

# Shoreline Master Program Periodic Reviews

Mukilteo SMP Periodic Review | 9.3.2019 Mukilteo City Council Meeting

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# Shoreline Management Act (SMA) - RCW 90.58

## **RCW 90.58.050**

This chapter establishes a **cooperative program**... between local government and the state.

## **SMA policies**

There are three basic SMA policy areas: Shoreline use, environmental protection, and public access.

## **The City of Mukilteo Shoreline Master Program (SMP)**

Comprehensive SMP update was adopted in 2013. Created consistent with the SMP guidelines (WAC 173-26) in order to implement the Policies of the SMA.

**The SMA mandates a schedule for the periodic review of your SMP at least every 8-years**

**Updated SMA rules effective September 7, 2017**

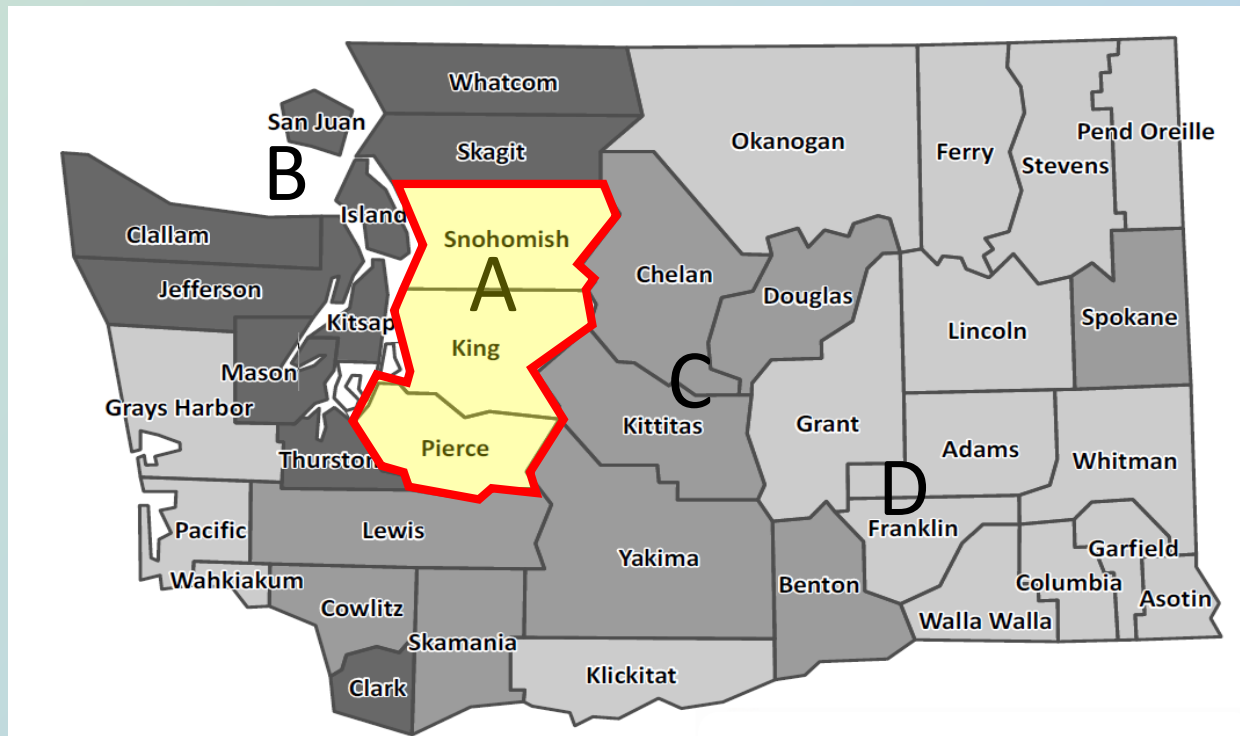
- **Periodic review: clarifies scope and process**

