

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

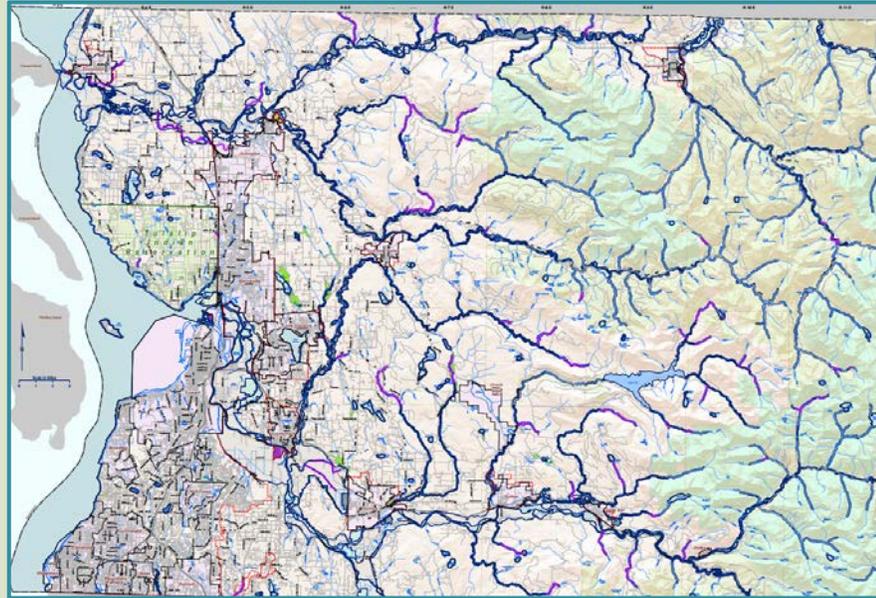
Snohomish County

Shoreline Management Program:

**Shoreline Environment Designations,
Policies and Regulations**



Snohomish County
Planning and Development Services



Chapter 30.67
SHORELINE MANAGEMENT PROGRAM

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Sections:

PART 000 General.

30.67.010 Purpose.

30.67.020 Applicability.

30.67.030 Shoreline Management Program (SMP) - components and relationship to comprehensive plan.

30.67.040 Relationship to chapter 30.61 SCC - environmental impacts.

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

30.67.070 Relationship to other regulatory requirements.

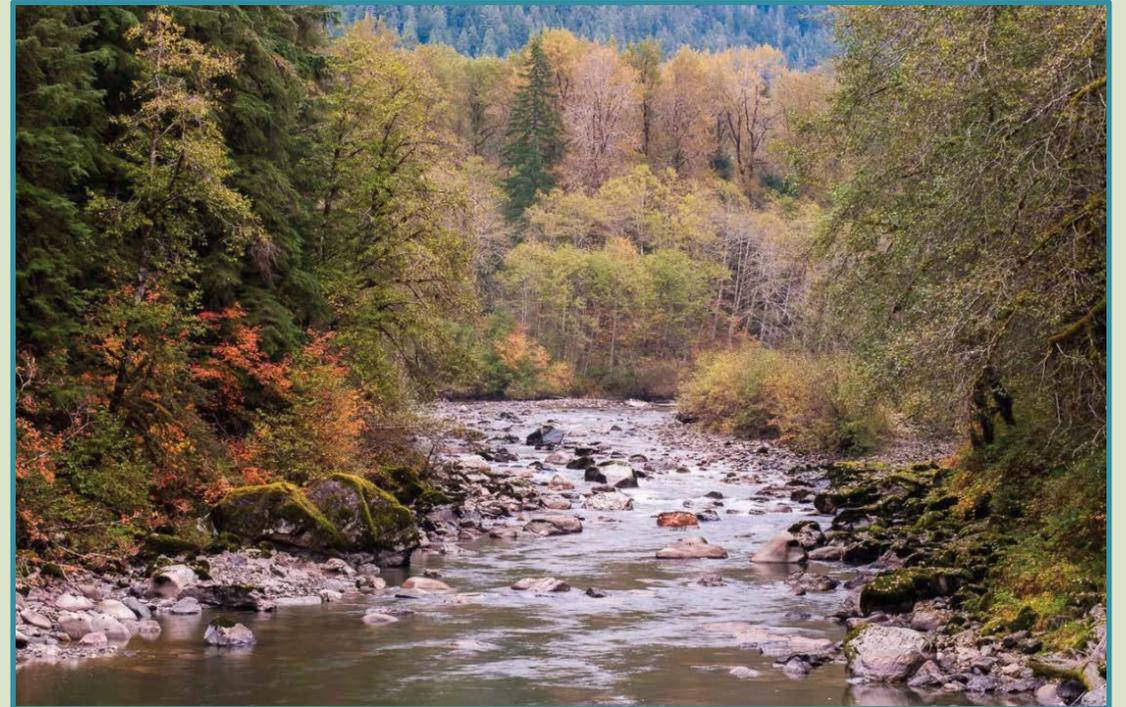
What is Ecology's Role?



