

SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

This checklist is for use by local governments to satisfy the requirements of WAC 173-26-201(3)(a), relating to submittal of Shoreline Master Programs (SMPs) for review by the Department of Ecology (Ecology) under Chapter 173-26 WAC. The checklist does not create new or additional requirements beyond the provisions of that chapter.

DOCUMENTATION OF SMP DEVELOPMENT PROCESS	3
PUBLIC INVOLVEMENT, COMMUNICATION, AND COORDINATION	3
SHORELINE INVENTORY	5
SHORELINE ANALYSIS	6
SMP CONTENTS.....	9
ENVIRONMENT DESIGNATIONS	10
NATURAL ENVIRONMENT. WAC 173-26-211(5)(A)	10
RURAL CONSERVANCY. WAC 173-26-211(5)(B)	11
AQUATIC. WAC 173-26-211(5)(C)	11
HIGH-INTENSITY. WAC 173-26-211(5)(D).....	12
URBAN CONSERVANCY. WAC 173-26-211(5)(E).....	13
SHORELINE RESIDENTIAL. WAC 173-26-211(5)(F)	13
GENERAL POLICIES AND REGULATIONS	14
ARCHAEOLOGICAL AND HISTORICAL RESOURCES. WAC 173-26-221(1).....	14
CRITICAL AREAS. WAC 173-26-221(2).....	15
WETLANDS. WAC 173-26-221(2)(C)(I)	15
GEOLOGICALLY HAZARDOUS AREAS. WAC 173-26-221(2)(C)(II).....	16
CRITICAL SALTWATER HABITATS. WAC 173-26-221(2)(C)(III).....	16
CRITICAL FRESHWATER HABITATS. WAC 173-26-221(2)(C)(IV)	17
FLOOD HAZARD REDUCTION. WAC 173-26-221(3).....	17
PUBLIC ACCESS. WAC 173-26-221(4)	18
VEGETATION CONSERVATION (CLEARING AND GRADING). WAC 173-26-221(5)	18
WATER QUALITY. WAC 173-26-221(6)	18
SHORELINE MODIFICATIONS	19
SHORELINE STABILIZATION. WAC 173-26-231(3)(A)	19
PIERS AND DOCKS. WAC 173-26-231(3)(B)	20
FILL. WAC 173-26-231(3)(C)	20
BREAKWATERS, JETTIES, AND WEIRS. WAC 173-26-231(3)(D).....	21
DUNES MANAGEMENT. WAC 173-26-231(3)(E).....	21
DREDGING AND DREDGE MATERIAL DISPOSAL. WAC 173-26-231(3)(F).....	21
SHORELINE HABITAT AND NATURAL SYSTEMS ENHANCEMENT PROJECTS. WAC 173-26-231(3)(G)	22
SPECIFIC SHORELINE USES	22
AGRICULTURE. WAC 173-26-241(3)(A)	22
AQUACULTURE. WAC 173-26-241(3)(B)	23
BOATING FACILITIES. WAC 173-26-241(3)(C).....	23
COMMERCIAL DEVELOPMENT. WAC 173-26-241(3)(D)	23
FOREST PRACTICES. WAC 173-26-241(3)(E).....	24
INDUSTRY. WAC 173-26-241(3)(F)	24
IN-STREAM STRUCTURES. WAC 173-26-241(3)(G)	25
MINING. WAC 173-26-241(3)(H).....	25
RECREATIONAL DEVELOPMENT. WAC 173-26-241(3)(I).....	25
RESIDENTIAL DEVELOPMENT. WAC 173-26-241(3)(J)	26
TRANSPORTATION FACILITIES. WAC 173-26-241(3)(K)	26
UTILITIES. WAC 173-26-241(3)(L)	27
SMP ADMINISTRATIVE PROVISIONS	27

INSTRUCTIONS

This checklist is intended to help in preparation and review of local shoreline master programs (SMPs). Local governments should include a checklist with all SMPs submitted for review by Ecology.

Information provided at the top of the checklist identifies what local jurisdiction and specific amendment (e.g. comprehensive update, environment re-designation or other topic) the checklist is submitted for, and who prepared it. Indicate in the location column where in the SMP (or other documents) the requirement is satisfied. If adopting other regulations by reference, identify what specific adopted version of a local ordinance is being used, and attach a copy of the relevant ordinance (*see example 1, below*).

Draft submittals: For draft submittals, local governments may use the Comments column to note any questions or concerns about proposed language. Ecology may then use the Comment field to respond (*see example 2, below*).

Final submittals: When submitting locally-approved SMPs for Ecology review, leave the comment field blank. Ecology will use the comment field to develop final comments on the SMP.

Ecology has attempted to make this checklist an accurate and concise summary of rule requirements, however the agency must rely solely on adopted state rules and law in approving or denying a master program. This document does not create new or additional requirements beyond the provisions of state laws and rules [WAC 173-26-201(3)(a)].

EXAMPLE 1: reference other documents if necessary

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).	Appendix A: Shoreline Inventory and Analysis, Section 2.	
Wetland buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)	City Ordinance CA 19.072, adopted July 17 2003, p. 32	

EXAMPLE 2: for draft submittals, use Comments column

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
High-intensity environment designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (<i>see RCW 36.70A.070</i>) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)	Urban Industrial, p. 15 Urban Mixed, p. 18 Also see Appendix B, Use Analysis, Chapter 3, p. 12.	Local government: SMP includes two urban designations that meet high-intensity criteria – Urban Industrial, and Urban Mixed. These alternative designations allow more specificity for public access, view and amenity requirements for the mixed use areas. Ecology: Proposed alternative designations are consistent with the purposes and policies of the high-intensity criteria, as per WAC 173-26-211(4)(c).

<p>Acronyms and abbreviations</p> <p>comp plan: Comprehensive Plan CUP: Conditional Use Permit SMA: Shoreline Management Act, RCW 90.58 SMP: Shoreline Master Program SSWS: Shorelines of Statewide Significance WAC: Washington Administrative Code</p> <p><i>Washington Department of Ecology SMP Submittal Checklist</i></p>	<p>For more information</p> <p>www.ecy.wa.gov/programs/sea/SMA/index.html</p> <p>Ecology SMA Policy Lead: Peter Skowlund: (360) 407-6522</p>
---	---

SHORELINE MASTER PROGRAM SUBMITTAL CHECKLIST

Prepared for: City of Covington (Jurisdiction Name)		
Name of Amendment: Shoreline Master Program Update		
Prepared by: Gabe Snedeker (Name)		
Date: Revised 11/30/2010		

<i>STATE RULE (WAC) REQUIREMENTS</i>	<i>LOCATION</i>	<i>COMMENTS</i>
DOCUMENTATION OF SMP DEVELOPMENT PROCESS		
Public involvement, communication, and coordination		
Documentation of public involvement throughout SMP development process. WAC 173-26-201(3)(b)(i) and WAC 173-26-090 and 100. For SSWS, see WAC 173-26-251(3)(a)	Shoreline Analysis Report, Appendix A (Info Request Letter), this checklist and the City Council resolution that will accompany the formal transmittal to DOE.	An information request letter was mailed out to applicable state agencies, adajacent jurisdictions, affected Indian tribes, non-profit groups and other stakeholders. Covington formed an SMP task force comprised of interested parties to assist with the development of the SMP. The Task force has met at least six times. Planning Commission review, a public hearing and initial City Council action will occur in Spring 2009. Public involvement events as outlined in Covington's SMP Public Participation Plan exceed the requirements for public involvement specified in the SMA.
Documentation of communication with state agencies and affected Indian tribes throughout SMP development. WAC 173-26-201(3)(b)(ii) and (iii), WAC 173-26-100(3). For saltwater shorelines, see WAC 173-26-221(2)(c)(iii)(B). For SSWS, see WAC 173-26-251(3)(a).	References and Bibliography, Pg. 71-72 of shoreline analysis report dated 11/2010 Appendix A: Information Request Letter and Distribution List	Documents contacts.

