

City of SeaTac

Shoreline Master Program Periodic Update

Overview of Draft Edits



DRAFT City of SeaTac's Shoreline Master Program:

DRAFT General Goals and Policies

DRAFT Environment Designations

DRAFT Regulations



City of SeaTac
May 2010 2019



Comprehensive Changes

The following changes occur throughout the SMP for consistency with development regulations and to improve the usability of the document.



Comprehensive Changes

- ✓ Incorporation of the 2016 Low Impact Development (LID) Regulations update from Title 18 (Ordinance No. 16-1022).
- ✓ “Hughes property” references have been updated with parcel numbers.



Comprehensive Changes

- ✓ Table of Contents updated to reflect the contents of the updated SMP.
- ✓ Outdated titles/positions have been updated to reflect the current administrative makeup.
- ✓ Revised organization and numbering system for ease of reference.
- ✓ Updated obsolete or incorrect citations and references.



Chapter 1 Introduction

Section 1.2 – Pg. 6:

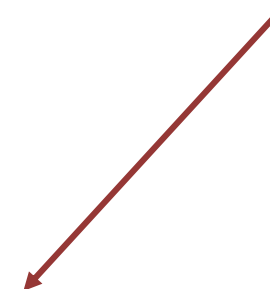
1.2 Master Program Development and Public Participation

The City of SeaTac (City) obtained a grant from the Washington Department of Ecology (Ecology) in 2007 to conduct a comprehensive Shoreline Master Program (SMP) update.— The first step of the update process was to inventory the City’s shorelines as defined by the state’s Shoreline Management Act (SMA) (RCW 90.58). Angle Lake is the only SMA shoreline in the City of SeaTac. The inventory describes existing biological and physical conditions. These conditions were then analyzed and characterized to create a baseline from which future development actions in the shoreline will be measured.

Environmental designations were identified for the different shoreline reaches and goals, policies, and regulations for each were developed.

The Guidelines require that the City demonstrate that its updated SMP yields “no net loss” in shoreline ecological functions relative to the baseline due to its implementation. Ideally, the SMP in combination with other City and regional efforts will ultimately produce a net improvement in shoreline ecological functions.

The City obtained a second grant from Ecology in 2018 to complete a periodic SMP update. Washington state law requires jurisdictions to review and update their SMPs every eight years in accordance with the Shoreline Management Act (SMA) and its current guidelines and legislative rules to attain state approval. The periodic update to this SMP focused on reviewing relevant legislative updates since the comprehensive update and incorporating any applicable amendments and ensuring consistency with the City’s 2017 Comprehensive Plan Update and other City regulations.



Chapter 1 Introduction

Section 1.2 – Pg. 6:

- ✓ Addition of paragraph explaining the periodic update in relation to the City's SMP.



Chapter 2 Definitions

Pg. 14 - "Development"

Development - A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level.

"Development" does not include dismantling or removing structures if there is no other associated development or re-development (RCW 90.58.030(3d)).



Chapter 2 Definitions

Pg. 14 - "Development"

- ✓ Revised definition of development with Ecology's suggested language.



Chapter 2 Definitions

Pg. 16 - "Floodway"

Floodway - means the area ~~as identified in a master program~~, that either: (i) has been established in effective federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions ~~of the area of a river valley lying~~ streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway ~~shall~~ does not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.



Chapter 2 Definitions

Pg. 16 - "Floodway"

- ✓ Updated definition of "Floodway" slightly for consistency with Ecology Guidelines.



Chapter 2 Definitions

Pg. 20 – "Nonconforming" Definitions

Nonconforming use or development – A shoreline use or nonconforming structure which – An existing structure that was lawfully constructed or at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program (WAC 173-27-080).

Nonconforming lot – A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program (WAC 173-27-080).

Nonconforming use – An existing shoreline use that was lawfully established prior to the effective date of the applicable SMA/SMP provision, and which no longer conforms to the act or the applicable shoreline provisions master program, but which does not conform to present use regulations due to subsequent changes to the master program (WAC 173-27-080).



Chapter 2 Definitions

Pg. 20 – "Nonconforming" Definitions

- Nonconforming development/structure
 - Nonconforming lot
 - Nonconforming use
- ✓ Definitions are now consistent with updates to WAC 173-27-080.



Chapter 2 Definitions

Pg. 23 - "Qualified Professional"

Qualified Professional - A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 565-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

a) A qualified professional for wetlands must be a professional wetland scientist or hydrogeologist licensed in the State of Washington with at least two (2) years of full-time work experience as a wetlands professional, including delineating wetlands using the Federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

b) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.

c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the State of Washington.

d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, or engineer licensed in the State of Washington, or other scientist with experience in preparing hydrogeologic assessments.



