some cases, CUP adds extra process and cost for bulkheads and revetments without any additional environmental protection criteria.	Consider removing CUP requirement for bulkheads and revetments in the Main Boat Basin and Northeast Boat Basin sub-districts of the Boat Haven District, as consistent with the 5.12 Designation Criteria and Management Policies. Standards in 9.7 Shoreline Stabilization, apply; including "Structural stabilization has been demonstrated, through a geotechnical report, to be necessary to support or protect a legally established, inhabited structure or ongoing shoreline use that is in danger of loss or substantial damage".	To allow bulkheads with an SDP, revised "C" to "P" Use for Shore Defense Works, as follows: Table 5, Table 5.12-1. Boat Haven Marina and Marine Trades and Table 5.13-1 Point Hudson (see new row) 9.6.1 Landfill Changed "Landfill" to "Fill" globally within the SMP to align with the SMA and WAC.
8	**Table 5 Permitted, Conditional & Prohibited Uses & Developments**	Inconsistencies between Use Table and text. Formatting errors - text location in rows/columns based on topic.	For accuracy, Setback text should not be in the Height row. A note should be added that in the event of a conflict between the text of this document and the table, the text shall prevail. Improve internal consistency 1. Mooring buoys Table 5 says P for public buoys, while DR8.8.2 says a new mooring buoy *field* requires a CUP. (Now DR8.10.1, see item 13 below) 2. Public Access in Aquatic CU/~~H~~ Improve consistency with DR- 5.6.6 c	Move Setback text to Setback – Notes. Added a statement that in the event of a conflict between the text of this document and the table, the text shall prevail. 1. Amended Table 5 mooring buoys 5 or more = CUP Added note: See 8.10 Mooring Buoys (item 13 below)

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			requires CUP for public access does not limit to historic structures. 3. Utilities - Primary in Natural limited allowance as a conditional use Per DR 5.7.3f 4. Table 5 prohibits Associated Parking in Natural except for ADA; but DR 5.7.3f allows a limited parking as a conditional use. 5. Table 5 Commercial; Industrial & Port; Recreation; and Transportation allow limited w/r and w/e uses; Aquatic Policy 5.6.2 allows water-enjoyment uses per specific criteria, and DR-5.6.2 allows water-dependent uses per specific criteria; both are silent on w/r. 6. Aquatic Policy 5.6.3 and Table 5 Commercial; Docks, Piers & Floats; Transportation; and Utilities limit new o/w structures to PT Bay. Aquatic – New Overwater Structures DR 5.6.6 allowed as a conditional use needs clarification. 7. DR 8.5.4 Reconstruction of existing boat launch (except the North Beach launch that has been	2. Amended Table 5 Public Access to P/CU see DR 5.6.5 and 5.6.6 3. Deleted the prohibition of "Primary Utilities" to allow as a conditional use for internal consistency with DR 5.7.3f (now 5.7.4.b) 4. Amended DR 5.7.3f deleted parking - improves consistency with Table. Divided 5.7.3 into Permitted and Conditional uses 5. Amend Policy 5.6.2 to include limited w/r in Aquatic. Add DR 5.6.5 to address w/r uses allowed in Table 5. 6. DR 5.6.6 clarified – new o/w structures only in PT Bay. 7. Add note in table referring to DR 8.5.4; Modify DR 8.5.4 "functional launch" and change "Reconstruction" in DR 8.5.4 to "Replacement in

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			identified as a restoration site) is a Permitted Use 8. Clarify, no CUP required for bulkhead repair that qualifies as SSDP exemption; see also 9.7.11	kind" to more closely align with WAC 173-27. 8. *LILO has not been completed.
9	**5.6 Shoreline Environments - Aquatic**	1) Clarify height limit for over-water structures in the historic downtown: Aquatic vs. Special Height Overlay District (SHOD (Directors Interpretations ADM20-003~~007; ADM20-027~~). 2) Clarify how height is measured. Ensure consistency with RCW 90.58.320 which limits height for any new or expanded building or structure to not more than thirty-five feet above average grade level if it "*will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.* "	1) . Aquatic DR-5.6.23 limits *new or expanded* in-/over-water structures to 18' 6"; however, In Table 5 "Height limit" for Aquatic, note 3 New or expanded structures w/in the SHOD - height limits of the SHOD apply. In Historic Waterfront (landward of OHWM): DR 5.11.9, height limits for new or expanded structures are subject to the Special Height Overlay in PTMC 17.28 (up to 50'). 2) While structures over 35 feet may be permitted in Aquatic DR 5.6.23; Historic Waterfront DR 5.11.9 and Point Hudson DR 5.13.16, none address criteria for structures over 35 feet per RCW 90.58.320 3) DR 5.6.24 says measured from the deck surface while RCW 90.58.320 says measured "from adjacent grade"	1) Amended/added DR 5.6.23-25; adjusted foot notes in Table 5 "height limit" to clarify height limits for new or expanded structures inside and outside of the Special Height Overlay. 2) New DR 5.6.26, modify DR 5.11.9 and DR 5.13.16 3) Revise DR 5.6.23, add DR 5.6.24, 5.11.9 revised to improve consistency with the RCW "average grade of adjacent street level".
9a	**5 Shoreline Environments –**	Public comment requesting the city allow more aquaculture. Consider	Aquaculture for restoration is currently listed as a permitted use in	In the Aquatic designation, allow for limited