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Demonstration that critical areas regulations for shorelines are based on the SMA and the guidelines, and are at least equal to the current level of protection provided by the currently adopted critical areas ordinance. WAC 173-26-221(2)(b)(ii),(iii) and (c).</p>	<p>Section 2.1, pg. 7 of the Shoreline Analysis Report. pages 36-38 and Appendix A of the Draft Shoreline Master Program.</p>	<p>Covington updated their Critical Areas Ordinance in 2005, using BAS. Protections in the SMA, including identical buffers, for Jenkins Creek and Big Soos Creek in the SMA are similar and provide equal or greater protection for these features, but more specificity and flexibility for recreation and water dependent uses. Regulations for the Pipe Lake Shoreline provide greater flexibility for water related uses, but ensure no net loss and with the inclusion of new incentives are expected to result in greater protection and enhancement of the Pipe Lake shoreline than under previous CAO regulation. Regulations for wetlands and other critical areas in the SMA are virtually identical to current CAO provisions.</p> <p>The City adopted the CAO by direct reference with additions and deletions to ensure compliance with Guideline standards.</p>
<p>Documentation of process to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights. See <i>"State of Washington, Attorney General's Recommended Process for Evaluation of Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property."</i> WAC 173-26-186(5).</p>		<p>Public Involvement process is documented in this checklist and will be documented in the Council resolution prior to transmittal to DOE. The Attorney General's recommended evaluation process has been followed as regulations and administrative processes are developed. Regulations assure no net loss, but regulatory requirements have a clear nexus and rough proportionality to impacts from development and reasonable economic use of private property is maintained under the SMP.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Final submittal includes:</p> <ul style="list-style-type: none"> evidence of local government approval (or a locally approved “statement of intent to adopt”); new and/or amendatory text, environment designation maps (with boundary descriptions and justification for changes based on existing development patterns, biophysical capabilities and limitations, and the goals and aspirations of the local citizenry); a summary of the proposal together with staff reports and supporting materials; evidence of SEPA compliance; copies of all comments received with names and addresses. <p>WAC 173-26-110</p> <p>Submittal must include clear identification and transmittal of all provisions that make up the SMP. <i>This checklist, if complete, meets this requirement.</i> WAC 173-26-210(3)(a) and (h).</p>	<p>These items will be included in the Final submittal to DOE and related resolution.</p>	
Shoreline Inventory		
<p>Inventory of existing data and materials. WAC 173-26-201(3)(c)(i) through (x).</p> <p>For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(A)&(B).</p>	<p>References and Bibliography, Pg. 70-72 of the Shoreline Analysis Report</p>	<p>Lists significant documents collected during the inventory process and summarized in the body of the report. Inventory map folio contained in Appendix D.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Shoreline Analysis		
<p>Characterization of shoreline ecosystems and their associated ecological functions that:</p> <ul style="list-style-type: none"> identifies ecosystem-wide processes and ecological functions; assesses ecosystem-wide processes to determine their relationship to ecological functions; identifies specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes. WAC 173-26-201(3)(d)(i)(A). <p>Demonstration of how characterization was used to prepare master program policies and regulations that achieve no net loss of ecological functions necessary to support shoreline resources and to plan for restoration of impaired functions. WAC 173-26-201(3)(d)(i)(E).</p> <p>For vegetation, see WAC 173-26-221(5). For jurisdictions with critical saltwater habitats, see WAC 173-26-221(2)(c)(iii)(B).</p> <p>Description of data gaps, assumptions made and risks to ecological functions associated with SMP provisions. WAC 173-26-201(2)(a)</p> <p>Characterization includes maps of inventory information at appropriate scale. WAC 173-26-201(3)(c)</p>	<p>Pg. 39-57 of the Shoreline Analysis Report addresses ecosystem-wide processes, functions and measures to protect and restore.</p> <p>Pages 58-61 of the Shoreline analysis report analyzes land use and implications for shoreline management and regulation.</p> <p>Pages 61-68 of the Shoreline Analysis Report relates specific findings of the characterization to recommended policies and regulations.</p> <p>Shoreline Restoration Plan, including Section 2 (Inventory Summary) and Section 3 (Restoration Goals and Objectives) relate the shoreline characterization to the restoration plan. Please also see Section 7.2 of the Shoreline Analysis Report that provides the recommendations on which the Restoration Plan is based.</p> <p>Vegetation characterization and conservation are addressed in the above sections of the Shoreline Analysis Report and specific policies and regulations addressing vegetation are contained in the Draft SMP, as noted in the relevant sections of this checklist.</p> <p>No major data gaps were noted, new primary data was collected for shoreline armoring and docks.</p> <p>See Appendix D, Shoreline Analysis Report for Map Folio.</p>	<p>Evaluates the functional performance of shoreline segments in relation to ecosystem-wide processes.</p> <p>Provides recommendations for Environmental Designations based on characterization of shoreline segments. Additional analysis of critical areas compliance with SMA will occur during SMP development.</p> <p>Map folio includes maps of inventory information and ecological function.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Use analysis estimating future demand for shoreline space and potential use conflicts based on characterization of current shoreline use patterns and projected trends. Evidence that SMP ensures adequate shoreline space for projected shoreline preferred uses. Public access needs and opportunities within the jurisdiction are identified. Projections of regional economic need guide the designation of "high-intensity" shoreline. WAC 173-26-201(3)(d)(ii) & (v); WAC 173-26-211(5)(d)(ii)(B)</p> <p>For SMPs that allow mining, demonstration that siting of mines is consistent with requirements of WAC 173-26-241(3)(h)(i).</p> <p>For SSWS:</p> <ul style="list-style-type: none"> evidence that SMP preserves adequate shorelands and submerged lands to accommodate current and projected demand for economic resources of statewide importance (e.g., commercial shellfish beds and navigable harbors) based on statewide or regional analyses, requirements for essential public facilities, and comment from related industry associations, affected Indian tribes, and state agencies. Evidence that public access and recreation requirements are based on demand projections that take into account activities of state agencies and interests of the citizens to visit public shorelines with special scenic qualities or cultural or recreational opportunities. WAC 173-26-251(3)(c)(ii) & (iii) Optimum implementation directives incorporated into comp plan and development regulations. WAC 173-26-251(2) & (3)(e) <p>For GMA jurisdictions, SMP recreational provisions are consistent with growth projections and level-of-service standards contained in comp plan. WAC 173-26-241(3)(i)</p>	<p>Pg. 58-61 of the Shoreline Analysis Report.</p> <p>Mining is not allowed in the SMA under the Covington SMP (see Draft SMP, Use Regulations, page 79.)</p> <p>Pg. 14, 26, 30, 34, and 67 in the Shoreline Analysis Report and Map Figure 12</p>	<p>Existing land uses, likely changes in land uses and implications for shoreline management are described and appropriate environmental designations are recommended to ensure adequate shoreline space for projected uses.</p> <p>Because streams in Covington are not navigable and because Pipe Lake does not allow gas powered boats, demand for many water dependent uses typically found in other shoreline jurisdictions, is not present in Covington. However, demand for water enjoyment uses is projected and recommended environmental designations address this need. See discussion below.</p> <p>Covington has no SSWS.</p> <p>Planning documents reviewed during the inventory noted a significant need for recreational areas. This need is addressed by recommending Urban Conservancy designations in three shoreline areas. These new environmental designations will foster the use of these shoreline areas for recreational purposes consistent with growth projections, LOS standards, policies and recommended projects contained in Covington's Comprehensive Plan.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Restoration plan that:</p> <ul style="list-style-type: none"> identifies degraded areas, impaired ecological functions, and potential restoration sites; Establishes restoration goals and priorities, including SMP goals and policies that provide for restoration of impaired ecological functions; Identifies existing restoration projects and programs; Identifies additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources sets timelines and benchmarks for implementing restoration projects and programs; provides mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals. WAC 173-26-186(8)(c); 201(2)(c)&(f) <p>For critical freshwater habitats: incentives to restore water connections impeded by previous development. WAC 173-26-221(2)(c)(iv)(C)(III).</p> <p>For SSWS, identification of where natural resources of statewide importance are being diminished over time, and master programs provisions that contribute to the restoration of those resources. WAC 173-26-251(3)(b)</p>	<p>Pg. 13 of the Restoration Plan identified degraded areas, impaired ecological functions and potential restorations sites. A list of restoration goals and objectives are provided on pages 5-7 of the Restoration Plan. Priorities are identified on pages 16-20, projects and programs on pages 7-12, additional projects on pages 12-14, implementation strategies on pages 14-16 (including funding, timelines, targets, methods and benchmarks) and recommended monitoring measures and specifically identified on page 16.</p>	<p>The Restoration Plan addresses all of the required elements identified in the DOE guidelines.</p>
<p>Evidence that each environment designation is consistent with guidelines criteria [WAC 173-26-211(5)], as well as existing use pattern, the biological and physical character of the shoreline and the goals and aspirations of the community. WAC 173-26-211(2)(a). WAC 173-26-110(3)</p> <p>Lands designated as “forest lands of long-term significance” under RCW 36.70A.170 are designated either natural or rural conservancy shoreline environment designations. WAC 173-26-241(3)(e).</p> <p>For SSWS, demonstration that environment designation policies, boundaries, and use provisions implement SMA preferred use policies of RCW 90.58.020(1) through (7). WAC 173-26-251(3)(c)</p>	<p>Pg. 59-62 of the Shoreline Analysis Report</p> <p>Full environment descriptions on pages 54-66 of the Draft SMP (Chapter 5 - Shoreline Environments)</p>	<p>Provides recommendations for Environmental Designations based on characterization of shoreline segments. These designations are reflected in the Shoreline Environments in Chapter 5 of the DRAFT SMP. Covington does not contain any forest lands of long-term significance or SSWS.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Assessment of how proposed policies and regulations cause, avoid, minimize and mitigate cumulative impacts to achieve no net loss policy. Include policies and regulations that address platting or subdividing of property, laying of utilities, and mapping of streets that establish a pattern for future development. Evaluation addresses:</p> <p>(i) <i>current circumstances</i> affecting the shorelines and relevant natural processes;</p> <p>(ii) reasonably <i>foreseeable future development</i> and use of the shoreline (including impacts from unregulated activities, exempt development, and other incremental impacts); and</p> <p>(iii) <i>beneficial effects</i> of any established regulatory programs under other local, state, and federal laws. WAC 173-26-201(3)(d)(iii) and WAC 173-26-186(8)(d)</p> <p>For jurisdictions with critical saltwater habitats, identification of methods for monitoring conditions and adapting management practices to new information. WAC 173-26-221(2)(c)(iii)(B).</p> <p>For SSWS, evidence that standards ensuring protection of ecological resources of statewide importance consider cumulative impacts of permitted development. WAC 173-26-251(3)(d)(i)</p>	<p>Cumulative Impacts Analysis performed and provided to DOE on July 2009</p>	<p>.</p>
SMP CONTENTS		
<p>Any goals adopted as part of the SMP are consistent with the SMA. (<i>Note: Goal statements are not required.</i>)</p>	<p>Pg. 28-32 of the SMP contains goals of the SMP consistent with the SMA.</p>	
<p>Policies (A) are consistent with guidelines and policies of the SMA; (B) address elements of RCW 90.58.100; and (C) include policies for environment designations, accompanied by a map or physical description of designation boundaries in sufficient detail to compare with comprehensive plan land use designations. (D) are consistent with constitutional and other legal limitations on regulation of private property. WAC 173-26-191(2)(a)(i)</p> <p>SMP implements preferred use policies of the SMA. WAC 173-26-201(2)(d)</p>	<p>Elements of RCW 90.58.100 are specifically called out and addressed on pages 28-32 of the SMP. Policies for environment designations are discussed on pages 54-66. Figure 1 of the SMP contains a map that provides the location of the environment designations in addition to the physical description.</p> <p>The SMP implements the preferred use policies of the SMA. This is reflected in pages 54-66 (environment designations), use policies and regulations (see in particular Table 1 on page 67-69), Commercial use policies on pages 77-78, Recreational use policies on page 80, and modification policies and regulations (see in particular Table 4 on pages 94-95).</p>	<p>It is important to note that the City of Covington SMA does not contain any "habor areas" and no other areas that have commercial navigational accessibility. There are no known water dependent uses in Covington and do to the above factors, no water dependent uses are anticipated. However, they are still allowed and encouraged and the applicable use preferences of WAC 173-26-251(2) have been applied. This is evident in the designation of the highest quality and most sensitive portions of the SMA as Urban Conservancy, the emphasis on water-related and water-enjoyment uses, the provision of ample and appropriate areas for single family residential uses, and limitations on non-water oriented uses, such as parking and ball fields and only very limited and existing developed areas where general commerical uses can locate in the SMA.</p>

