

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Periodic Review of Shoreline Master Program (SMP)  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Miranda Redinger, AICP, Senior Planner  
Kate Skone, Associate Planner

- |                                         |                                                   |                                              |
|-----------------------------------------|---------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only |
| <input type="checkbox"/> Discussion     | <input type="checkbox"/> Update                   | <input type="checkbox"/> Other               |

**INTRODUCTION AND BACKGROUND**

The Shoreline Management Act (SMA), chapter 90.58 RCW requires the City to have a shoreline master program setting forth goals, policies, and use regulations for those areas within the jurisdictional boundaries of the SMA. After incorporation, the City relied on King County's 1996 Shoreline Management Master Program for compliance with the SMA.

This changed in 2013 when the City's current Shoreline Master Program (SMP) was adopted on August 5, 2013 via Ordinance No. 668 and became effective on September 2, 2013. The SMP is codified at Division II of Shoreline Municipal Code (SMC) Title 20, Chapters SMC 20.200, 20.210, 20.220, and 20.230. Title 20 can be accessed at the following link:

<https://www.codepublishing.com/WA/Shoreline/#!/html/Shoreline20/Shoreline20.html>

After a master program has been approved, RCW 90.58.080(4) requires the City to periodically update its SMP, first no later than June 30, 2019, and then once every eight years thereafter. While the City did have a shoreline master program due to its reliance on King County's, the 2013 SMP represented the City's first development of a shoreline master program and was based on a comprehensive analysis of the shoreline condition. The present action represents a Periodic Review, which is a less prescriptive and intensive process intended to ensure consistency with the SMA and its regulatory guidelines along with the City's Growth Management Act (GMA)-enacted Comprehensive Plan and development regulations.

The Commission held an introductory study session for the SMP Periodic Review on December 6, 2018. The staff report for this meeting is available here:

Approved By: Project Manager 

Planning Director 

<http://www.shorelinewa.gov/home/showdocument?id=41429>.

As discussed on December 6, 2018, proposed changes to the SMP fall primarily into two categories: those required by Ecology to incorporate changes in State guidance since the 2013 SMP, and those recommended by the City, primarily to integrate changes that were adopted through the Critical Areas Ordinance (CAO) in 2015 into the SMP, as well as general housekeeping resulting in various minor amendments.

The Commission held another study session on January 17, 2019 to review the State required updates and three (3) of the SMC Chapters (20.200 Shoreline Master Plan, 20.210 Definitions, and 20.220 Administrative Procedures) that address City-recommended updates. The staff report for this meeting is available here: <http://www.shorelinewa.gov/home/showdocument?id=41810>.

This staff report will introduce specific proposed changes to the remaining SMC Chapters (20.230 General Policies and Regulations- Attachment A, 20.240 SMP Critical Areas Regulations- Attachment B, 13.12 Floodplain Management- Attachment C, and 20.80 Citywide Critical Areas- Attachment D), which show proposed amendments in legislative format.

Note that the length of these chapters is largely due to incorporating the majority of SMC Chapter 20.80, Critical Areas, into the SMP, so Chapter 20.240 is new, but the code language is not. Likewise, Attachments H and I were components of the 2013 SMP and included for context, not intended to be reviewed in full.

## **DISCUSSION**

### **Shoreline Municipal Code Chapters**

#### **Chapter 20.230 General Policies and Regulations- Attachment A**

Proposed revisions include removal of the section addressing environmentally sensitive areas within the shoreline, as the 2015 CAO standards are to be located in a separate chapter, 20.240. Additionally, revisions are proposed to clarify that existing, previously permitted stabilization measures, such as bulkheads, are considered engineered and abated hazards and shall not be classified as geologic hazard areas. Also, proposed revisions include minor amendments for housekeeping and clarification.