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

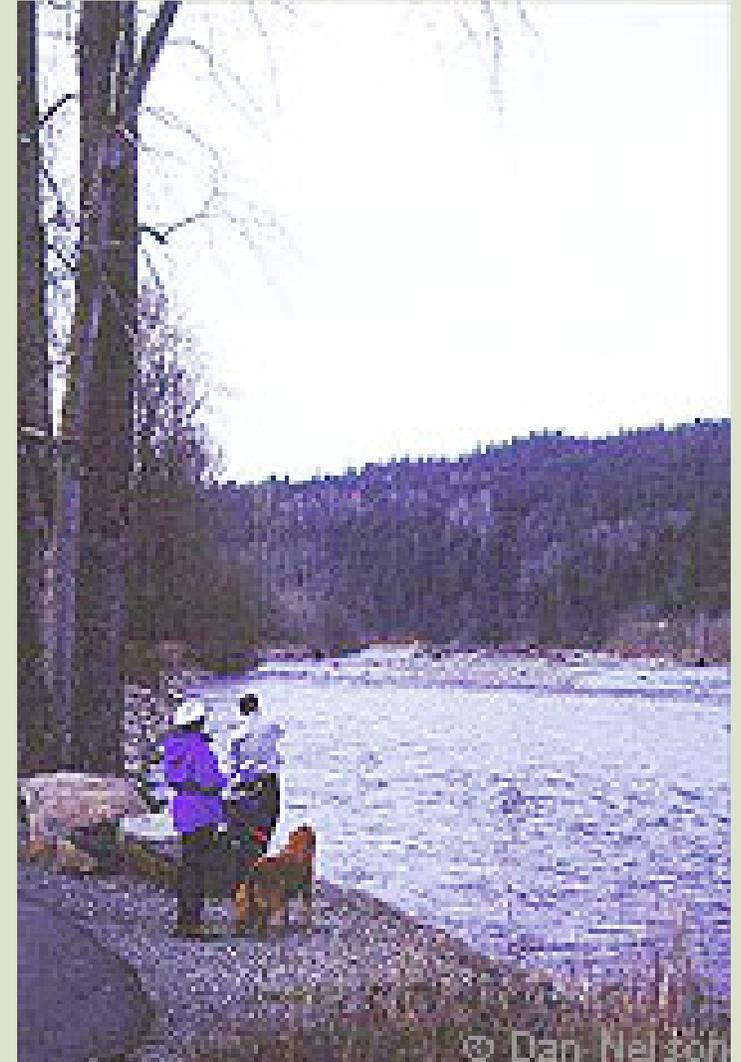
Types of Shoreline Permits and Exemptions

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

Table WAC 173-26-090.1
Deadlines for Completion of Periodic Review

Reviews must be completed on or before June 30th of:

2019/2027*

Affected counties and the cities and towns within:

King, Pierce, Snohomish.

2020/2028*

Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom.

2021/2029*

Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, Yakima.

2022/2030*

Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman.