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Regulations: (A) are sufficient in scope and detail to ensure the implementation of SMA, SMP guidelines, and SMP policies; (B) include environment designation regulations; (C) include general regulations, use regulations that address issues of concern in regard to specific uses, and shoreline modification regulations; and, (D) are consistent with constitutional and other legal limitations on the regulation of private property. WAC 173-26-191(2)(a)(ii)</p>	<p>Chapter 4 - General Policies and Regulations</p> <p>Chapter 5 - Shoreline Environment Policies and Regulations</p> <p>Chapter 6 - Specific Use Policies and Regulations</p> <p>Chapter 7 - Shoreline Modification Policies and Regulations</p>	<p>Regulations are sufficient in scope and detail and address what uses and modifications are allowed where and under what standards and conditions. Regulations have a direct nexus and rough proportionality to the specific impacts of that use or modification and provide for more detailed studies and conditions at time of permit submittal and decision.</p>
ENVIRONMENT DESIGNATIONS		
<p>Each environment designation includes: Purpose statements, classification criteria, management policies, and regulations (types of shoreline uses permitted, conditionally permitted, and prohibited; building or structure height and bulk limits, setbacks, maximum density or minimum frontage requirements, and site development standards). WAC 173-26-211(2)(4).</p>	<p>Each environment designation in Chapter 5 contains purpose statements, designation criteria, designated area, management policies and regulations, e.g. Shoreline Residential, pages 59-61, note minimum lot width of 60 feet. Please also note references to development standards contained in Chapter 6, particularly shoreline use table on page 67-69 and table of dimensional standards on page 70.</p>	
<p>An up-to-date map accurately depicting environment designation boundaries on a map. If necessary, include common boundary descriptions. WAC 173-26-211(2)(b); WAC 173-26-110(3);</p>	<p>Figure 1, SMP Designations Map</p>	
<p>Statement that undesigned shorelines are automatically assigned a conservancy environment designation. WAC 173-26-211(2)(e).</p>	<p>Page 54, last sentence, second full paragraph, of the SMP contains this statement</p>	
Natural environment. WAC 173-26-211(5)(a)		
<p>Designation criteria: Shorelines that are ecologically intact and performing functions that could be damaged by human activity, of particular scientific or educational interest, or unable to support human development without posing a safety threat. WAC 173-26-211(5)(a)(iii)</p>	<p>N/A</p>	<p>Through the course of the Shoreline inventory, analysis and public involvement it was determined that no shorelines in the City of Covington meet the designation criteria for Natural.</p>
<p>Prohibition on new:</p> <ul style="list-style-type: none"> uses that would substantially degrade ecological functions or natural character of shoreline. WAC 173-26-211(5)(a)(ii)(A) Commercial uses; industrial uses; nonwater oriented recreation; roads, utility corridors, and parking areas. WAC 173-26-211(5)(a)(ii)(B) development or significant vegetation removal that would reduce the capability of vegetation to perform normal ecological functions. WAC 173-26-211(5)(a)(ii)(G) subdivision of property in a configuration that will require significant vegetation removal or shoreline modification that adversely impacts ecological functions. WAC 173-26-211(5)(a)(ii)(G) 		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
For single family residential development : limits on density and intensity to protect ecological functions, and requirement for CUP. WAC 173-26-211(5)(a)(ii)(C)		
For commercial forestry : requirement for CUP, requirement to follow conditions of the State Forest Practices Act. WAC 173-26-211(5)(a)(ii)(D)		
For agriculture : low intensity use allowed if subject to appropriate limits or conditions to assure that the use does not expand or practices don't conflict with purpose of the designation. WAC 173-26-211(5)(a)(ii)(E)		
Low intensity public uses such as scientific, historical, cultural, educational research uses, and water-oriented recreational access allowed if ecological impacts are avoided. WAC 173-26-211(5)(a)(ii)(F)		
Rural conservancy. WAC 173-26-211(5)(b)		
Designation criteria : areas outside municipalities or UGAs with: (A) low-intensity, resource-based uses, (B) low-intensity residential uses, (C) environmental limitations such as steep banks or floodplains, (D) high recreational or cultural value, or (E) low-intensity water-dependent uses. WAC 173-26-211(5)(b)(iii)	N/A	Through the course of the Shoreline inventory, analysis and public involvement it was determined that no shorelines in the City of Covington meet the designation criteria for Rural Conservancy
Restrictions on use and development that would degrade or permanently deplete resources . Water-dependent and water-enjoyment recreation facilities are preferred uses. Low intensity, water-oriented commercial and industrial uses limited to areas where those uses have located in the past or at sites that possess conditions and services to support the development. WAC 173-26-211(5)(b)(ii)(A) and (B) For SMPs that allow mining, see WAC 173-26-241(3)(h).		
Prohibition on new structural shoreline stabilization and flood control works except where there is documented need to protect an existing primary structure (provided mitigation is applied) or to protect ecological functions. WAC 173-26-211(5)(b)(ii)(C).		
Development standards for residential use that preserve existing character of the shoreline. Density, lot coverage, vegetation conservation and other provisions that ensure no net loss of shoreline ecological functions. Density or lot coverage limited to a maximum of ten percent total impervious surface area within the lot or parcel, or alternative standard that maintains the existing hydrologic character of the shoreline. (May include provisions allowing greater lot coverage for lots legally created prior to the adoption of a master program prepared under these guidelines, if lot coverage is minimized and vegetation is conserved.) WAC 173-26-211(5)(b)(ii)(D).		
Aquatic. WAC 173-26-211(5)(c)		
Designation criteria : Areas waterward of the ordinary high-water mark (OHWM). WAC 173-26-211(5)(c)(iii)	Pg. 66 of the SMP	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>New over-water structures:</p> <p>allowed only for water-dependent uses, public access, or ecological restoration. WAC 173-26-211(5)(c)(ii)(A) limited to the minimum necessary to support the structure's intended use. WAC 173-26-211(5)(c)(ii)(B)</p>	<p>Pg. 66. See also shoreline modification policies and regulations, Overwater Structures, on pages 108-112.</p>	
<p>Multiple use of over-water facilities encouraged. WAC 173-26-211(5)(c)(ii)(C)</p>	<p>See Policy 3, page 66, Policy 36 on page 108, and regulations on pages 109-111. Note regulation 70.</p>	<p>Regulations grant clear preference for joint-use docks and require the applicant to demonstrate that shared-use or joint-use is not feasible.</p>
<p>Location and design of all developments and uses required to:</p> <p>minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration. WAC 173-26-211(5)(c)(ii)(D)</p> <p>prevent water quality degradation and alteration of natural hydrographic conditions. WAC 173-26-211(5)(c)(ii)(F)</p>	<p>See policies 4-6 on page 66. Please also see policies for overwater structures on pages 108-109 and regulations on pages 109-111.</p>	<p>Please note that this item of the checklist deals with a variety of broad concerns that are not confined to the Aquatic environment and as such is addressed in a variety of places in the SMP.</p>
<p>Uses that adversely impact ecological functions of critical saltwater and freshwater habitats limited (except where necessary for other SMA objectives, and then only when their impacts are mitigated). WAC 173-26-211(5)(c)(ii)(E)</p>	<p>See policy 5 on page 66, supported by extensive standards in the general regulations, Chapter 6 -Uses and chapter 7 - Modifications.</p>	<p>There are no critical saltwater habitats in Covington.</p>
High-intensity. WAC 173-26-211(5)(d)		
<p>Designation criteria: Areas within incorporated municipalities, "UGAs," and "rural areas of more intense development" (see RCW 36.70A.070) that currently support or are planned for high-intensity water-dependent uses. WAC 173-26-211(5)(d)(iii)</p>	<p>Pg. 54</p>	<p>The only area designated as High-Intensity is the existing BPA Utility Site.</p>
<p>Priority given first to water-dependent uses, then to water-related and water-enjoyment uses. New non-water oriented uses prohibited except as part of mixed use developments, or where they do not conflict with or limit opportunities for water oriented uses or where there is no direct access to the shoreline. WAC 173-26-211(5)(d)(ii)(A)</p>	<p>Policy 2, page 55, backed up by use regulations on pages 67-68 and regulations for specific uses in Chapter 6.</p>	<p>Language is consistent with SMP requirements, but please note limited water dependent uses in Covington, particularly on streams.</p>
<p>Full use of existing urban areas required before expansion of intensive development allowed. WAC 173-26-211(5)(d)(ii)(B)</p>	<p>Policy 1, page 55</p>	
<p>New development does not cause net loss of shoreline ecological functions. Environmental cleanup and restoration of the shoreline to comply with relevant state and federal laws assured. WAC 173-26-211(5)(d)(ii)(C)</p>	<p>See policy 3, page 55, Industrial regulation 3 on page 78 and general regulations applicable to All Uses and Development on page 34 and Environmental Impact regulations on pages 38-39.</p>	<p>Please note that these types of general regulations are applied to all environment designations. In an effort to be concise, they are grouped into the general regulations chapter.</p>
<p>Visual and physical public access required where feasible. Sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers to achieve aesthetic objectives. WAC 173-26-211(5)(d)(ii)(D) and (E)</p>	<p>Policies 4 and 5, page 55. Public Access standards 40-43, and Industrial use regulations pages 78-79.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Urban conservancy. WAC 173-26-211(5)(e)		
<p>Designation criteria: Areas within incorporated municipalities, UGAs, and rural areas of more intense development that are not suitable for water-dependent uses and that are either suitable for water-related or water-enjoyment uses, are flood plains, have potential for ecological restoration, retain ecological functions, or have potential for development that incorporates ecological restoration. WAC 173-26-211(5)(e)(iii)</p>	Pg. 62	