#### **Chapter 20.240 SMP Critical Areas Regulations- Attachment B**

This is a new proposed chapter that integrates the 2015 CAO, along with subsequent amendments, into the SMP consistent with the SMA's requirements. For the most part, SMC Chapter 20.80, Critical Areas, has been copied into the new proposed Chapter 20.240. However, note that some of the provisions from 20.80 were excluded from the SMP Critical Areas Regulations due to conflicts with the Shoreline Management Act

(SMA). These provisions include reasonable use exceptions, administrative exemptions, and waivers.

#### Chapter 13.12 Floodplain Management- Attachment C

Proposed revisions include designating the Planning and Community Development Director as the floodplain administrator so that all authority is in one department, rather than dividing the authority with Public Works.

#### Chapter 20.80 Critical Areas- Attachment D

Proposed revisions include a minor update to the reference to the SMP Critical Areas Regulations to refer to the new proposed Chapter 20.240.

### **Comprehensive Plan**

In December 2012, when Council adopted a major update to the Comprehensive Plan through Ordinance No. 649, the SMP was included as an Appendix rather than an Element, and SMP Goals & Policies and Supporting Analysis documents were referenced rather than included directly within the Comprehensive Plan document. The current SMP Periodic Review process is an opportunity to remedy this and bring the Comprehensive Plan into alignment with RCW 36.70A.480(1), which states that the goals and policies of an SMP “shall be considered an element” of the Comprehensive Plan.

According to RCW 36.70A.130(2)(a)(iii) Comprehensive plans- Review procedures and schedules- Amendments:

*Amendments may be considered more frequently than once per year under the following circumstances:*

*(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter [90.58](#) RCW.*

Attachment E shows the current SMP Appendix to the Comprehensive Plan. Text changes to the introductory paragraphs are shown in Attachment E(2), following the pdf of the current text, in legislative format. Attachment F shows the existing Goals and Policies currently contained in SMC 20.200.040 Shoreline elements. The intent is to merge these documents so that the new SMP Element has the same format as the other Comprehensive Plan elements (introduction followed by Goals and Policies). No changes are proposed to the Goals and Policies.

Attachment G is the existing Table of Contents for the Comprehensive Plan. Changes will include deleting the current SMP (Appendix A) and adding the revised SMP as Element 10, both in the Goals and Policies section and the Supporting Analysis section. Attachment H is the 2010 Inventory and Characterization Report; Attachment I is the 2012 Cumulative Impacts Analysis (CIA). Both of these documents, along with the

addendum to the CIA that is currently under development (see Next Steps below), will comprise the Supporting Analysis section for the new SMP as Element 10 of the Comprehensive Plan.

### **NEXT STEPS**

Staff has contracted Environmental Science Associates (ESA) to develop an addendum to the 2012 CIA and a non-project SEPA checklist. This will be included in the packet for the April 4 public hearing and the addendum to the CIA will be adopted as part of the Supporting Analysis for the Comprehensive Plan amendment, which will be included in Ordinance No. 856.

April 4, 2019 - Planning Commission Public Hearing (with Open House prior to meeting)

May 6, 2019 - Council Study Session

June 3, 2019 - Council Adopts Ordinance No. 856

### **RECOMMENDATION**

No action is required at this time. This Study Session is an opportunity for the Commission to discuss proposed code language and provide guidance prior to the public hearing.

### **ATTACHMENTS**

Attachment A: Chapter 20.230 General Policies and Regulations

Attachment B: Chapter 20.240 SMP Critical Areas Regulations

Attachment C: Chapter 13.12 Floodplain Management

Attachment D: Chapter 20.80 Critical Areas

Attachment E: SMP Appendix to Comprehensive Plan

Attachment E(2): SMP Appendix to Comprehensive Plan- proposed text changes in legislative format

Attachment F: SMP Policies for Comprehensive Plan Element

Attachment G: Comprehensive Plan Table of Contents

Attachment H: 2010 Inventory and Characterization Report- new Comprehensive Plan Element 10 Supporting Analysis

Attachment I: 2012 Cumulative Impacts Analysis- new Comprehensive Plan Element 10 Supporting Analysis