*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

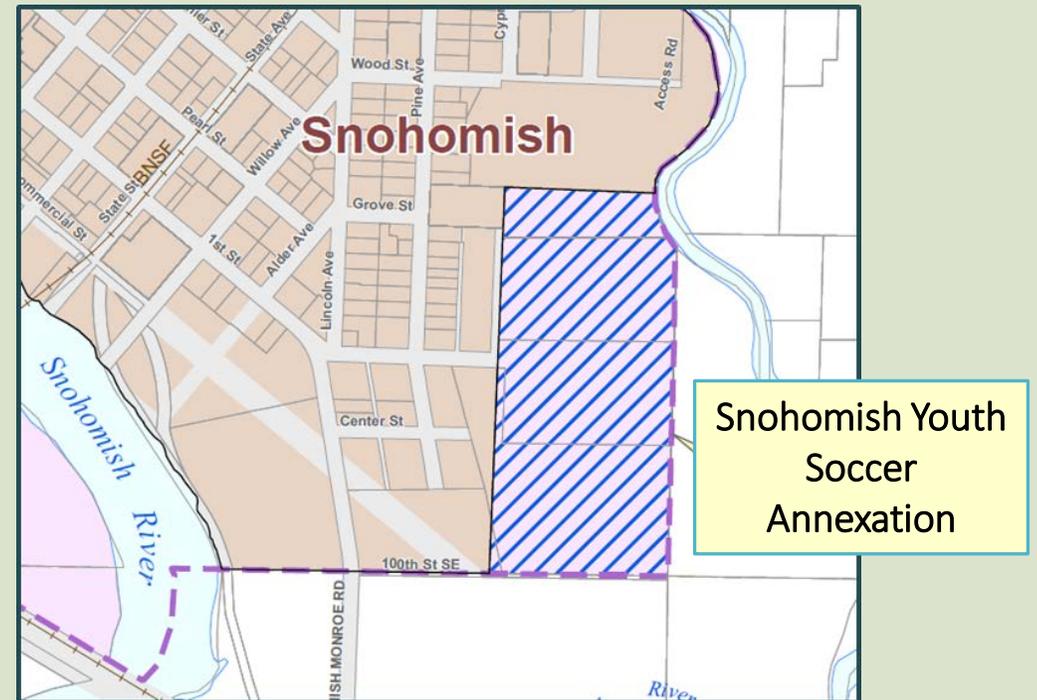
What is the scope of “Periodic Review”?