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	8.4 Aquaculture	recent case law. (See Scoping Period Comment letters from Taylor Shellfish and Jamestown S'Klallam; WAC173-26-020 & 241(3)(b)). 1/14/21 Planning Commission recommended the City allow commercial shellfish aquaculture limited to: • native and naturalized species • allow in existing marinas • if waterward of the OHWM must be subsurface (i.e., no rafts)	the uplands in: Natural, Conservancy, Residential, Urban, Historic Waterfront, and Boat Haven marina (Table 5 Shoreline Permitted, Conditional and Prohibited Uses and Developments and DRs). 5.6 Aquatic Designation Table 5.12 Boat Haven uses and Table 5.13 Point Hudson Section 8.4 Aquaculture	commercial shellfish aquaculture (including geoduck) in Aquatic with a CUP per WAC 173-26-241(b)(iv). • Section 5.6 Aquatic Designation (DR 5.6.2 and 5.6.3) and • Table 5 - added New Commercial Shellfish as CUP in Aquatic and prohibited in all upland Designations; Allow aquaculture for enhancement • Table 5.12 Boat Haven uses • Table 5.13 Point Hudson uses Allow limited in-water aquaculture in existing marinas with CUP; • Table 5.12 Boat Haven uses and • Table 5.13 Point Hudson • Section 8.4

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9b	**5.7 Natural Designation**	Is DR 5.7.5d overly restrictive? It requires critical areas review within the 200-foot setback regardless of presence of critical area. DR 5.7.5 Is overly complicated. Simplify a-d by referring to uses that are P or C in the Natural Designation. DR 5.7.6: No setback is specified for P and C uses.	d. In addition to the required 200-foot setback for structures, critical areas buffers may also apply (See Chapter 6), the setback/buffer that provides greater protection to the critical area takes precedence. Furthermore, activities that are permitted within the 200-foot setback (e.g., landscaping, trail development, public utilities upgrades) must comply with the critical area regulations in Chapter 6.	Added if critical areas are present.
9c	**5.9 Shoreline Environments - Shoreline Residential**	Design Elements DR 5.9.12 impervious surface limits differ from the 19.05.060(D.4) General Performance Standards adopted by reference as part of Chapter 6 critical area provisions. DR 5.9.12-14 : may be inconsistent/repetitive of CAO	Clarification is needed	DR 5.9.12 modified to improve consistency with CAO revisions. See also related edits at CAO Item #44 below. Check DR5.9.12-14 against the CAO amendments
9d	**5.11 Historic Waterfront**	DR 5.11.4 prohibits transient accommodations on any portion of the ground floor. Building owners have asked the city to consider greater flexibility (for example prohibit TA on *street frontage* but allow TA if set back from the street).	If this section is amended, we would need corollary amendments to PTMC Table 17.20.020	Amendments in DR 5.11.14 to allow residential use on ground floor and changes to Table 5 Residential Allowed Uses Note 11.
10	**5.13 Shoreline Environments – Development**	Internal inconsistencies: 1. Point Hudson East Sub-District DR 5.13.5 does not specify "in eligible	1. The SMP allows unlisted non-water oriented uses as a conditional use in this district *within eligible buildings.*	1. Amended DR 5.13.5 to clarify, "in eligible buildings" and corrected

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	Regulations - Point Hudson District	buildings" whereas DR 5.13.4 does, and contains an incorrect reference. 2. Marina Sub-District DR-5.13.8 vs. Table 5.13.1 Docks and piers: appears to limit docks, piers in the marina to pleasure craft and then only on the marina side of PH East?	Improve consistency between DR 5.13.4d and DR-5.13.5. 2. Marina Sub-District DR-5.13.8 limited allowance for water-dependent, water-related, and public access uses does not specify the Table 5.13-1 restriction for docks & piers only for pleasure craft.	reference to DR 5.13.4 Adaptive reuses criteria (d.i – ii) 2. Table 5.13.1 Clarify docks, piers floats are allowed in marina, pleasure craft limited to the side abutting PH East
11	**5.13 Shoreline Environments – Development Regulations – Point Hudson District**	Internal inconsistencies: Maritime Heritage Corridor Sub-District 1) DR 5.13.7 lists conditional uses; item b is out of place. Item b. *exterior modifications for life/safety or building code compliance* is a permitted use 2) DR 5.13.7 possible inconsistencies with table 5.13-1 under "Unlisted Non-water oriented uses" 3) Table 5.13.7 "boat storage" not defined 4) DR 5.13.1 reads like policy and appears inconsistent with policy 5) Table 5.13.-1 Docks, piers *and floats*?	1) Move item 7.b to 5.13.6 permitted uses. Clarify: Exterior modifications are permitted, <u>provided they are</u> limited to those necessary for life/safety improvements and/or compliance with building codes. 2) DR 5.13.7 Transient accommodations/caretaker's residence are permitted as "C" use in Point Hudson East not jut expansions. 5.13.7 allows minor expansion of existing non-water oriented uses in Marina and on ground floor of Maritime Heritage Corridor where otherwise prohibited in Table. 3) Boat house is defined and addressed in DR 9.4.1. Overwater boathouses are prohibited 4) DR 5.13.1 inconsistent with policy 5.13.6 water dependent and water related uses are priority uses and 5.13.5	1) Minor text amendment, Moved item 7.b to DR 5.13.6.d Permitted uses in Maritime Heritage Corridor subdistrict. 2) Modified DR 5.13.7 3) Replaced "boat storage facilities" with "boathouses and covered moorage" and prohibit in Point Hudson Marina consistent with DR9.4.1 4) Deleted DR 5.13.1 Water-oriented uses are priority uses in this district 5) Table 5.13-1 Point Hudson: Docks, piers, floats table revised to delete

