Snohomish County
Shoreline Management Program

2019 PERIODIC REVIEW

Snohomish County Planning Commission
May 22, 2018
Informational Briefing
Overview

• Background on the Shoreline Management Act (SMA)
• Snohomish County’s Shoreline Management Program (SMP)
• State requirements for SMP Periodic Review
• Proposed Code and Map Amendments
• Project Outreach
• Project Schedule
What is the Shoreline Management Act?

- Adopted by public in 1972 referendum in response to citizen action
- Legal directive outlined in Revised Code of Washington (RCW 90.58)
How does the SMA affect the County?

• Establishes a cooperative program between local governments and the Washington State Department of Ecology
• Appoints Ecology to adopt and administer Shoreline Guidelines on behalf of all citizens of the state
• Requires local governments to develop and maintain a Shoreline Management Program (SMP)
What is a Shoreline Management Program?

Policy Document

Countywide Map Atlas

Development Regulations
What is Ecology’s Role?

Ecology works with over 262 Counties and Cities
Where does shoreline jurisdiction apply?

- Marine Waters
- **Rivers & Streams**: greater than 20 cubic feet per second mean annual flow
- **Lakes, Water Areas & Reservoirs**: greater than 20 acres
- **Shorelands**: upland areas 200 feet landward of ordinary high water mark
- Associated Wetlands
- 100-year Floodplain

South Fork Stillaguamish River
Photo Credit: Steve G. Bisig
Types of Shoreline Permits and Exemptions

Permit Types:
• Shoreline Substantial Development Permit (SSDP)
• Shoreline Conditional Use Permit
• Shoreline Variance Permit

Exemptions:
• Exemption from Shoreline Management Act
• Exemption from SSDP
What is “Periodic Review”?

Ecology Guideline:
WAC 173-26-090

Guideline Language:
Local governments must **review**, and, if necessary, **revise** their SMP at least once every eight years

Last Update to County SMP:
July 2012 (comprehensive overhaul)

Deadline for Completion:
June 30, 2019

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**Table WAC 173-26-090.1**

<table>
<thead>
<tr>
<th>Year</th>
<th>Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019/2027*</td>
<td>King, Pierce, Snohomish</td>
</tr>
<tr>
<td>2020/2028*</td>
<td>Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom.</td>
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</tbody>
</table>

*And every eight years thereafter.
What does “Periodic Review” require?

Snohomish County must:

- Comply with legislative changes to the SMA
- Assure consistency with changes to rules/guidelines adopted by Ecology
- Review amendments to our County GMA Comprehensive Plan and development regulations for consistency with the SMP
- Reflect changed circumstances, new information, and/or improved data
What is the scope of “Periodic Review”?

Proposed Code Changes
• Inconsistencies created by changes in state law (state-initiated)
• Implementation issues identified by staff (locally-initiated)

Proposed Map Changes
• Annexations
• Trust Acquisitions
• New & Improved GIS Data
• Natural Changes
State-Initiated, Proposed Code Changes
State-Initiated, Proposed Code Changes

SMP review identified 12 changes due to changes in the state law and guidelines:

- Definitions
- Procedures, costs and timelines
- Special provisions for WSDOT, restoration projects and ADA retrofits
- Geoduck aquaculture
- Non-conforming uses
Example: State-Initiated

Change to RCW 90.58.620

Option to Classify Legally-Established, Residential Structures as Conforming
Special Ecology Request

Proposed Code Change:
Consider changing shoreline buffer requirements for new single-family residential development on vacant parcels located on highly-developed lake shorelines.
Special Ecology Request
## Locally-Initiated, Proposed Code Changes