Proposed Code Changes

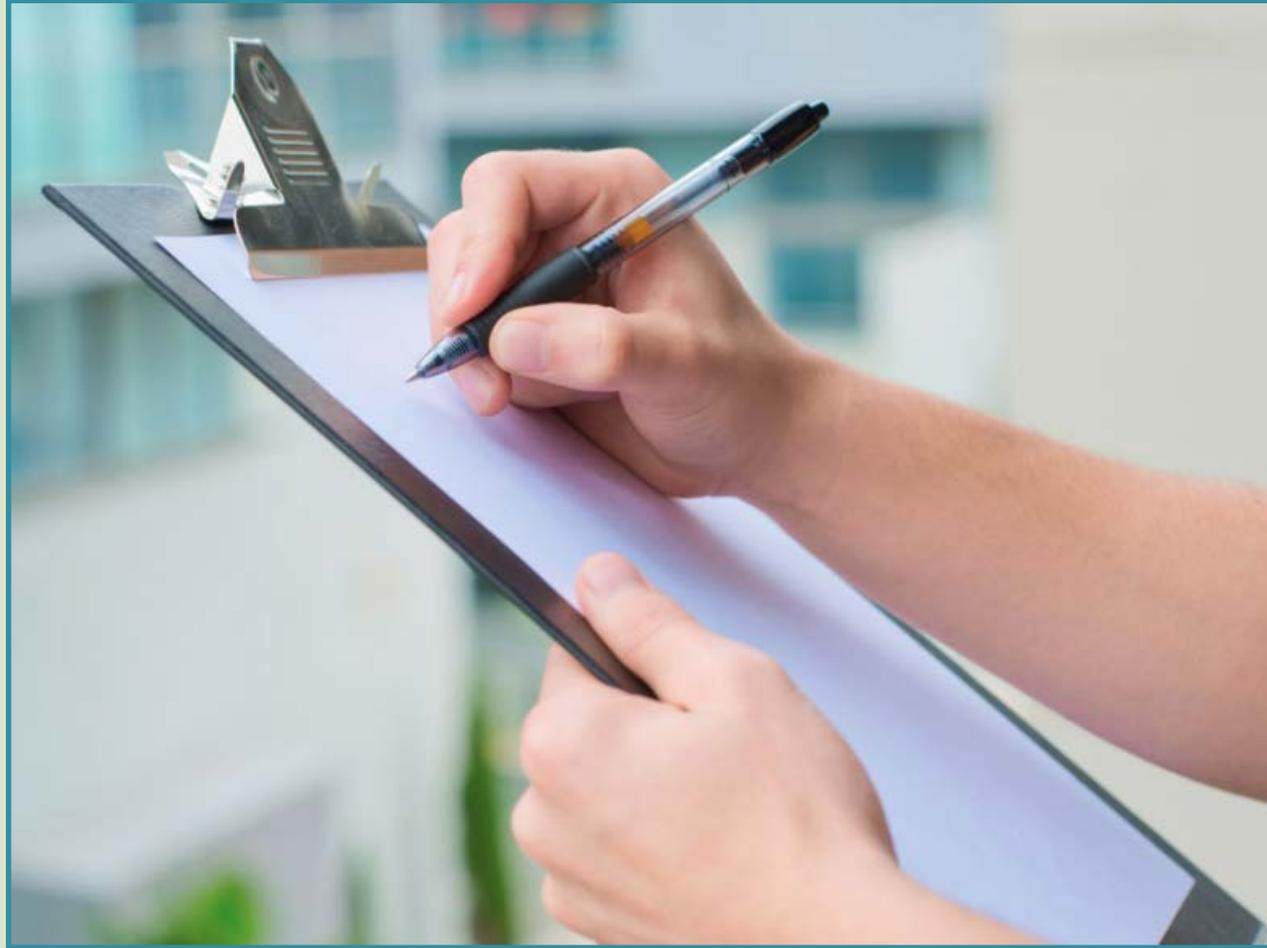
- Inconsistencies created by changes in state law (state-initiated)
- Implementation issues identified by staff (locally-initiated)