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			5) by definition, float is not attached to shoreline which, in PH would impede navigation. Clarify pleasure craft on PHE side of marina – PHE supports w/e uses while MHC prioritizes w/d and w/r uses.	"float" and clarify location of pleasure craft..
11a	**6.7 Frequently Flooded Areas and Tsunami Inundation Areas**	Ecology (M. McConnell) recommended amendments to policy and development regulations	Review for consistency with 9.7 Stabilization, 15 Definitions, PTMC 19.05 CAO and 16.08 Flood Damage Prevention	Recrafted the introduction to cover Flood Control removed from 9.7 Stabilization to better match Section 15 Definitions.
12	**6.8Environmental Protection - Geologically Hazardous Areas – Development Regulations**	DR 6.8.1 and 6.8.2 appear duplicative of Critical Areas provisions in PTMC 19.05.100 F Buffers and Setbacks (2) and (3) .	Having duplicative shoreline language in both the CAO and SMP is not preferred/ recommended.	Duplicative language deleted: DR6.8.1 and 6.8.2 deleted. Merge with 19.05.100 E&F Cross reference #1, 48
12a	**7.4 Public Access Development Regulations**	Design section appears to mix topics.	DR 7.4.19 Materials and no net loss should be two separate standards. ECY recommends Table 5 note 10 be revised and listed as a development regulation.	Amended 7.4.19 – separated net loss from materials and added note 10 as a DR 7.4.xx
12b	**7 Shoreline Public Access**	**DR 7.4.29 Kah Tai Lagoon and Chinese Gardens** - Consider requesting no water access to Kah Tai (Public comment D.Jahnke)	Policy 7.3.17 through .19 supports.	We will pend changes until the public review process to ensure adequate consideration and understanding.
13	**8.8 Marinas, 8.10 Mooring Buoys,**	Numerous internal inconsistencies between related terms and provisions make implementation complex and confusing. re: number of boats/buoys	1. Current SMP uses inconsistent threshold for number of vessels served:	Simplified by eliminating overlap between Mooring Buoys and Marinas:

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	9.4 Docks, Piers & Floats, and Table 5	that constitutes a marina and what provisions apply to each specific use.	**8.8 Marinas** intro text defines marinas as serving "five or more" watercraft; **8.10 Mooring Buoys** intro text refers to 8.8 Marinas if "six or more" buoys are proposed; **15.4 Definition** of Marina states "six or more" watercraft; and **DR 9.4 Docks, Piers and Floats** intro text states that docks/piers/floats serving "five or more" boats are considered a marina. 2. The current SMP blurs the terms & applicable standards for 'mooring buoy fields' and 'marinas' 3. While Use Table 5 lists Marinas and Mooring buoys separately there is some inconsistency between the 'public' and 'private' distinctions in the table and the text. Public Mooring buoys are listed as "P" in Aquatic. DR 8.8.2 requires CUP for mooring buoy field, a term that is not defined. Buoys are also included in definition of "over-water structures" which	Still requires CUP if serving 5+; still limits to "transient" "public" (DR 8.10.1 and 2) Added to Table 5: Mooring buoy serving 5 or more vessels = "C" 8.10 – Remove introductory clause with cross reference to Marinas Move CUP requirement for mooring buoy fields (5+) from Marinas DR 8.8.2 to Mooring Buoys DR 8.10.1. Expand DR 8.10.1 to "transient" consistent with policy 8.10.1 and require maintenance plan to address waste and spills (similar to marinas). 8.10 intro: deleted language that classifies mooring buoys (5+) as marinas Revised use table and definitions 1. Marina: "A dock or basin providing secure moorings