<table>
<thead>
<tr>
<th>Code Changes</th>
<th>Subject Area</th>
<th>Description of Possible Change</th>
<th>Implementation Issue/Problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Boathouses</td>
<td>Consider amending code to correct spelling errors related to term: “Boathouse”</td>
<td>Existing code spells the term “boathouse” differently. It is split into two words in Boating Facilities; definition of “boathouse” in 30.91B has it all as one word.</td>
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<tr>
<td>2.</td>
<td>Docks</td>
<td>(a) Consider amending light passage requirement for decking</td>
<td>Existing code contains very specific requirements for construction materials for docks &amp; piers (45% light passage); floats, 30%. Staff state that these standards are difficult to achieve, implement and prove.</td>
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<tr>
<td></td>
<td></td>
<td>(b) Consider clarifying the length provision for residential piers and docks</td>
<td>Existing code requires length of dock to be an average of the lengths of abutting docks and piers, but does not specify what to do if there are no adjacent docks or piers.</td>
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<td></td>
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<td>(c) Consider reformatting code to change the location of dock regulations</td>
<td>Existing regulations for boating facilities (marinas, yacht &amp; boat clubs, boat launches, boat ramps and boathouses) is combined with regulations for mooring facilities (docks, piers, floats, mooring buoys). Currently, residential dock regulations are buried in the code.</td>
</tr>
<tr>
<td>3.</td>
<td>Impervious Surface</td>
<td>Consider clarifying intent of impervious surface limit for subdivisions</td>
<td>Existing code limits subdivisions lying fully or partially within shoreline jurisdiction to a maximum of 10% total impervious surface within the subdivision boundary. Shoreline requirements cannot be imposed on the portion of the subdivision that is outside of shoreline jurisdiction.</td>
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<tr>
<td>4.</td>
<td>Ordinary High Water Mark (OHWM)</td>
<td>Consider codifying ECY guidance on OHWM determinations</td>
<td>Existing code does not provide guidance for how OHWM determinations are made; New guidance from ECY exists is available.</td>
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<tr>
<td>5.</td>
<td>Bulkheads</td>
<td>Consider clarifying exemptions for normal maintenance and repair of bulkheads</td>
<td>Existing code indicates that a shoreline CUP is required for normal maintenance and repair of a bulkhead when it is not associated with a restoration project. However, this activity is exempt from an SDP under 30.44.120(1)(b).</td>
</tr>
<tr>
<td>6.</td>
<td>Critical Area Regulations</td>
<td>Consider updating references to 2007 version of CAR in the SMP</td>
<td>Existing code in 30.67.060 still makes reference to 2007 CAR which is no longer Best Available Science. Though adopted by the county, this section will need to be reviewed by Ecology.</td>
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<td>7.</td>
<td>Geoduck</td>
<td>Consider amending the definition of aquaculture to acknowledge that the wild geoduck fishery is co-managed by both the state and Tribes</td>
<td>This proposed amendment reflects greater accuracy in county’s SMP</td>
</tr>
</tbody>
</table>
Locally-Initiated, Proposed Code Changes

SMP review has identified 10 locally initiated changes:

- Definitions
- Correct typos and improve clarity
- Provisions related to docks and bulkheads
- Update reference to critical area regulations
- Impervious surface limits for subdivisions
- Remove shoreline variance requirement for innovative development
- Ecology guidance on Ordinary High Water Mark
Example: Locally-Initiated

Change to SCC 30.67.060

Incorporate 2015 Critical Area Regulations (CAR) into the SMP

30.67.060 Relationship to Critical Area Regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.

(1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, as adopted by Amended Ordinance No. 06-061 August 1, 2007, and 30.65 SCC as adopted by Amended Ordinance No. 07-005 on February 21, 2007, except as modified by SCC 30.67.060(2).
Proposed Map Changes
Example: Meadow Lake

- Large lake/wetland complex
- Total area: 59.61 acres
- 26 of 50 parcels are single family residential
FEMA Digital Flood Insurance Rate Maps

Jul 2016 – Preliminary Digital Flood Insurance Rate Maps (DFIRMs) released
Dec 2016 – Public Meetings/Workshops
Jul 2017 – FEMA issues revised Preliminary DFIRMs
Feb 2018 – Appeal Period Begins
May 2018 – Appeal Period Period Ends

DFIRM Project Website:
https://snohomishcountywa.gov/893/
Project Outreach

• Tribal Partners
• Agencies
• Landowners
• General Public
• Project Website
• Agricultural Advisory Bd.
Schedule for Proposed Changes

**Feb 2018:** Tribal, Agency, Stakeholder and Public Outreach

**May 2018:** Snohomish County Planning Commission - Briefing

**Jun-Jul 2018:** Snohomish County Planning Commission – Hearing

**Jan 2019:** Snohomish County Council – Briefing

**Mar 2019:** Snohomish County Council – Public Hearing