<p>Allowed uses are primarily those that preserve natural character of area, promote preservation of open space, floodplain or sensitive lands, or appropriate restoration. WAC 173-26-211(5)(e)(ii)(A)</p> <p>Priority given to water-oriented uses over non-water oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses given highest priority. WAC 173-26-211(5)(e)(ii)(D)</p> <p>For SMPs that allow mining, see WAC 173-26-241(3)(h).</p>	See Urban Conservancy management policies on page 63 and regulations on pages 63-64. See also Use Table on pages 67-69 and policies and regulations for specific uses in Chapter 6, e.g. Recreation and Commercial.	<p>Please note that with the exception of personal watercraft and docks associated with single family homes and recreational uses there are no known water dependent uses and no commercial navigation.</p> <p>Mining is not allowed in the Covington SMA.</p>
<p>Standards for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications that ensure new development does not result in a net loss of shoreline ecological functions or degrade other shoreline values. WAC 173-26-211(5)(e)(ii)(B)</p>	<p>Chapter 7, Shoreline Modifications, Shoreline stabilization - pg. 97-102.</p> <p>Chapter 4, General Policies and Regulations, Vegetation Conservation (Clearing and Grading) - pg. 43-48.</p> <p>Chapter 4, General Policies and Regulations, Water quality - pg 48-51</p> <p>Chapter 7, Shoreline modifications, Overwater Structures, 107-112, and Dredge and Fill - pg 102-107</p> <p>Chapter 4, General Policies and Regulations, All Uses and Development, Page 34 and Environmental Impacts, Page 38-39.</p>	
<p>Public access and recreation required where feasible and ecological impacts are mitigated. WAC 173-26-211(5)(e)(ii)(C)</p>	Public access - pg. 40-43. See also Chapter 3, Public Access Element, page 29.	
Shoreline residential. WAC 173-26-211(5)(f)		
<p>Designation criteria: Areas within incorporated municipalities, Urban Growth Areas (UGAs), "rural areas of more intense development," and "master planned resorts" (see RCW 36.70A.360) that are predominantly residential development or planned and platted for residential development. WAC 173-26-211(5)(f)(iii)</p>	Pg. 59	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Standards for density or minimum frontage width, setbacks, buffers, shoreline stabilization, critical areas protection, and water quality protection assure no net loss of ecological function. WAC 173-26-211(5)(f)(ii)(A)</p>	<p>See Table 2, Dimensional Standards, page 70, and Shoreline Residential regulations 60-61.</p> <p>Please also see consolidated sections for stabilization, critical area protection (Appendix A), and General Regulations in Chapter 4, with page numbers as noted in Urban Conservancy section above.</p>	
<p>Multifamily and multi-lot residential and recreational developments provide public access and joint use for community recreational facilities. WAC 173-26-211(5)(f)(ii) (B)</p>	<p>See Public Access Regulations, pages 41-43, and Residential Use Regulation 6 on page 84</p>	
<p>Access, utilities, and public services required to be available and adequate to serve existing needs and/or planned future development. WAC 173-26-211(5)(f)(ii)(C)</p>	<p>Shoreline Residential Policy 3 on page 59, Residential Development Policy 2</p>	<p>Please note that areas designated Shoreline Residential are fully platted, serviced and developed for this use already.</p>
<p>Commercial development limited to water-oriented uses. WAC 173-26-211(5)(f)(ii)(D)</p>	<p>Shoreline Residential, Regulation 1, page 60, Use Table page 67, Commercial Development Use Regulations pages 77-78.</p>	<p>Commercial uses limited to hoem occupations in Shoreline Residential</p>
GENERAL POLICIES AND REGULATIONS		
Archaeological and Historical Resources. WAC 173-26-221(1)		
<p>Developers and property owners required to stop work and notify the local government, state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation. WAC 173-26-221(1)(c)(i)</p>	<p>Regulation 1, page 35</p>	
<p>Permits issued in areas documented to contain archaeological resources require site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes WAC 173-26-221(1)(c)(ii)</p>	<p>Regulation 2, page 35</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Critical areas. WAC 173-26-221(2)		
<p>Policies and regulations for critical areas (designated under GMA) located within shorelines of the state: (i) are consistent with SMP guidelines, and (ii) provide a level of protection to critical areas within the shoreline area that is at least equal to that provided by the local government's existing critical area regulations adopted pursuant to the GMA for comparable areas other than shorelines. WAC 173-26-221(2)(a) and (c)</p> <p>Planning objectives are for protection <i>and restoration</i> of degraded ecological functions and ecosystem-wide processes.</p> <p>Regulatory provisions <i>protect</i> existing ecological functions and ecosystem-wide processes. WAC 173-26-221(2)(b)(iv)</p> <p>Critical area provisions promote human uses and values, such as public access and aesthetic values, provided they do not significantly adversely impact ecological functions. WAC 173-26-221(2)(b)(v)</p>	Critical Areas Pg. 36-38 and Appendix A	
If SMP includes optional expansion of jurisdiction: Clear description of the inclusion of any land necessary for buffers of critical areas that occur within shorelines of the state, accurately depicting new SMP jurisdiction consistent with RCW 90.58.030(2)(f)(ii) and WAC 173-26-221(2)(a).	N/A	Covington SMP does not include optional expansion
Wetlands. WAC 173-26-221(2)(c)(i)		
Wetlands definition are consistent with WAC 173-22.	Pg. 27	
Provisions requiring wetlands delineation method are consistent with WAC 173-22-035.	See Appendix A, page 166, CMC XX.65.319(3)	Reference to Washington State Wetland Identification and Delineation Manual, Ecology Publication #96-94 has been added.
Regulations address all uses and activities listed in WAC 173-26-221(2)(c)(i)(A) to achieve no net loss of wetland area and functions including lost time when the wetland does not perform the function. [WAC 173-26-221(2)(c)(i)(A) + (C)]	See Appendix A, particularly XX.65.020 (Applicability), XX.65.319 (categories as defined by functions), xx.65.320 (buffers), and xx.65.340 (mitigation).	
Wetlands rating or categorization system is based on rarity, irreplaceability, or sensitivity to disturbance of a wetland and the functions the wetland provides. Use Ecology Rating system or regionally specific, scientifically based method. WAC 173-26-221(2)(c)(i)(B)]	See Appendix A, page 166, xx.65.319 (4).	SMP critical areas regulations for wetlands uses the Ecology rating system.
Buffer requirements are adequate to ensure wetland functions are protected and maintained in the long-term, taking into account ecological functions of the wetland, characteristics of the buffer, and potential impacts associated with adjacent land uses. WAC 173-26-221(2)(c)(i)(B)	See Appendix A, XX.65.319 (categories as defined by functions) and xx.65.320 (buffers).	
Wetland mitigation requirements are consistent with WAC 173-26-201(2)(e) and which are based on the wetland rating. WAC 173-26-221(2)(c)(i)(E) and (F)	Appendix A, xx.65.340	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Compensatory mitigation allowed only after mitigation sequencing is applied and higher priority means of mitigation are determined to be infeasible.</p> <p>Compensatory mitigation requirements include (I) replacement ratios; (II) Performance standards for evaluating success; (III) long-term monitoring and reporting procedures; and (IV) long-term protection and management of compensatory mitigation sites. WAC 173-26-221(2)(c)(i)(F)</p> <p>Compensatory mitigation requirements are consistent with preference for “in-kind and nearby” replacement, and include requirement for watershed plan if off-site mitigation is proposed. WAC 173-173-26-201(2)(e)(B)</p>	<p>See Appendix A, particularly XX.65.120 (mitigation sequencing), xx.65.340 (ratios), xx.165.130 (mitigation and monitoring), xx.65.135 (off-site mitigation, including under watershed plan), xx.65.136 (resource mitigation reserve), xx.65.140 (financial guarantees), xx.65.150 (vegetation management plan), xx.65.160 (markers) and xx.65.170 and .180(notice to title and tracts/designations).</p>	
Geologically Hazardous Areas. WAC 173-26-221(2)(c)(ii)		
<p>Prohibition on new development (or creation of new lots) that would:</p> <ul style="list-style-type: none"> cause foreseeable risk from geological conditions during the life of the development prohibited. WAC 173-26-221(2)(c)(ii)(B) require structural shoreline stabilization over the life of the development. (Exceptions allowed where stabilization needed to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result.) WAC 173-26-221(2)(c)(ii)(C) 	<p>Appendix A, xx.65.220, .275, .280 and .310.</p>	<p>See Landslide hazard areas in xx.65.280 in particular. Note new structures are not allowed if slope is greater than 40% in allowed uses of xx.65.050. Alteration of a landslide hazard area on a slope less than 40% is only allowed if it will not decrease slope stability on contiguous properties and the risk of property damage or injury is eliminated or minimized.</p>
<p>New stabilization structures for existing primary residential structures allowed only where no alternatives (including relocation or reconstruction of existing structures), are feasible, and less expensive than the proposed stabilization measure, and then only if no net loss of ecological functions will result. WAC 173-26-221(2)(c)(ii)(D)</p>	<p>See Appendix A, xx.65.050, Note 15 on page 135.</p>	REVISED TO MEET SMA REQUIREMENTS
Critical Saltwater Habitats. WAC 173-26-221(2)(c)(iii)		
<p>Prohibition on new docks, bulkheads, bridges, fill, floats, jetties, utility crossings and other human-made structures that intrude into or over critical saltwater habitats, except where:</p> <ul style="list-style-type: none"> public need is clearly demonstrated; avoidance of impacts is not feasible or would result in unreasonable cost; the project include appropriate mitigation; and the project is consistent with resource protection and species recovery. <p>Private, non-commercial docks for individual residential or community use allowed if it is infeasible to avoid impacts by alternative alignment or location and the project results in no net loss of ecological functions. WAC 173-26-221(2)(c)(iii)(C)</p>	<p>N/A</p>	<p>There are no critical saltwater habitats in covington</p>
<p>Where inventory of critical saltwater habitat has not been done, all over water and near-shore developments in marine and estuarine waters require habitat assessment of site and adjacent beach sections. WAC 173-26-221(2)(c)(iii)(C)</p>		