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			would require buoys to comply with performance standards in 5.6 as well as 8.10 Mooring buoys which is unnecessary. Policy 8.10.7 implies only applies to mooring buoy "fields"	for boats and often offering supply, repair, and other facilities" (this is based on Marriam Webster defn.) 2. "over-water structure" delete buoys. Policy 8.10.7 Clarify "..mooring buoy ~~fields~~..."
14	**8.13 Residential – Development Regulations**	**1) Introduction – compare accessory and appurtenant structures to definition** **2) DR-8.13.1** Possible internal conflict - Compare 1.b. 'Grading does not exceed 250 cubic yards'; SMP 2.4 .D Exemptions from SDP; and SEPA exemption for clearing and grading associated with single-family residence	1) Consistent with the WAC, Chapter 15 defines garage, driveway, and fence as appurtenances; the intro in 8.13 is inconsistent. 2) DR 8.13.1 is consistent with SEPA categorical exemptions; however ECY commented SEPA exemption does not guarantee SDP exemption. **The SDP Exemption for construction of a single-family residence is already addressed** at SMP 2.4.D.6. Local Gov does not have discretion to modify the exemptions listed by statute/WAC."	1) Intro revised consistent with definition of appurtenance. 2) Deleted DR 8.13.1
14a	**SMP 9.3 Alteration of Natural Landscape - Clearing, Grading and Vegetation Removal**	Staff seeks clarification re: Forest Practices vs. Clearing vegetation and what triggers a permit.	Policy 9.3.1 Prohibit speculative clearing, grading or vegetation removal.	Expanded intro for clarity. Modified DR9.3.1 consistent with Policy 9.3.1 Related checklist items 2017e and 31a.

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			DR 9.3.1 and preceding Intro could be expanded to provided needed clarity and consistency with Policy 9.3.1.	
14b	**DR 9.3.1 b**	Critical areas permits are not issued in shorelines jurisdiction per case law Futurewise v. Hearing (2008)	b. The Note implies a separate critical areas permit which is not required in shorelines	Replaced language that a minor activities permit may be required with statement that removal of noxious weeds must comply with the City's critical areas regulations as required by 6.5.3.
14c	**9.3**	Not clear what mechanism (i.e., permit) is required.	Introductory paragraph clearly states vegetation removal is regulated. See Ecology's Shoreline Permitting Manual: Guidance for local governments (starting at page 5-1) Shoreline Vegetation Removal https://apps.ecology.wa.gov/publications/SummaryPages/1706029.html	Include language that clarifies that clearing and vegetation removal is regulated by this Master Program and the Port Townsend Municipal Code.
15	**9.4.1 Docks, Piers & Floats - Development Regulations** **Section 5.6 Aquatic** **Section 5.12 Boat Haven** **Section 5.13. Point Hudson**	Improve internal consistency and reduce overlap for various over water structures. There is 1significant overlap in the City SMP between Chapter 8 Specific Use Policies for Marinas and Mooring Buoys and Chapter 9 Specific Modifications for Docks, Piers & Floats. In addition,	1. **Liveaboards:** Policy 9.4.2 prohibits docks/piers/floats used for moorage of liveaboards except in existing marinas.. DR9.4.1 prohibits piers, docks and floats for "residential purposes"; however, Boat Haven (DR 5.12.2) and Point Hudson (Table 5.13-1) allow limited liveaboards.	1. Modify Policy 9.4.2 "discourage" vs. prohibit. Modified DR 9.4.1 with courtesy reference to Chapter 5 on liveaboards. Added to DR 5.6.1 Aquatic - liveaboards prohibited outside of existing marinas.

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	Chapter 8 Specific Use Policies)	given the unique historic over-water structures in PT, there is overlap in Section 5.6 Aquatic Environment Designation and Sections 5.12 Boat Haven and 5.13 Point Hudson These multiple overlaps can complicate implementation. Consider options to streamline text now or defer to a future SMP amendment. The SMP Guidelines address Piers & Docks separately as shoreline modifications (WAC 173-26-231), and Boating Facilities as a type of shoreline use (WAC 173-26-241). Local government has discretion for how their SMP groups/presents the various types of moorage and access use & development, as long as all minimum standards are met. Ecology's *SMP Handbook Chapter 12* provides additional guidance.	Section 5.6 Aquatic is silent on liveaboards. 2. **Boathouses/covered moorage** are prohibited overwater per DR 9.4.1: ensure consistency in Section 5.12 and 5.13 3. Per Section 9.4: docks, piers and floats that serve 4 or fewer boats are reviewed as "recreational facilities" (Section 8.12); however regulations in 8.12 do not address docks, piers, floats while the development regulations in 9.4 are relevant. 4. Inconsistent use of terms. Policy 5.6.6 says "rebuild"; DR 5.6.18 "redevelopment" 5. 5.6.11 - .16 Aquatic includes Design Elements for all over-water structures which would include docks, piers, and floats. 6. Compared Section 9.4 to WAC173-26-241 Boating Facilities and WAC 173-26-231 b. Piers and docks and Section 5.6 Aquatic – overwater structures	2. DR 5.12.2 and Table 5.12-1Prohibited uses in Boat Haven: Add boathouse/covered moorage waterward of OHWM. (See checklist 11-3) 3. Revise 9.4 delete reference to 8.12 Recreational. DR 5.6.2 clarify mooring buoys vs. generic "moorage" 4. Policy 5.6.6 revised to "redevelop" 5. DR 9.4.3 add reference to Design Elements for all over-water structures in Section 5.6 6. Revised Section 9.4 to improve consistency with WAC173-26-231 and 241. DR 9.4.2 streamlined and reference to 5.6. Moved DRs in 5.6 "Design Elements for all over-water