Proposed Map Changes

- Annexations
- Trust Acquisitions
- New & Improved GIS Data
- Natural Changes



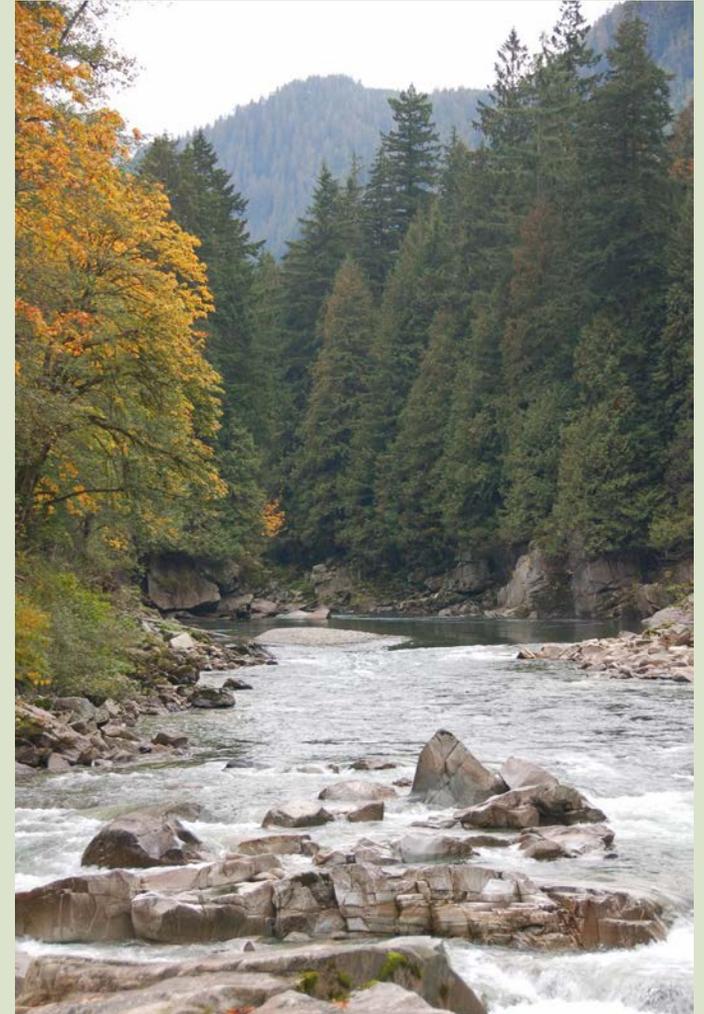
State-Initiated, Proposed Code Changes



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



Douglas Lake, TN. Photo Cr: Marty Loveday

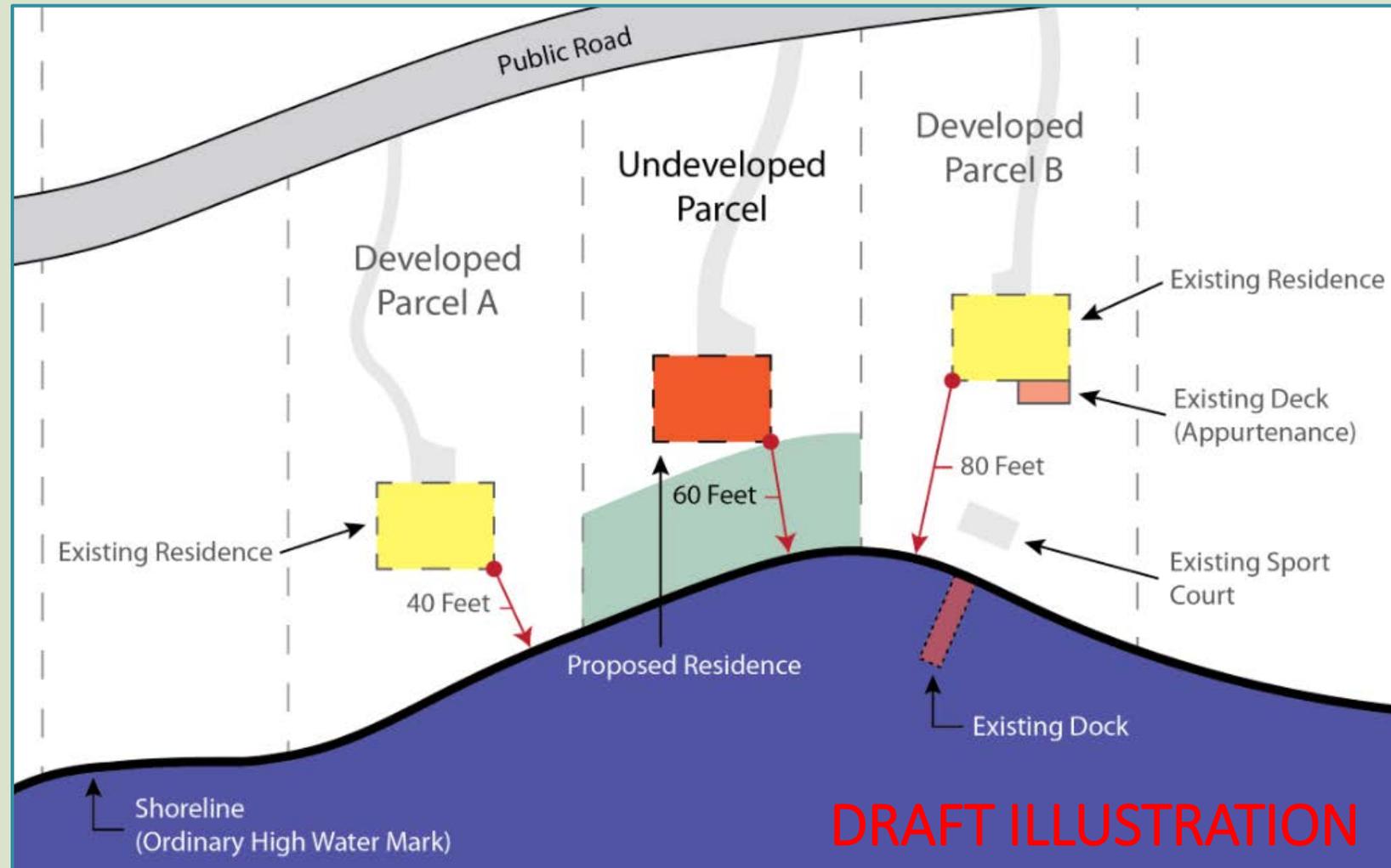
Special Ecology Request

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



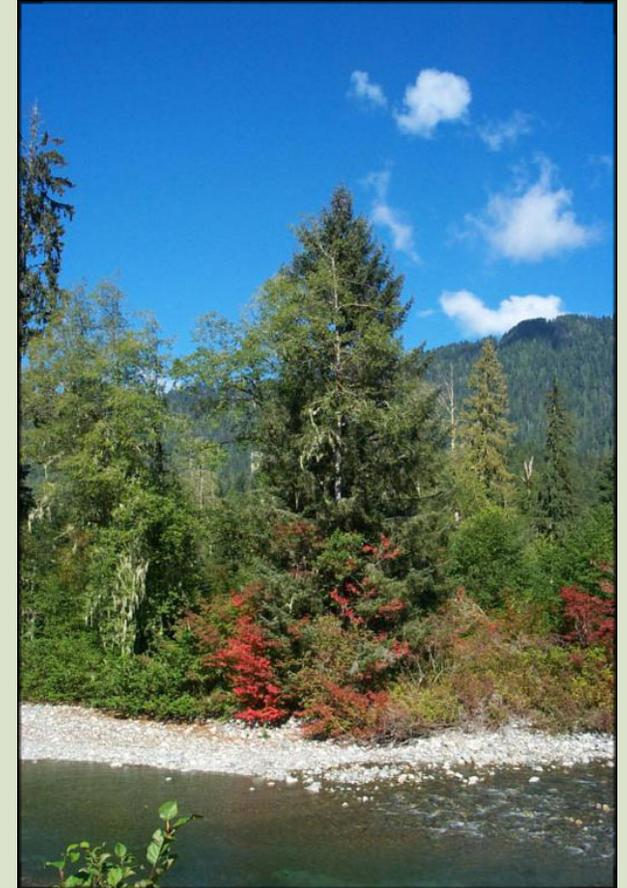
Locally-Initiated, Proposed Code Changes

		Subject Area	Description of Possible Change	Implementation Issue/Problem
1.	Code Changes	Boathouses	Consider amending code to correct spelling errors related to term: "Boathouse"	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.
2.		Docks	(a) Consider amending light passage requirement for decking	Existing code contains very specific requirements for construction materials for docks & piers (45% light passage); floats, 30%. Staff state that these standards are difficult to achieve, implement and prove.
			(b) Consider clarifying the length provision for residential piers and docks	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.
			(c) Consider reformatting code to change the location of dock regulations	Existing regulations for boating facilities (marinas, yacht & 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.
3.		Impervious Surface	Consider clarifying intent of impervious surface limit for subdivisions	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.
4.		Ordinary High Water Mark (OHWM)	Consider codifying ECY guidance on OHWM determinations	Existing code does not provide guidance for how OHWM determinations are made; New guidance from ECY exists is available.
5.		Bulkheads	Consider clarifying exemptions for normal maintenance and repair of bulkheads	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).
6.	Critical Area Regulations	Consider updating references to 2007 version of CAR in the SMP	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.	
7.	Geoduck	Consider amending the definition of aquaculture to acknowledge that the wild geoduck fishery is co-managed by both the state and Tribes	This proposed amendment reflects greater accuracy in county's SMP	