Chapter 2 Definitions

Pg. 23 - "Qualified Professional"

- ✓ Added definition from SMC 15.700 for "Qualified Professional".



Chapter 3 Goals of the Shoreline Management Program

- ✓ Minor changes made to text for consistency with the Comprehensive Plan goals and policies.



Chapter 4 General Shoreline Provisions

Section 4.1 - Pg. 35:

4.1 Introduction

Based on the goals established for the Shoreline Master Program, the following general policies and regulations apply to all uses, developments, and activities in the shoreline area of the City of SeaTac. General policies and regulations are broken into different topic headings and arranged alphabetically. Each topic begins with a description of its applicability, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable to all environments, as well as particular shoreline uses and activities. Topics include the following:

- Archaeological and Historic Resources
- Environmental Impacts
- Environmentally Sensitive Areas
- Public Access
- Shoreline Vegetation Conservation
- Water Quality, Stormwater, and Non-Point Pollution



Chapter 4 General Shoreline Provisions

Section 4.1 - Pg. 35:

- ✓ Removal of "Environmentally Sensitive Areas" topic

Chapter does not include a discussion nor regulations of environmentally sensitive areas as the City's 2008 *Final Shoreline Analysis Report* indicated there are no known sensitive areas within the shoreline jurisdiction.



Chapter 5 Shoreline Environments

Minor text changes such as:

- ✓ "Hughes" reference converted to tax parcel number.
- ✓ Table II text updated to reflect accurate LID/BMP language.
- ✓ Other various LID/BMP language consistencies.



Chapter 6 Shoreline Use Provisions

Minor text changes such as:

- ✓ LID/BMP language.



Chapter 7 Shoreline Modification Provisions

Section 7.5.2 - Pg. 106:

7.5.2 Exemptions

~~Piers for private, noncommercial pleasure craft, common to a single family residence, and costing less than ten thousand (\$10,000) dollars are exempt from the requirement for a shoreline substantial development permit pursuant to RCW 90.58.030(3)(e)(vii) and WAC 173-27-040(h).~~

~~The ten thousand dollar (\$10,000) threshold will be adjusted for inflation by the State Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. The City will review all development proposals for piers to determine if:~~

- ~~1. The proposal is or is not exempt from the requirement for a substantial development permit per Section 8.4.1 of this Master Program;~~
- ~~2. The proposal is suitably located and designed and that all potential impacts have been recognized and mitigated such that there is no net loss of shoreline ecological functions; and~~
- ~~3. The proposal is consistent with the intent, policies, and regulations of the Act, RCW 90.58.10(12), and this Master Program.~~



Chapter 7 Shoreline Modification Provisions

Section 7.5.2 - Pg. 106:

- ✓ Eliminates reference to exemptions in this Section and refers to Chapter Section "8.4.1 Exemptions".



Chapter 8 Administration

Section 8.3 - Pg. 113:

8.3 Exceptions

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the developments identified in WAC 173-27-044 and WAC 173-27-045.



Chapter 8 Administration

Section 8.3 - Pg. 113:

- ✓ Ecology adopted rules that clarify exceptions to local review under the SMA. This Section was created to address these statutory exceptions.



Chapter 8 Administration

Section 8.4.1(A) - Pg. 114:

A. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended. The following is a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions):



Chapter 8 Administration

Section 8.4.1(A) - Pg. 114:

- ✓ Amended language to clarify the applicability of WAC 173-27-040



Chapter 8 Administration

Section 8.4.1(I) - Pg. 114:

i. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~five~~seven thousand ~~and forty~~ seven hundred ~~eighteen~~ (~~\$5,718~~\$7,047) dollars, if such development does not materially interfere with the normal public use of the water or “shorelines of statewide significance.” The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's



Chapter 8 Administration

Section 8.4.1(I) - Pg. 114:

- ✓ Outdated cost threshold information updated.



Chapter 8 Administration

Section 8.4.1(vi) - Pg. 116:

f-vi. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multifamily residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed: (A) twenty-two thousand five hundred dollars (\$20,000~~0~~22,500) for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten eleven thousand two hundred dollars (\$10,000~~0~~\$11,200), but for all other docks constructed in fresh waters. However, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.



Chapter 8 Administration

Section 8.4.1(vi) - Pg. 116:

- ✓ Outdated cost threshold information updated.