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			7. Intro in 9.4 Docks, Piers and Floats is inconsistent with definitions in Chapter 15 8. Term "required" in Policy 9.4.1 and DR 9.4.1(e) may not accurately reflect WAC 173-26-241 (3c) "new piers and docks shall be allowed only for water-dependent uses or public access.	structures" to 9.4 and cross referenced in 5.6. 7. Deleted first paragraph of introduction 8. Policy 9.4.1 and DR 9.4.1(e) revised to improve consistency with WAC 173-26-241 (3c) *See related checklist items 2011c, 2014a, 11 and 32*
16	**9.7 Shoreline Stabilization**	Change in local conditions - Due to ongoing SLR and new projections, applicant requests for increased bulkhead height are more frequent.	Consider allowing increased height of shoreline stabilization as an exemption. SMP 9.7 says additions to or increases in size of existing = new structure	No change. SSDP Exemptions can only be revised by state legislature.
17	**9.7.1 Shoreline Stabilization - Development Regulations**	Clarify permit process and applicable standards for when structural stabilization requires SSDP vs. exemption *See related Checklist Item 7*	SMP 9.7 addresses the WAC 173-27-040 exemption for construction of the normal protective bulkhead to protect existing single-family residence also addressed at SMP Section 2.4 Exemptions from Substantial Development Permit is inconsistent with the WAC. While the 2.4 SDP exemptions determine the permit process, the provisions of 9.7 still apply.	2.4D(3) replaced exemption text with specific WAC language. Modified intro to 9.7
18	**9.7.1 Shoreline Stabilization -**	Clarify regulations for stabilization measures based on type of proposed	Need to improve consistency with WAC 173-26-231 (3), eliminate	Revised Section 9.7 to reduce redundancies,

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	Development Regulations, 9.7.7 Shoreline Stabilization - Additional Regulations for "Hard" Stabilization Structures	action: new, expanded/enlarged, replacement, or repair	redundancy, and group like provisions to aid both applicants & practitioners.	improve consistency with WAC 173-26-231 (3); group similar regulations
18a	**DR 9.7.1**	*structural stabilization methods shall only be allowed when **all** of the following criteria are met:*	Reviewing to clarify if it is all or if one of the following criteria are met.	DR 9.7.1 clarified to require all criteria are met relating to demonstrating soft techniques are infeasible and no net loss.
19	**DR 9.7.11-9.7.13 Siting and Design for Hard Stabilization**	Terminology used is imprecise/internally inconsistent. Section and related use tables refers to bulkheads and in some places bulkhead and revetments. Regulations apply to the full suite of shoreline stabilization structures.	WAC 173-26-231 (3.a) uses the term "shoreline stabilization structure."	Throughout Section 9.7 replaced "bulkhead" "bulkhead and revetment" with "shoreline stabilization structure"
20*	**10 Administration & Permit Procedures; and** **PTMC 20.01.290**	Throughout 10.3 – 10.8; 10.13; and 10.15: SMP consistency with SMA/WAC, and for internal consistency between SMP and PTMC - Correct existing appeals procedures as needed. Consider clarifying footnotes in Table 10.8.1 Organization needs improvement. Repetitive language/language out of place.	The SMA establishes permit appeal procedures (RCW 90.58.140 and .180), therefore any local administrative appeals that would occur prior to the Ecology date of filing are not required and up to local discretion.-The SMP addresses permit appeals at 10.15 and several other parts of Section 10. 1. Sections 10.6, 10.7 & Table 10.8-1 - Local process for CUP/Variance	1. Deleted local administrative appeal for CUP/Variances: 10.1, 10.6.3, 10.6.4 and 10.7.2, 10.7.3; Table 10.8-1 2. Shoreline Exemption LUPA appeal process added to 10.3.2

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			currently allows for an administrative appeal prior to ECY approval, and then a second 21-day state appeal period (required). This local appeal step is optional and staff considers it duplicative/excessive. 2. Error- Type IA Shoreline Exemptions are administrative decisions appealable to Superior Court under LUPA (RCW 36.70C)), not to Shorelines Hearings Board. 3. Final local decision on both Type II and III SSDPs is appealable to SHB 4. Appeals section 10.15 lacks detail in addressing Shoreline Hearings Board 5. Permit revisions in 10.18 add basis of appeals per ECY Shoreline permitting manual. 20.01 lists Revisions to shoreline permits as a Type II; while SMP simply says notice to Parties of Record. Consider footnote in 20.01. e.g. 10.14.2a decision of Hearings Examiner may be further appealed as per 10.5 Appeals; delete PT City Council	3. Correct appeal process for SSDP in 10.5.2 4. Appeals to SHB added in 10.15 (now renumbered as 10.16) 5. Amended 10.18.4 (now renumbered as 10.19) to include basis of appeal. 6. Reorganized to improve implementation 7. Deleted repetitive language; moved out of place language.