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

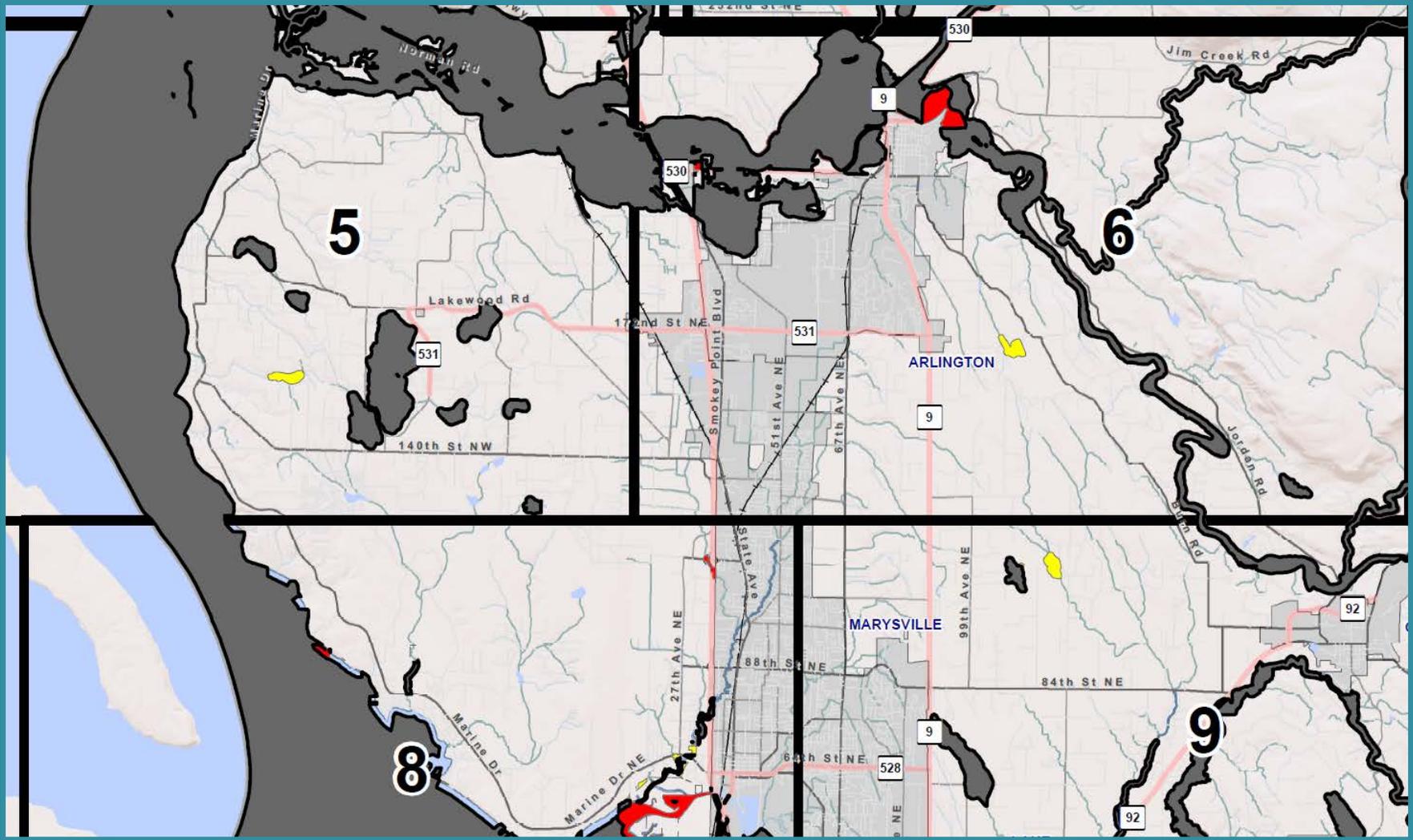
Change to SCC 30.67.060

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.