Chapter 8 Administration

Section 8.4.1 - Pg. 117-119:

- ✓ Added Ecology's suggested language to list of exemptions addressing the Americans with Disabilities Act.



Chapter 8 Administration

Section 8.4.3(C) - Pg. 123:

C. Special Procedures for WSDOT projects:

- i. Permit review time for projects on a state highway. Pursuant to RCW 47.01.485, the Legislature established target of 90 days review time for local governments.
- ii. Optional process allowing construction to commence twenty-one days after date of filing. Pursuant to RCW 90.58.140, Washington State Department of Transportation projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions.



Chapter 8 Administration

Section 8.4.3(C) - Pg. 123:

- ✓ Created Section to address 90-day target for local review of WSDOT projects per WAC 173-27-125



Chapter 8 Administration

Section 8.6 - Pg. 128-129:

the provisions of this Master Program, may seek review from the State of Washington Shorelines Hearing Board by filing a request for the same within twenty-one (21) days of receipt of the final order filing as defined in RCW 90.58.140(6) and by concurrently filing copies of such request with the Department of Ecology and the Attorney General's office. State Hearings Board regulations are provided in RCW 90.58.180 and Chapter 461-08 WAC. A copy of such appeal notice shall also be filed with the City of SeaTac City Clerk.



Chapter 8 Administration

Section 8.6 - Pg. 128-129:

- ✓ Updated language to clarify that the 21-day appeal period begins with the date of filing as defined by RCW 90.58.140(6).



Chapter 8 Administration

Section 8.8 - Pg. 129:

Amendments to the 8.8 Master Program Review

A. A. This Master Program shall be periodically reviewed and amendments shall be made as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

B. The City will conduct the periodic review process consistent with the requirements of RCW 90.58.080 and WAC 173-26-090.



Chapter 8 Administration

Section 8.8 - Pg. 129:

- ✓ Added Section to address the periodic review process for the SMP and include appropriate references to RCW 90.58.080 and WAC 173-26-090.



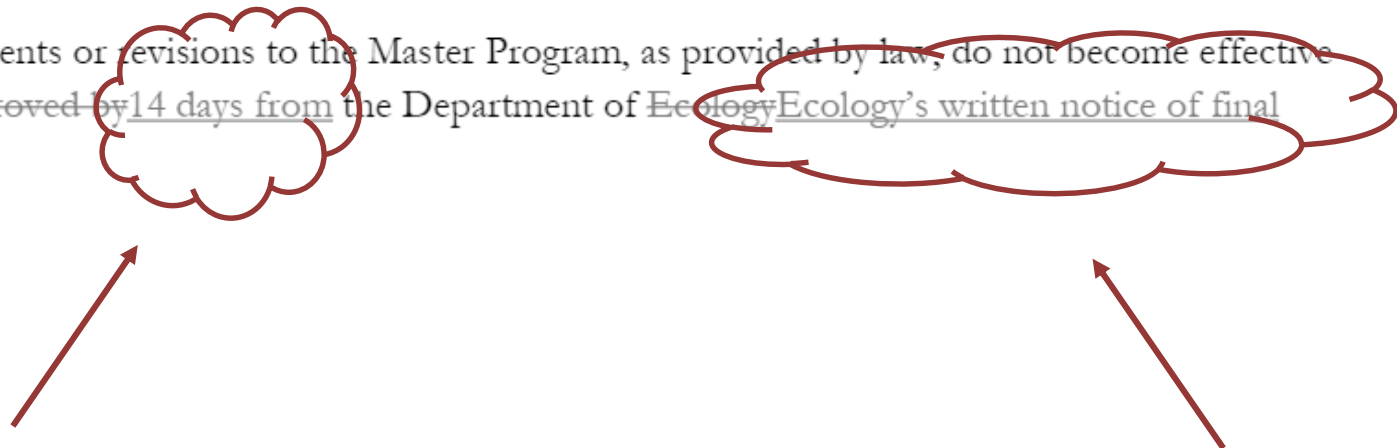
Chapter 8 Administration

Section 8.9 - Pg. 129:

8.9 Amendments to Master Program

A. Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-26 WAC. Any amendments shall also be subject to the procedures in SMC 16A.21.

B. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by 14 days from the Department of Ecology Ecology's written notice of final action.



Chapter 8 Administration

Section 8.9 - Pg. 129:

- ✓ Revised language to clarify that amendments to the SMP do not become effective until 14 days from Ecology's written notice of final action.



Questions?

Other changes to the shoreline regulations can be viewed on the City's Shoreline Master Program website:

www.seatacwa.gov/shorelineupdate

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