- **New optional SMP amendment process**

# SMP Periodic Review Schedule

# of SMA counties +(cities)

<b>A</b>	3 + (71)
<b>B</b>	10 + (39)
<b>C</b>	10 + (58)
<b>D</b>	18 + (71)

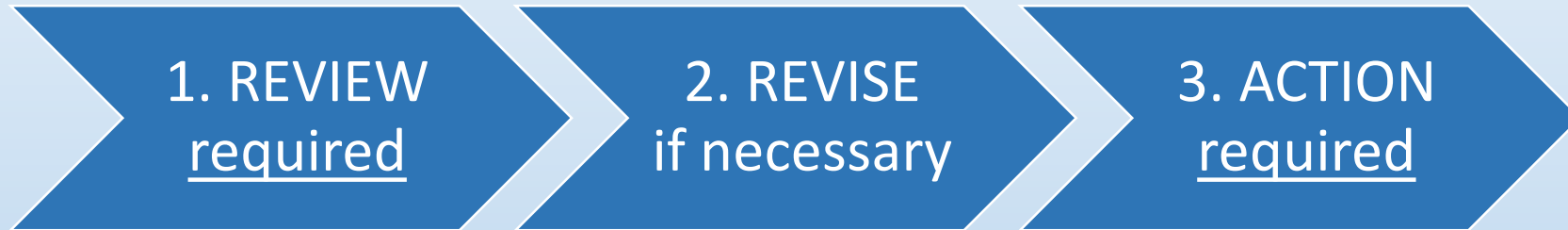


Deadline: June 30 of year listed

(RCW 90.58.080)

	Region A
GMA (Comprehensive Plan Update)	2015
<b>SMA (Shoreline Update)</b>	<b>2019</b>
GMA	2023
<b>SMA</b>	<b>2027</b>

# Periodic review process:



## Review SMP for changes to:

1. RCW & WAC
2. Comprehensive Plan & development regulations
3. Local circumstances, new information, improved data



# 1. Use Ecology Checklist & Guidance to address changes to RCW and WAC

Row	Summary of change	Review	Action
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for <b>replacement docks on lakes and rivers</b> to \$20,000 (from \$10,000).		
b.	The Legislature created a new definition and policy for <b>floating on-water residences</b> legally established before 7/1/2014.		
2012			
a.	The Legislature amended the SMA to clarify <b>SMP appeal procedures</b> .		
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved <b>federal wetland delineation manual</b> .		
b.	Ecology adopted rules for new commercial <b>geoduck aquaculture</b> .		
c.	The Legislature created a new definition and policy for <b>floating homes</b> permitted or legally established prior to January 1, 2011.		

## 2011

### 2011 a. Federal wetlands delineation manual

Ecology repealed the State Delineation Manual rule and replaced it with a rule requiring that identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

Rule: WAC [173-22-035](#), effective 3/14/2011. Guidance: [Wetland Delineation Manual guidance](#).

#### Review considerations

All SMPs should use language from the new WAC because the state delineation manual rule has been repealed. Consult [Ecology's website for wetland delineation manual guidance](#).

#### Example language

The following language should be included in the applicable section of the SMP (or the applicable critical areas code if wetland delineation is addressed in a CAO adopted by reference):

Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

## 2. Review relevant Comprehensive Plan & Regulations

“Local governments must **review changes** to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations **remain consistent** with them.

Changes since SMP was approved

**WAC 173-26-191 (1)(e)** and **WAC 173-26-211(3)** provide guidance on determining internal consistency.

Citations to SMA and GMA directives for mutual consistency

*Environment Designations:*

(a) Provisions not precluding one another (b) Use compatibility (c) Sufficient infrastructure

It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should **document the consistency analysis** to support proposed changes.”