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21	**10.3 Shoreline Exemptions**	Clarify expiration and filing of written Letter of exemptions	1. While the WAC does not establish a time period for SDP exemptions; City SMP Section 2.4A states "a letter of exemption expires in one year unless otherwise specified in the Letter of Exemption". 2. Per WAC 173-27-050; if federal Section 10 or 404 permit review also required, local government shall prepare and send a copy of a letter of exemption to ECY (Cross-reference #33)	1. 10.3.2 Added exemption language consistent with 2.4A 2. 10.4.2 Added requirement to send letter of exemption if federal permit also required.
22	**10.3.2 Shoreline Exemptions - Process (PTMC 20.01.040 Table 1)**	Consider Type II for a Shorelines Exemption involving critical areas review. Resolve inconsistency in permit type (and thus public noticing requirements).	Pursuant to SHB1653 the city can no longer require a separate critical area permit. What to do when SSDP Exemption (Type IA) involves critical areas review that would otherwise require a Type II permit? 9/24/20 PC did not seem inclined to amend SMP but rather to make CAO Type IA?	No Action.
22a	**10.13.1**	Review Criteria in 10.13.1 could be reworded to more closely correspond with the WAC and ECY permitting manual.	10.13.1 Requires that no permit shall be granted unless the proposed development is consistent with the SMP, SMA of 1971, and rules and regulations. Compare with: WAC 173-27-130(3)(b) *Findings and conclusions that establish the basis for the decision including, but not limited to, identification of shoreline environment*	*Need to revise to align with ECY* Permitting Manual states *The staff report -- with findings and conclusions -- establishes the basis for the decision. It should identify the shoreline environment designation, the applicable master program policies and regulations, and include an analysis of the*

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			designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC 173-27-140 through 173-27-170;	*consistency of the project with applicable review criteria for the type of permit(s).*
23	**10.14 Administrative Authority and Responsibility**	10.14.1.f lacks detail on process for Directors Interpretation for consistency with WAC requirements, and consistency with PTMC 20.01, 20.02.010, and 20.04.090	SMP gives DSD Director authority to interpret but process is not spelled out. PTMC 20.02.010 does not list SMP regulations May require corresponding edits to PTMC 20.01. 20.02. ensure consistency with WAC 173-26-140	Added new 10.15 Administrative Interpretations provisions with reference to PTMC 2002 and Section 2.1 liberal construction
24	**10.5 Shoreline Substantial Development Permits**	10.5.1 b states "construction of overwater structures or improvements waterward of the OHWM" require a SSDP.	SMP appears inconsistent with RCW 90.58.030 E definition of Substantial Development and exemptions from substantial development. Consider deleting 10.5.1b to improve consistency with RCW.	Added "if not exempt per Section 2.4".
24a	**10.4 Minor Shoreline Substantial Development Permits**	Consider requiring a Minor Substantial Development Permit for any development exempt under SEPA.	Permitted developments that are exempt under SEPA will be processed as a Type II permit to better align SMP permitting process with permitting process for SEPA exempt activities and Type II permits (outside of shoreline jurisdiction).	Amended 10.4.1 to include development that is categorically exempt under SEPA as adopted by PTMC 19.04 to list of activities that require a Minor SSDP.
25	**10.14.2 Hearing Examiner**	Internal consistency - Minor SSDPs are Type II administrative decisions, while Type III SSDPs go to the HEx: Ensure	10.14.2.a does not specify how appeals of a Hearing Examiner permit decision are addressed; Such	Amended 10.14.2.a appeals of HEx. Decision go to SHB.

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		consistency with 10.14.3 recently revised per Ord. 3062 to remove Council from decisions on HEx appeals?? Similar to checklist item 20.	decisions previously were decided by City Council.	
26	**10.17 Duration of Permits**	SMP lacks specificity re: time requirements of permit (i.e., expiration) and the need for an applicant to demonstrate action	Directors Interpretation ADM17-004; ECY Administrator's Manual- 1994 Edition M-82 "as a general matter this should be read to include administrative processes that are outside of the applicants control where the applicant can demonstrate that the project has been actively pursued." WAC173-27-090. RCW 90.58.140(5) sets forth time limitations for start of construction; SMP is silent.	10.18.1 and 10.18.2 added "The applicant may be required to demonstrate that the project and associated permits have been actively pursued." Added 10.13.6 Start of Construction per RCW 90.58.140(5)
27	**10.17 Duration of Permits**	SMP does not include language to address vested status and recission of permits per SMA and case law and local government examples: • *Potala Village Kirkland, Llc, v. City of Kirkland* (2014); "Within the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality." • *Erickson & Assocs., Inc. v. McLerran* (1984).	RCW 90.58.140(8) allows for rescinding a permit, 10.14.1 gives the Shoreline Administrator authority for permit approvals and administrative decisions, but 10.17.3 Permit Extension lacks specificity re: permit vesting and recission. Ecology's Shoreline Permitting Manual also provides guidance.	10.17.3c Vesting – partially addressed. (Consider additional future amendments to PTMC 20.01). Added new 10.20 Permit Rescinding provision to allow that Shoreline Administrator may rescind a permit.