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Critical Freshwater Habitats. WAC 173-26-221(2)(c)(iv)		
Requirements that ensure new development within stream channel, channel migration zone, wetlands, floodplain, hyporheic zone, does not cause a net loss of ecological functions. WAC 173-26-221(2)(c)(iv)(C)(I) and WAC 173-26-221(2)(c)(iv)(B)(II)	The entire SMP addresses the protection and no net loss of freshwater habitats, particularly Chapter 7 modifications, Chapter 6 uses, Chapter 5 environments, and the aquatic areas, flood hazard, channel migration and wetland standards contained in Appendix A.	<p>Guidelines call out Critical Freshwater Habitats as types of critical area, even though these are not GMA designated critical areas.</p> <p>No definitive definition for critical freshwater habitats exists— Guidelines say these include “those portions of streams, rivers, wetlands, and lakes, their associated channel migration zones, and flood plains designated as such.”</p> <p>DOE should provide a definition to ensure effective implementation of these provisions.</p>
Authorization of appropriate restoration projects is facilitated. WAC 173-26-221(2)(c)(iv)(C)(III)	See Appendix A, allowed alterations, xx.65.050. See also High Intensity Environment, Regulation 4 on page 56, Shoreline Environment Regulation 6 on page 61, Urban Conservancy Regulation 8 on page 65 and provisions in the Shoreline Stabilization Regulations, Dredging and Fill and Exemptions to the SDP adopted by reference.	
Regulations protect hydrologic connections between water bodies, water courses, and associated wetlands. WAC 173-26-221(2)(c)(iv)(C)(IV)	See Critical Area Regulations 1 and 2 on page 37.	
Flood Hazard Reduction. WAC 173-26-221(3)		
New development within the channel migration zone or floodway limited to uses and activities listed in WAC 173-26-221(3)(b) and (3)(c)(i)	Appendix A, xx.65.250, .260 and .275.	
New structural flood hazard reduction measures allowed only: where demonstrated to be necessary, and when non-structural methods are infeasible and mitigation is accomplished. landward of associated wetlands and buffer areas except where no alternative exists as documented in a geotechnical analysis. WAC 173-26-221(3)(c)(ii) & (iii)	Appendix A, xx.65.250(9)(b) on page 158.	Revised to comply with the SMA
New publicly funded dikes or levees required to dedicate and improve public access (see exceptions). WAC 173-26-221(3)(c)(iv)	Appendix A, xx.65.250(10), page 158	Revised to comply with the SMA

