



MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: May 30, 2019
To: City Council
From: Jennifer Kester, Planning Manager
Subject: Summary of Shoreline Master Program Amendments

The proposed 2019 Shoreline Master Program (SMP) includes a number of amendments, summarized below, to bring the SMP into compliance with requirements of the Shoreline Management Act and state rules and regulations that have been added or changed since the last SMP amendment (2010), ensure the SMP remains consistent with the City's Comprehensive Plan and development regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data.

The amendments do not change the area of jurisdiction, uses allowed, setbacks required, or environmental designation. In addition, the update does not re-evaluate the ecological baseline that was established as part of the 2010 SMP update.

Summary of Amendments:

Overall Amendments:

- Incorporated the 2016 Low Impact Development (LID) Regulations update from Title 18 (Ordinance No. 16-1022).
- Referenced "Hughes property" with parcel numbers.
- Updated Table of Contents to reflect the contents of the updated SMP.
- Added a List of Tables and List of Acronyms.
- Revised organization and numbering system for ease of reference.
- Updated obsolete or incorrect citations and references.
- Replaced Title 18 of Municipal Code with complete Shoreline Master Program.

Chapter 1 Introduction:

- Added paragraph explaining the periodic update in relation to the City's SMP.

Chapter 2 Definitions:

- Revised definition of “Development” with Ecology's suggested language.
- Revised definition of “Floodway” slightly for consistency with Ecology Guidelines.
- Added definition from SMC 15.700 for “Qualified Professional”.
- Revised the following definitions for consistency with updates to WAC 173-27-080: Nonconforming development/structure, Nonconforming lot, Nonconforming use

Chapter 3 Goals of the Shoreline Management Program:

- Made minor text changes for consistency with the Comprehensive Plan goals and policies.

Chapter 4 General Shoreline Provisions:

- Removed "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:

- Updated Table II text to reflect accurate LID/BMP language.
- Made various LID/BMP language edits.
- Revised language related to when a structure can exceed 35 feet in height to be consistent with WAC 173-27-140.

Chapter 6 Shoreline Use Provisions:

- Made various LID/BMP language edits.

Chapter 7 Shoreline Modification Provisions:

- Eliminated reference to exemptions in this Section and refer to Chapter Section "8.4.1 Exemptions".

Chapter 8 Administration:

- Created section to address Ecology rules that clarify exceptions to local review under the SMA.

- Amended language to clarify the applicability of WAC 173-27-040.
- Updated outdated cost threshold information.
- Added Ecology's suggested language to list of exemptions addressing the Americans with Disabilities Act.
- Created Section to address 90-day target for local review of WSDOT projects per WAC 173-27-125
- Updated language to clarify that the 21-day appeal period begins with the date of filing as defined by RCW 90.58.140(6).
- 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.
- Revised language to clarify that amendments to the SMP do not become effective until 14 days from Ecology's written notice of final action.