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		• Bellevue 20.25E.250 and Redmond examples on MRSC http://mrsc.org/Home/Explore-Topics/Legal/Planning/Vested-Rights.aspx		
28	**10.17Duration of Permits**	10.17.2 Permit Extension- Allows for a single extension up to 1-year but lacks specificity on who has the authority to grant an extension; what are 'reasonable factors', timing of construction commencement and completion; and the administrative process	RCW 90.58.143, WAC 173-27-090 and –100(4) establish limited allowances for permit extensions.	10.17.3 Permit Extension expanded to include more specific provisions
29	**10.18 Permit Revisions**	Possible internal conflict between SMP 10.18, PTMC 20.01.040, WAC 173-27-100 and ECY Guidance.	SMP must be consistent with SMA & WAC, and avoid/minimize conflict with PTMC. 20.01.040 Table 1 identifies permit revision as Type II permit, which would require notice to APO's, on-site posting & a legal ad. SMP simply says that Revisions require notice to Parties of Record.	10.18.2 renumbered as 10.19.2 amended to Clarify Permit Revisions are processed as a Type I permit.
30	**10.3 Procedures for Processing Shoreline Permits**	SMP does not specify that permit conditions run with the land and must be satisfied prior to use/occupancy	SMP 2.4.A allows the Shoreline Administrator to attach conditions to an SSDP Exemption; 10.6.1 allows special condition for a SUP; Ecology guidance clarifies that "conditions run with the land" and are in effect even after the project has been built and the five-year permit authorization has expired". (ECY Shoreline Permitting Manual revised Nov. 2019 Publication No. 17-06-029)	Added New Section 10.3. 2 Conditions

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			~~Administrator's Manual 1994 Edition M-82)(~~	
31	**14 Shoreline Restoration**	Restoration Plan does not have regulatory effect and should not be codified.	ECY strongly recommends removal from SMP to present as a stand-alone document; doing so also gives the City fore flexibility for future revisions to the Plan without triggering a formal SMP Amendment.	Modified Policy 4.8.1 to reflect stand alone Restoration Plan that may be updated without formal SMP amendment. Delete Policy 4.8.6 Modified 5.7 Natural Designation Criteria #4 to reflect stand alone Restoration Plan. Delete Chapter 14 to present separately as a stand-alone document
31a*	**15.4 Definitions: C-F**	a. "clearing" mixes forest practice terms. b. "critical saltwater habitat" not defined. c. "Dock" definition includes pier d. "feeder bluff" definition is outdated. e. "Floodplain" graphic is for floodways on a riverine system. f. "Forest Practice" is not defined g. "fill" is not defined	a. Clearing: Best to keep terms separate and distinct. Consistency with Section 9.3 Alteration of Natural Landscape- Clearing, Grading and Veg Removal could be improved. b. If deleting Appendix F, suggest adding definition of critical saltwater habitat. c. Pier is defined as a fixed pile supported structure. Delete "pier" from the definition of dock. d. Feeder bluff: Ecology suggested newer & more concise definition	Revised/added all definitions per ECY recommendation and to improve internal consistency *a) See related Checklist item 2017e*

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			from our 2014 Puget Sound Feeder Bluff publication (pages iv and 20) e. there are no riverine systems in the city limit. Replace with marine graphic and add note to reference. f. Ecology suggests adding "Forest Practice" definition g. replace term 'landfill' with "fill" for better consistency with WAC 173-26-231(3.c)	
32	**15.4 Definitions: G to O**	a. "landfill" not in the WAC b. Add definition of "liveaboard" distinguish from floating home/FOWR	a. replace term 'landfill' with "fill" for better consistency with WAC 173-26-231(3.c) While staff is unaware of any floating homes or FOWRs in the city limits, we do have an allowance for a limited number of liveaboards (*on a vessel*).	a. Deleted definition of landfill. Added "fill" see 31a above. b. Definition of *liveaboard* added.
33*	**15.4 Definitions: G to O**	a. Definition of "100-year flood" duplicative of "floodplain" b. Modify definition of "Marine bluff" consistent with proposed revisions to CAO.	a. remove duplicate definitions. b. Comment letter C (McInvale 4/16/20) identifies possible loophole. Review and revise if necessary . (LEG Dan McShane for 61 Vista determined no wave action.)	A. Removed duplication (refers to definition of "floodplain") b. Removed LSMT bluffs from 19.05.020 definition of "marine bluff". Cross-reference #48
34	**15.4 Definitions: G to O**	"Height, building" 'Building Height' above refers to this definition as 'Height'	For better internal consistency, and for consistency with RCW 90.58.320	Amended definition: Height, Building – for