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Removal of gravel for flood control allowed only if biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution. WAC 173-26-221(3)(c)(v)</p>	<p>See Dredging and Fill regulations, Regulation 37, page 105</p>	<p>Conditional Use Permit required and factors in WAC must be met.</p>
<p>Public Access. WAC 173-26-221(4)</p>		
<p>Policies and regulations protect and enhance both physical and visual access. WAC 173-26-221(4)(d)(i)</p>	<p>See Public Access policies and regulations, pages 40-43, particularly Policy 4, Regulation 1 and Regulation 4.</p>	
<p>Public entities are required to incorporate public access measures as part of each development project, unless access is incompatible with safety, security, or environmental protection. WAC 173-26-221(4)(d)(ii)</p>	<p>See above, particularly Public Access Regulation 15 (page 43), 1 and 3.</p>	
<p>Non-water-dependent uses (including water-enjoyment, water-related uses) and subdivisions of land into more than four parcels include standards for dedication and improvement of public access. WAC 173-26-221(4)(d)(iii)</p>	<p>See Above, particularly Public Access Regulation 1 on page 41.</p>	
<p>Maximum height limits, setbacks, and view corridors minimize impacts to existing views from public property or substantial numbers of residences. WAC 173-26-221(4)(d)(iv); RCW 90.58.320</p>	<p>See High Intensity Environment, Regulation 2 on page 55, Medium Intensity, regulation 2 on page 58, and Table 2, Dimensional Standards, Note (1) on page 70.</p>	<p>Revised to comply with SMA</p>
<p>Vegetation Conservation (Clearing and Grading). WAC 173-26-221(5)</p>		
<p>Vegetation standards implement the principles in WAC 173-26-221(5)(b). Methods to do this may include setback or buffer requirements, clearing and grading standards, regulatory incentives, environment designation standards, or other master program provisions. WAC 173-26-221(5)(c)</p>	<p>See Vegetation Conservation (Clearing and Grading) policies and regulations, Pg. 43-48.</p>	
<p>Selective pruning of trees for safety and view protection is allowed and removal of noxious weeds is authorized. WAC 173-26-221(5)(c)</p>	<p>Regulation 2, page 46.</p>	
<p>Water Quality. WAC 173-26-221(6)</p>		
<p>Provisions protect against adverse impacts to water quality and storm water quantity and ensure mutual consistency between SMP and other regulations addressing water quality. WAC 173-26-221(6)</p>	<p>Water Quality, Stormwater and Non-Point Pollution, pages 48-51.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
SHORELINE MODIFICATIONS		
<p>SMP: (a) allows structural shoreline modifications only where demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for mitigation or enhancement;</p> <p>(b) limits shoreline modifications in number and extent;</p> <p>(c) allows only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed;</p> <p>(d) gives preference to those types of shoreline modifications that have a lesser impact on ecological functions. Policies promote "soft" over "hard" shoreline modification measures</p> <p>(f) incorporates all feasible measures to protect ecological shoreline functions and ecosystem-wide processes as modifications occur;</p> <p>(g) requires mitigation sequencing.</p> <p>WAC 173-26-231(2); WAC 173-26-231(3)(a)(ii) and (iii);</p>	<p>SHORELINE STABILIZATION REGULATIONS, PAGE 95-102, PARTICULARLY REGULATIONS 3, 5, 7, AND 8 ON PAGES 98-99.</p>	
Shoreline Stabilization. WAC 173-26-231(3)(a)		
<p>Definition: structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind, or wave action. WAC 173-26-231(3)(a)(i)</p> <p>Definition of new stabilization measures include enlargement of existing structures. WAC 173-26-231(3)(a)(iii)(C), last bullet; WAC 173-26-231(3)(a)(iii)(B)(I), 5th bullet</p>	<p>Shoreline Stabilization definition, page 24 and 95; discussion of methods on pages 95-96; Standards for new measures same as enlargement, Shoreline Stabilization, Regulation 7 on page 99. See entire Shoreline Stabilization policies and regulations pages 97-102.</p>	
<p>Standards setting forth circumstances under which shoreline alteration is permitted, and for the design and type of protective measures and devices. WAC 173-26-231(3)(a)(ii)</p>	<p>Chapter 7 of the SMP details specific shoreline modification policies and regulations. In particular, see pages 97-102 that focus on shoreline stabilization regulations, particularly Regulation 5 and Regulation 7.</p>	
<p>New development (<i>including newly created parcels</i>) required to be designed and located to prevent the need for future shoreline stabilization, based upon geotechnical analysis.</p> <p>New development on steep slopes and bluffs required to be set back to prevent need for future shoreline stabilization during life of the project, based upon geotechnical analysis.</p> <p>New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited. WAC 173-26-231(3)(a)(iii)(A)</p>	<p>Shoreline Stabilization Regulations, particularly regulations 9-11 on page 99. Additional protections are found in Appendix A, xx.65.280.</p>	<p>Please note that the Covington SMP does not contain any known steep slopes or bluffs in the Shoreline Management Area</p>
<p>New structural stabilization measures are not allowed except when necessity is demonstrated. Specific requirements for <i>how to demonstrate need</i> are established for:</p> <p>(I) existing primary structures;</p> <p>(II) new non-water-dependent development including Single Family Residences;</p> <p>(III) water-dependent development; and</p> <p>(IV) ecological restoration/toxic clean-up remediation projects.</p> <p>WAC 173-26-231(3)(a)(iii)(B)</p>	<p>Shoreline Stabilization, Regulation 7, page 99.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Replacement of existing stabilization structures is based on demonstrated need. Waterward encroachment of replacement structure only allowed for residences occupied prior to January 1, 1992, or for soft shoreline stabilization measures that provide restoration of ecological functions. WAC 173-26-231(3)(a)(iii)(C)	Shoreline Stabilization, Regulation 5, page 98.	
Geotechnical reports prepared to demonstrate need include estimates of rate of erosion and urgency (damage within 3 years) and evaluate alternative solutions. WAC 173-26-231(3)(a)(iii)(D)	Shoreline Stabilization, Regulation 8, page 99.	
Shoreline stabilization structures are limited to the minimum size necessary. WAC 173-26-231(3)(a)(iii)(E)	Shoreline Stabilization, Regulation 7 and 3, pages 98-99.	
Public access required as part of publicly financed shoreline erosion control measures. WAC 173-26-231(3)(a)(iii)(E)	Shoreline Stabilization, Regulation 15, page 99	
Impacts to sediment transport required to be avoided or minimized. WAC 173-26-231(3)(a)(iii)(E)	Regulation 11, page 99	
Piers and Docks. WAC 173-26-231(3)(b)		
<p>New piers and docks:</p> <p>allowed only for water-dependent uses or public access restricted to the minimum size necessary to serve a proposed water-dependent use.</p> <p>permitted only when specific need is demonstrated (except for docks accessory to single-family residences).</p> <p>Note: Docks associated with single family residences are defined as water dependent uses provided they are designed and intended as a facility for access to watercraft. WAC 173-26-231(3)(b)</p>	Overwater Structures, Regulation 61 and 63, page 109	
When permitted, new residential development of more than two dwellings required to provide joint use or community docks, rather than individual docks. WAC 173-26-231(3)(b)	Regulation 64, page 110	
Design and construction of all piers and docks required to avoid, minimize and mitigate for impacts to ecological processes and functions and be constructed of approved materials. WAC 173-26-231(3)(b)	Environmental Impacts, Regulation 5 (mitigation sequencing applicable to all development) p. 39; Overwater Structures, Regulation 60, page 109, Regulation 71 (page 110), Regulation 73 (page 111) and Regulation 81 (page 112)	
Fill. WAC 173-26-231(3)(c)		
Definition of "fill" consistent with WAC 173-26-020(14)	Definition, page 15, see also page 103	
Location, design, and construction of all fills protect ecological processes and functions, including channel migration. WAC 173-26-231(3)(c)	Dredging and Fill, pages 102-107, particularly Policy 27, page 104, and Regulations 53-59 on page 107.	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Fill waterward of the OHWM allowed only by shoreline conditional use permit, for: water-dependent use; public access; cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan; disposal of dredged material in accordance with DNR Dredged Material Management Program; expansion or alteration of transportation facilities of statewide significance currently located on the shoreline (if alternatives to fill are shown not feasible); mitigation action, environmental restoration, beach nourishment or enhancement project. WAC 173-26-231(3)(c)	Fill Regulation 53, page 107	
Breakwaters, Jetties, and Weirs. WAC 173-26-231(3)(d)		
Structures waterward of the ordinary high-water mark allowed only for water-dependent uses, public access, shoreline stabilization, or other specific public purpose. WAC 173-26-231(3)(d)	Shoreline Stabilization, pages 97-102.	Covington does not have any saltwater shorelines that would require breakwater or jetties, so these features are not allowed. Regulation of weirs is consistent with these requirements.
Shoreline conditional use permit required for all structures except protection/restoration projects. WAC 173-26-231(3)(d)	Shoreline Modifications, Table 4, page 94-95	
Protection of critical areas and appropriate mitigation required. WAC 173-26-231(3)(d)	Critical Areas, pages 36-38; Shoreline Modifications, Regulation 3, page 98; and requirements of Appendix A	
Dunes Management. WAC 173-26-231(3)(e)		
Development setbacks from dunes prevent impacts to the natural, functional, ecological, and aesthetic qualities of the dunes. WAC 173-26-231(3)(e)	N/A	No dunes are found in Covington per the Shoreline Inventory and Analysis
Dune modifications allowed only when consistent with state and federal flood protection standards and result in no net loss of ecological processes and functions. WAC 173-26-231(3)(e)	N/A	
Dune modification to protect views of the water shall be allowed only on properties subdivided and developed prior to the adoption of the master program and where the view is completely obstructed for residences or water-enjoyment uses and where it can be demonstrated that the dunes did not obstruct views at the time of original occupancy. WAC 173-26-231(3)(e)	N/A	
Dredging and Dredge Material Disposal. WAC 173-26-231(3)(f)		
Dredging and dredge material disposal avoids or minimizes significant ecological impacts. Impacts which cannot be avoided are mitigated. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 35 page 104	
New development siting and design avoids the need for new and maintenance dredging. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 36 page 105	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Dredging to establish, expand, relocate or reconfigure navigation channels allowed only where needed to accommodate existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 38 page 105	
Maintenance dredging of established navigation channels and basins restricted to maintaining previously dredged and/or existing authorized location, depth, and width. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 39 page 105	
Dredging for fill materials prohibited except for projects associated with MTCA or CERCLA habitat restoration, or any other significant restoration effort approved by a shoreline CUP. Placement of fill must be <i>waterward</i> of OHWM. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 37 and 41 page 105	
Uses of dredge material that benefits shoreline resources are addressed. If applicable, addressed through implementation of regional interagency dredge material management plans or watershed plan. WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 37, 47, 48, and 49 page 105-6	
Disposal within river channel migration zones discouraged, and in limited instances when allowed, require CUP. (Note: not intended to address discharge of dredge material into the flowing current of the river or in deep water within the channel where it does not substantially effect the geo-hydrologic character of the channel migration zone). WAC 173-26-231(3)(f)	Dredge and Fill, Regulation 49 page 106	No mapped River Channel Migration Zones in Covington
Shoreline Habitat and Natural Systems Enhancement Projects. WAC 173-26-231(3)(g)		