# 3. Consider changes to local circumstances

**Changes in Local Circumstances or Implementation**

Row	Summary of change	Review	Action
<b>Circumstances:</b>			
a.	Changes along the Mukilteo Waterfront	Update with new information from the WSF Project, Tank Farm Master Plan, and Updated Policies	
<b>Local Implementation:</b>			
a.	Adress changes in code that were / are impediments to WSF, NOAA and Tulalip Property Redevelopment	Building setback and height Setbacks from promenade Inconsistent sidewalk widths Parking setbacks Update Maps Word Search for "Mayor or his designee" Investigate "Intercity Plateau Aquafter" and evaluat if it impacts Mukilteo	

**Mukilteo example:**  
 City tailored the checklist, categorized other review items:

- changes in local circumstances
- implementation issues

**Shoreline Master Program – The Following Changes are Being Initiated by the City to Incorporate Changing Local Conditions**

Row	Summary of change	Review	Action
<b>Cover Page, Acknowledgements and TOC</b>			
	Amend format to resemble 2015-2035 Comprehensive Plan and update as needed		
<b>Chapter 1: Introduction</b>			
	<ul style="list-style-type: none"> <li>▪ Update local demographics</li> <li>▪ Update all maps</li> <li>▪ Update minor procedural and process sections</li> <li>▪ Clarify SMP is a stand alone document</li> </ul>		

Chapter-by-chapter, identifies amendments to address changing conditions and other corrections

# Joint state/local review

## WAC 173-26-104

### ***New optional process***

For amendments other than comprehensive SMP updates:

- “Joint review” = concurrent state and local comment period
- Consolidates, does not reduce public comment opportunity

Local government consult w/Ecology & others



Draft SMP amendments, Planning Comm review

**Joint notice:** (GMA review, SEPA, newspaper ad)

**Joint local/state comment period & hearing**

Local response to comments

Ecology initial determination whether amendments comply

*Ecology provided a written determination of consistency to City staff on August 2, 2019. This included a list of issues identified by Ecology with proposed options for resolving.*

Local government adopts SMP amendment, sends complete submittal to Ecology



Ecology review for completeness

**Ecology review & final action**

**Legend**

Local action	Ecology action	Joint action
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## Next Steps:

- **Consider the changes provided by Ecology**, as required and recommended, to resolve the issues identified within the Initial Determination and Attachment.
- **Local Adoption** - After receiving written concurrence from Ecology, locally adopt the proposed SMP amendments.
- **Submit Locally Adopted SMP amendments to Ecology** – per WAC 173-26-110.

\*If these issues are resolved prior to local adoption, we anticipate being able to approve your SMP Periodic Review amendment promptly after formal submittal is provided consistent with WAC 173-26-110. The SMP Amendments will be effective 14-days after Ecology's formal written approval.

Water &amp; Shorelines &gt; Shoreline &amp; coastal management &gt; Shoreline management &gt; Shoreline planners toolbox

## Shoreline &amp; coastal management

Shoreline management

Shoreline Master Programs amendments

State approved Shoreline Master Programs

[Contacts](#)

Shoreline Management Act

Shoreline planners toolbox

Shoreline laws, rules, and cases

Aquaculture

Shoreline Master Programs

Coastal zone management

Hazards

Padilla Bay reserve

Education &amp; training

Ocean management

## Shoreline planners toolbox

This toolbox is designed for local and state shoreline planners responsible for developing and administering Shoreline Master Programs. Users will find links to our web pages and publications to help with:

- Permitting.
- Resolving shoreline management issues.
- Developing and updating Shoreline Master Programs.
- Researching laws and rules.

If you don't find what you need, please contact the Ecology regional planner serving your city or county government.

### Administration of Shoreline Master Programs

- [Shoreline permits and enforcement](#)
- [Shoreline permitting manual](#)

### New shoreline programs and amendments

- [Shoreline Master Programs](#)
- [Status of local Shoreline Master Programs](#)
- [Shoreline Master Program Grants](#)
- [Shoreline Master Programs Handbook](#)

### Amendments

Periodic review

+

Comprehensive updates

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# Questions?

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<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-planners-toolbox>