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			that addresses 'structures' not only buildings, and because overwater structures are typically not 'buildings' revise this SMP definition to just 'Height'; Clarify, for over-water structures, height is measured from the surface of abutting street grade	consistency with SMA, PTMC, and internal consistency with other SMP terms/provisions.
35	**15.4 Definitions: G to O**	Internal inconsistency for definition of "Marina" and Section 8.8	Address inconsistency with definition of marina. As part of adoption, Ecology required City to modify 8.8 and 9.4 to "four or fewer" whereas definition of marina is 6. WAC173.26.241(3) (c) establishes that our boating facility standards do not apply to SFR docks for 4 or fewer homes; SMP needs to ensure clear definitions, consistent use of terms, and distinct provisions for all related uses/structures. ECY suggested 'friendly amendments' to better differentiate the primary & accessory parts common to a marina development.	Amended definition per ECY recommended edits deletes reference to number of boats.
35a	**15.7 Definitions: U to Z**	Existing SMP predated EV charging stations. It is unclear how this use is classified and therefore whether it is a permitted use in shorelines jurisdiction.	15.7 includes definition of "primary" and "accessory" utilities. Table 5, 5.12 and 5.13 identify utilities as permitted, conditional, prohibited for each shoreline designation.	Amend "accessory utility" to include EV charging stations
35b	**15.6 Definitions: S to T**	Every reference to sign in the SMP references the PTMC, remove definition of sign.	15.6 includes definition of "sign"	Delete definition of sign and rely on references to PTMC.

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36	**Appendix C Special Height Overlay (Chapter 17.28 PTMC)**	PTMC Chapter 17.28 Special Height Overlay District was revised in 2010 (Ord 3034)	SMP text relies on PTMC 17.28 Special Height Overlay District provisions; the 2007 version is included as Appendix C, but is now out-of-date	Deleted Appendix C and rely on SMP text references to PTMC 17.28 to ensure most current version applies; and to avoid future SMP amendment when 17.28 is further revised.
37	**Appendix E Critical Areas Ordinance (No. 3198, May 21, 2018)**	Appendix E will become outdated with SMP amendments	SMP 6.1, Policy 6.5.3, DR-6.5.1, and DR-6.5.3 incorporate PTMC 19.05 by reference, with numerous additional cross references to 19.05 and inclusion as Appendix E. Concurrent revisions to 19.05 are being proposed - need to ensure SMP relies upon the most current version of the CAO to optimize consistency..	Deleted Appendix E.
37a	**Appendix F Critical Saltwater Habitats**	This 2007 era content limits the City from relying on the most current, accurate science & technical info as required by WAC 173-26-201(2.a)	While the 2002 era Shoreline Inventory, Characterization, and other related analyses and compilations of technical information still have merit, some data sets have been replaced with more current information; some resource agency web links may no longer be accurate/active.	Deleted
38	**Appendix H Permit Data Sheet (WAC 173-27-990, Appendix A)**	This form is not required to be part of the SMP and this 2007 version may be out of date.	SMP text refers to 'WAC173-27-990 Appendix A' but also includes the form as SMP Appendix H. This approach is duplicative and does not ensure use of the most current version of the required form.	Deleted

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39	**Appendix G. Public Access Enhancement Projects**	This 2007 era evaluation and list of recommended projects is not required as part of the SMP; It's inclusion means it can only be updated by a formal SMP Amendment.	These recommended projects do not have regulatory effect, but are provided to help facilitate improvements to public access opportunities. If presented as a separate stand-alone document, the City could keep these recommendations up-to-date, as needed, without requiring a formal SMP Amendment.	Deleted
40	**NEW 8.17 Breakwaters; and** **DR 9.6.1** **9.7 Shoreline Stabilization Measures** **Tables 5 and 5.13**	The primary issue facing the historic district is damage to historic structures due to wave energy as a result of sea level rise. Breakwaters can be used to suppress wave energy along the southern shoreline and protect historic structures temporarily as opposed to retreat.	Breakwaters can be used to help protect historic structures temporarily while making a plan protect them which would require federal permits/mitigation and be a more aggressive undertaking given the constrained nature of the shoreline.	Added a section in Chapter 8 providing prescriptive standards for breakwaters. DR 9.6.1 Exempt pile analysis for breakwaters 9.7 Added discussion of breakwaters 9.7.1 and 9.7.3 Future inundation considerations for shoreline stabilization. Table 5 and 5.13 additions for breakwaters
41	**11.3.1**	Per public input, there was concern that over-water structures on Water Street would not be able to be reconstructed as they are non-conforming.	SMP currently allows residential dwelling units that are non-conforming and are damaged by a catastrophe to be reconstructed up	Relaxed conformance requirement if >50% of a historic structure is

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			to their size/density that existed prior to the catastrophe. Consider including historic structures in the Historic District as non-conforming buildings that may be reconstructed.	damaged in the Historic District.
Companion PTMC Amendments				
PTMC 20.01 Land Development Administrative Procedures				
51	**20.01/20.02 (*not in ECY purview)**	Clarify process for Directors Interpretation – reference 20.01	Cross-reference SMP 10.14 Table 12 Move Shoreline Permit Revisions to Type I – WAC 173-27-100 only requires notice to parties of record. Check consistency with 90.58.190	