Provisions that foster habitat and natural system enhancement projects , provided the primary purpose is restoration of the natural character and functions of the shoreline, and only when consistent with implementation of the restoration plan developed pursuant to WAC 173-26-201(2)(f)	See High Intensity Environment, Regulation 4 on page 56, Shoreline Environment Regulation 6 on page 61, Urban Conservancy Regulation 8 on page 65 and provisions in the Shoreline Stabilization Regulations, Dredging and Fill and Exemptions to the SDP adopted by reference that foster enhancement.	
SPECIFIC SHORELINE USES		
Agriculture. WAC 173-26-241(3)(a)		
Use of agriculture related terms is consistent with the specific meanings provided in WAC 173-26-020. WAC 173-26-241(3)(a)(ii) and (iv)	Definitions, Pg 10, see also applicability, policy and regs for Agriculture Use on page 75	New agricultural uses are prohibited in the Covington SMA.
Provisions address new agricultural activities , conversion of agricultural lands to other uses, and other development not meeting the definition of agricultural activities. Provisions assure that development in support of agricultural uses is: (A) consistent with the environment designation; and (B) located and designed to assure no net loss of ecological functions and not have a significant adverse impact on other shoreline resources and values. WAC 173-26-241(3)(a)(ii) & (v)	See above, plus Use Table (Table 1) on pages 67-69.	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Shoreline substantial development permit is required for all agricultural development not specifically exempted by the provisions of RCW 90.58.030(3)(e)(iv)	See above	
Conversion of agricultural land to non-agricultural uses is consistent with the environment designation, and regulations applicable to the proposed use do not result in a net loss of ecological functions. WAC 173-26-241(3)(a)(vi)	See above	
Aquaculture. WAC 173-26-241(3)(b)		
Location and design requirements for aquaculture facilities avoid: loss of ecological functions, impacts to eelgrass and macroalgae, significant conflict with navigation and water-dependent uses, the spreading of disease, introduction of non-native species, or impacts to shoreline aesthetic qualities. Impacts to functions are mitigated. WAC 173-26-241(3)(b)	Aquaculture Use regulations, page 75-76, Table I on pages 67-69	There are no known aquaculture uses in the Covington. This section was revised based on input from the Muckleshoot Tribe
Boating Facilities. WAC 173-26-241(3)(c)		
Definition: Boating facility standards do not apply to docks serving four or fewer SFRs. WAC 173-26-241(3)(c)	Boating Facilities Use regulations, Applicability, page 76, see also Definition, page 12	Opportunities for Boating facilities are limited to Pipe Lake
Boating facilities restricted to suitable locations . WAC 173-26-241(3)(c)(i)	Boating Facilities, Regulation 1, page 76 and Use Table, pages 67-69	
Provisions ensuring health, safety, and welfare requirements are met. WAC 173-26-241(3)(c)(ii)	Boating Facilities, Regulation 3, page 76	
Provisions to avoid or mitigate aesthetic impacts . See WAC 173-26-241(3)(c)(iii)	Boating Facilities, Regulation 5, page 77	
Public access required in new boating facilities. WAC 173-26-241(3)(c)(iv)	Boating Facilities, Regulation 6, page 77	
Impacts of live-aboard vessels are limited. WAC 173-26-241(3)(c)(v)	Boating Facilities, Regulation 7, page 77	
Provisions assuring no net loss of ecological functions as a result of development of boating facilities while providing public recreational opportunities. WAC 173-26-241(3)(c)(vi)	Boating Facilities, Regulation 1, page 76	
Navigation rights are protected. WAC 173-26-241(3)(c)(vii)	Boating Facilities, Regulation 1 and 2, page 76	
Extended moorage on waters of the state without a lease or permission is restricted, and mitigation of impacts to navigation and access is required. WAC 173-26-241(3)(c)(viii)	Boating Facilities, Regulation 2, page 76.	.
Commercial Development. WAC 173-26-241(3)(d)		
Preference given first to water-dependent uses, then to water-oriented commercial uses. WAC 173-26-241(3)(d)	Commercial Development use Applicability and Regulations 1-7, pages 77-78	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Water-enjoyment and water-related commercial uses required to provide public access and ecological restoration where feasible and avoid impacts to existing navigation, recreation, and public access. WAC 173-26-241(3)(d)	Regulation 1, page 77	
New non-water-oriented commercial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(d)	Regulation 2, page 77	
Non-water-dependent commercial uses over water prohibited except in existing structures, and where necessary to support water-dependent uses. WAC 173-26-241(3)(d)	Regulation 3, page 77	
Forest Practices. WAC 173-26-241(3)(e)		
Forest practices not covered by the Forest Practices Act, especially Class IV-General forest practices involving conversions to non-forest use result in no net loss of ecological functions and avoid impacts to navigation, recreation and public access. WAC 173-26-241(3)(e)	Forest Practices, page 78	Forest practices are prohibited in all shoreline environments in the City of Covington
SMP limits removal of trees on shorelines of statewide significance (RCW 90.58.150). Exceptions to this standard require shorelines conditional use permit. WAC 173-26-241(3)(e)	see above	There are no SSWS in Covington.
Industry. WAC 173-26-241(3)(f)		
Preference given first to water-dependent uses, then to water-oriented industrial uses. WAC 173-26-241(3)(f)	Industry use regulations, page 78-79, Applicability and Regulations	Note that Industrial activity is only allowed in the High Intensity designation that is confined to the BPA powerstation site that will remain in that use for the foreseeable future. Big Soos Creek is non-navigable and there is no commercial navigation anywhere in the Covington SMA.
Location, design, and construction of industrial uses and redevelopment required to assure no net loss of ecological functions. WAC 173-26-241(3)(f)	Regulation 2, page 78	
Industrial uses and redevelopment encouraged to locate where environmental cleanup and restoration can be accomplished. WAC 173-26-241(3)(f)	Regulation 3 and 6, pages 78-79	
Public access required unless such a requirement would interfere with operations or create hazards to life or property. WAC 173-26-241(3)(f)	Regulation 4, page 78	
New non-water-oriented industrial uses prohibited unless they are part of a mixed-use project, navigation is severely limited, and the use provides a significant public benefit with respect to SMA objectives. WAC 173-26-241(3)(f)	Regulation 6, page 79	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
In-Stream Structures. WAC 173-26-241(3)(g)		
Definition: structure is waterward of the ordinary high water mark and either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow. WAC 173-26-241(3)(g)	Definition, Pg 17	New weirs are prohibited based on comments by the Muckleshoot Tribe.
In-stream structures protect and preserve ecosystem-wide processes, ecological functions, and cultural resources, including, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. WAC 173-26-241(3)(g)	See Shoreline Modifications, Weir regulations on page 102, see also Shoreline Stabilization policies and regulations pages 97-102, particularly Regulation 3 (page 98) and Policy 13 (page 97), as well as Transportation Facilities Regulation 2, Water Quality, Policy 7 (page 49), Archaeological Resources, Policy 1 and related protection regulations, and All Uses Regulation 1, page 34. Please also see Appendix A, xx.65.370 - Streams, Permitted Alterations	
Mining. WAC 173-26-241(3)(h)		
Policies and regulations for new mining projects: <ul style="list-style-type: none"> require design and operation to avoid and mitigate for adverse impacts during the course of mining and reclamation achieve no net loss of ecological functions based on required final reclamation give preference to proposals that create, restore or enhance habitat for priority species are coordinated with state Surface Mining Reclamation Act requirements. assure subsequent use of reclaimed sites is consistent with environment designation and SMP standards. See WAC 173-26-241(3)(h)(ii)(A) – (C)	Mining, Use Regulations, Pg 79	Mining is a prohibited use activity in the Covington SMP.
Mining waterward of OHWM is prohibited unless: (I) Removal of specified quantities of materials in specified locations will not adversely impact natural gravel transport; (II) The mining will not significantly impact priority species and the ecological functions upon which they depend; and (III) these determinations are integrated with relevant SEPA requirements. WAC 173-26-241(3)(h)(ii)(D)	see above	
Renewal, extension, or reauthorization of in-stream and gravel bar mining activities require review for compliance with these new guidelines requirements. WAC 173-26-241(3)(h)(ii)(D)(IV)	see above	
Mining within the Channel Migration Zone requires a shoreline conditional use permit. WAC 173-26-241(3)(h)(ii)(E)	see above	
Recreational Development. WAC 173-26-241(3)(i)		
Definition includes both commercial and public recreation developments. WAC 173-26-241(3)(i)	Recreation, use standards, Applicability, page 80	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
<p>Priority given to recreational development for access to and use of the water. WAC 173-26-241(3)(i)</p>	<p>Recreation, use regulations, pages 80-82, particularly Regulation 3 on page 81</p>	
<p>Location, design and operation of facilities are consistent with purpose of environment designations in which they are allowed. WAC 173-26-241(3)(i)</p>	<p>Recreation, use regulations, pages 80-82, see also Use Table on 67-69</p>	
<p>Recreational development achieves no net loss of ecological processes and functions. WAC 173-26-241(3)(i)</p>	<p>All Uses Regulation 1, page 34. Please also see Regulation 17, page 82</p>	<p>Beefed up in response to Muckleshoot comments</p>
<p>Residential Development. WAC 173-26-241(3)(j)</p>		
<p>Definition includes single-family residences, multifamily development, and the creation of new residential lots through land division. WAC 173-26-241(3)(j)</p>	<p>Residential use, Applicability, page 83, and Definition on page 22</p>	
<p>Single-family residences identified as a priority use only when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. WAC 173-26-241(3)(j)</p>	<p>Use Table, Page 68 and Residential Use standards, pages 83-85.</p>	<p>Priority use of single family is reflected in the fact that it is allowed in most shoreline environments. Standards throughout the SMP reflect requirements to prevent pollution and damage to the natural environment.</p>
<p>No net loss of ecological functions assured with specific standards for setback of structures sufficient to avoid future stabilization, buffers, density, shoreline stabilization, and on-site sewage disposal. WAC 173-26-241(3)(j)</p>	<p>Residential Use standards, pages 83-85, particularly Regulation 8 (page 84); Use Table, page 68; Shoreline Stabilization pages 97-102 and Water Quality, Regulation 4 (page 51).</p>	
<p>New over-water residences and floating homes prohibited. Appropriate accommodation for existing floating or over-water homes. WAC 173-26-241(3)(j)</p>	<p>Regulation 4, page 84 and Use Table page 68</p>	
<p>New multiunit residential development (including subdivision of land for more than four parcels) required to provide community and/or public access in conformance to local public access plans. WAC 173-26-241(3)(j)</p>	<p>Regulation 6, page 84</p>	
<p>New (subdivided) lots required to be designed, configured and developed to: (i) Prevent the loss of ecological functions at full build-out; (ii) Prevent the need for new shoreline stabilization or flood hazard reduction measures; and (iii) Be consistent with applicable SMP environment designations and standards. WAC 173-26-241(3)(j)</p>	<p>Residential Regulation 5, page 84; Shoreline Stabilization, Regulations 9-11, page 99</p>	
<p>Transportation Facilities. WAC 173-26-241(3)(k)</p>		
<p>Proposed transportation and parking facilities required to plan, locate, and design where routes will have the least possible adverse effect on unique or fragile shoreline features, will not result in a net loss of shoreline ecological functions or adversely impact existing or planned water dependent uses. WAC 173-26-241(3)(k)</p>	<p>Transportation Facilities Regulations, pages 86-88, particularly Regulation 4, 5 and 1 on page 87.</p>	