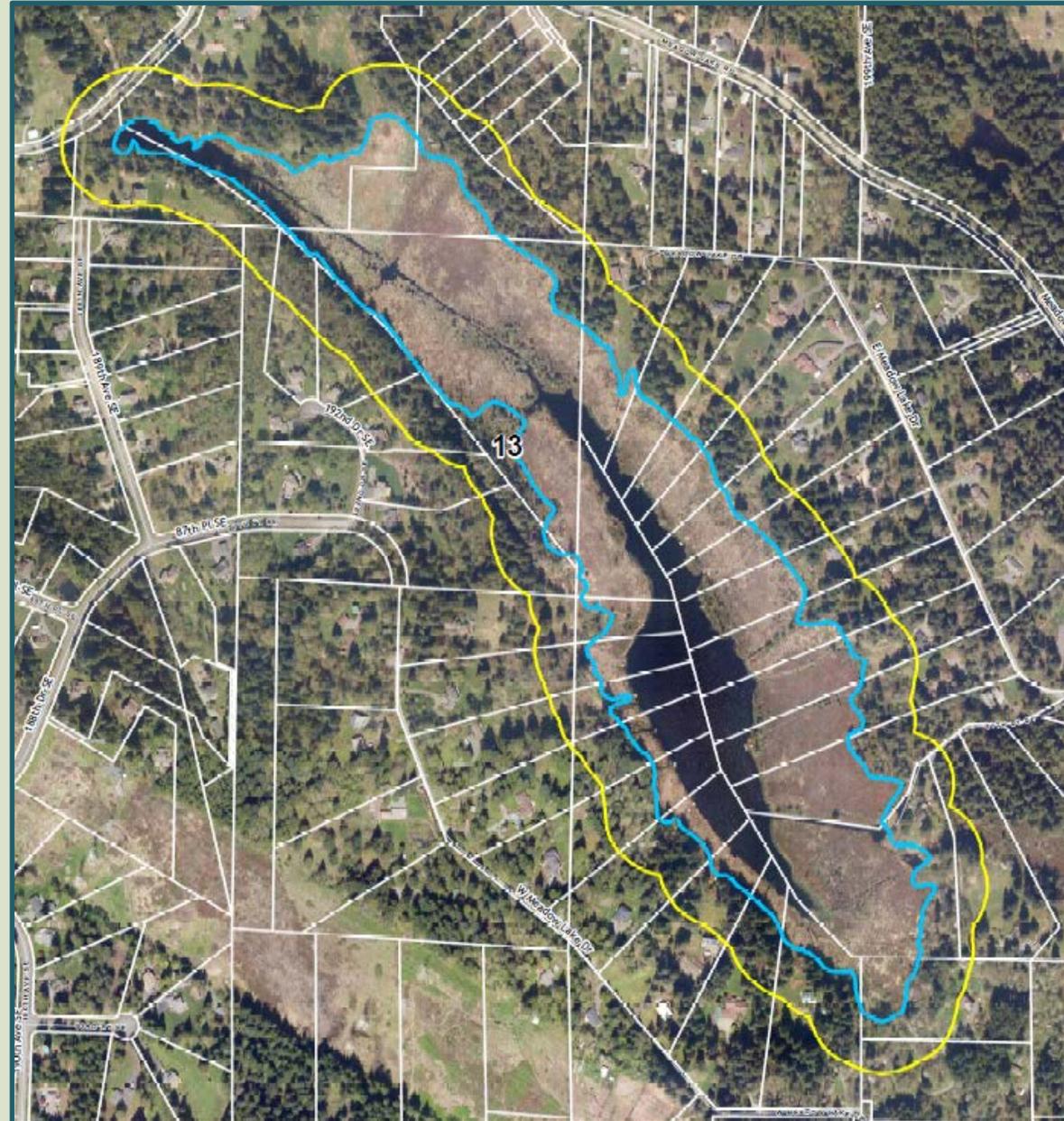
(1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, as adopted by Amended Ordinance No. 06-061 August 1, 2007, and 30.65 SCC as adopted by Amended Ordinance No. 07-005 on February 21, 2007, except as modified by SCC 30.67.060(2).

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 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**