STATE RULE (WAC) REQUIREMENTS	LOCATION	COMMENTS
Circulation system plans include systems for pedestrian, bicycle, and public transportation where appropriate. WAC 173-26-241(3)(k)	Regulation 11, page 88	
Parking allowed only as necessary to support an authorized shoreline use and which minimize environmental and visual impacts of parking facilities. WAC 173-26-241(3)(k)	Parking use regulations, page 79-80, particularly Regulation 4 and 3.	
Utilities. WAC 173-26-241(3)(l)		
Design, location and maintenance of utilities required to assure no net loss of ecological functions. WAC 173-26-241(3)(l)	Utilities use regulations, pages 88-92, particularly Regulation 1 and 2 for Primary Utilities on page 89 and Regulation 3 for Accessory Utilities on page 91.	
Utilities required to be located in existing rights-of-ways whenever possible. WAC 173-26-241(3)(l)	See regulation 4, page 89 and regulation 2, page 91	
Utility production and processing facilities and transmission facilities required to be located outside of SMA jurisdiction , unless no other feasible option exists. WAC 173-26-241(3)(l)	Regulation 12, page 90	
SMP ADMINISTRATIVE PROVISIONS		
The statement: "All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act and this master program" whether or not a permit is required. WAC 173-26-191(2)(a)(iii)(A)	Administration, Chapter 8, Regulation 3, page 114	
Administrative provisions ensure permit procedures and enforcement are conducted in a manner consistent with relevant constitutional limitations on regulation of private property. WAC 173-26-186(5) and WAC 191(2)(a)(iii)(A)	Chapter 8 - all	the administrative provisions were prepared in compliance with DOE guidelines which are presumed to be consistent with constitutional limitations
Identification of specific uses and development that require a shoreline conditional use permit (CUP) . Standards for reviewing CUPs and variances conform to WAC 173-27. WAC 191(2)(a)(iii)(B) and WAC 173-26-241(2)(b)	Chapter 6, Table of Shoreline Uses, pages 67-68, Chapter 7, Table of Shoreline Modification Activities, pages 94-95	
Administrative, enforcement, and permit review procedures conform to the SMA and state rules (see RCW 90.58.140, 143, 210 and 220 and WAC 173-27). WAC 191(2)(a)(iii)(C), WAC 173-26-201(3)(d)(vi)	Chapter 8 - all, particularly, Program Administrator (pages 113-114), Shoreline Permits (pages 114-115), Permit Process (pages 115-122) and Enforcement and Penalties (pages 124)	
Mechanism for tracking, and periodically evaluating the cumulative effects of all project review actions in shoreline areas. WAC 173-26-191(2)(a)(iii)(D)	Master Program Review, page 124, All Uses and Development, Regulation 4 on page 34	Revised to meet DOE Comments
SMP definitions are consistent with all definitions in WAC 173-26-020, and other relevant WACs.	Pages 10-27.	Revised to meet DOE Comments