

SMA Rules Update: preliminary draft phase

- Background on the Shoreline Management Act (SMA)
- Why Ecology is updating these rules
- What Ecology is considering: 5 topic areas
- How to comment on the preliminary draft



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Background to
the Shoreline Management Act
(SMA)

SMA: balance use & protection of shorelines

Plan for and foster all reasonable and appropriate uses

- Water-dependent uses (e.g., ports, aquaculture)
- Public access
- Single-family residences

and

Protect the environment

- Ensure “no net loss of ecological functions” necessary to sustain shoreline resources



SMA partnership: balance local & state authority

“**cooperative program** between local government and the state”

City or County

Develop local **Shoreline Master Programs (SMPs)**

based on Ecology rules, tailored to local circumstances

Administer the SMP (permits, compliance)

Ecology

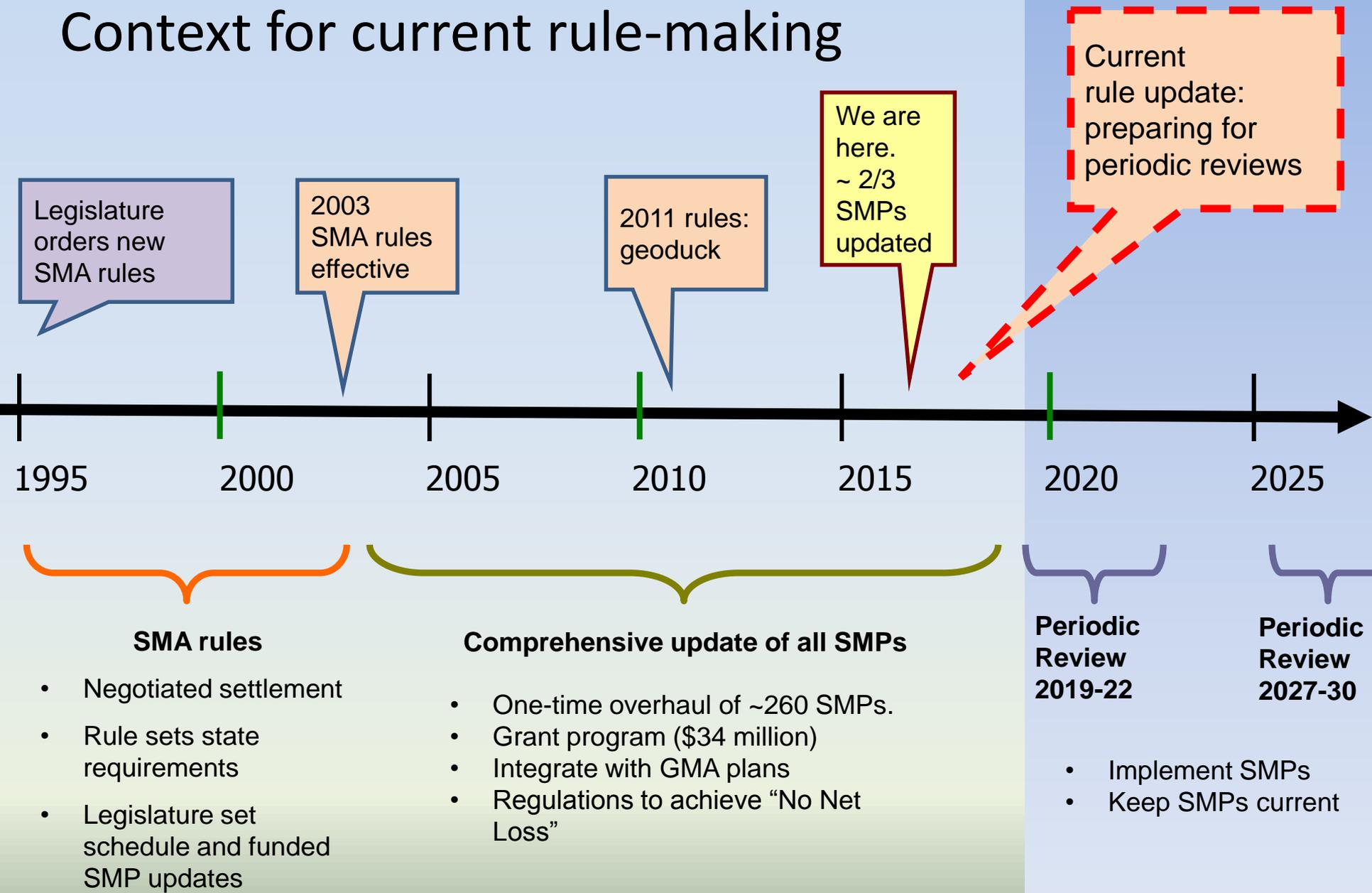
Write and update rules, provide technical assistance and grants

“Ensure compliance with the Act”

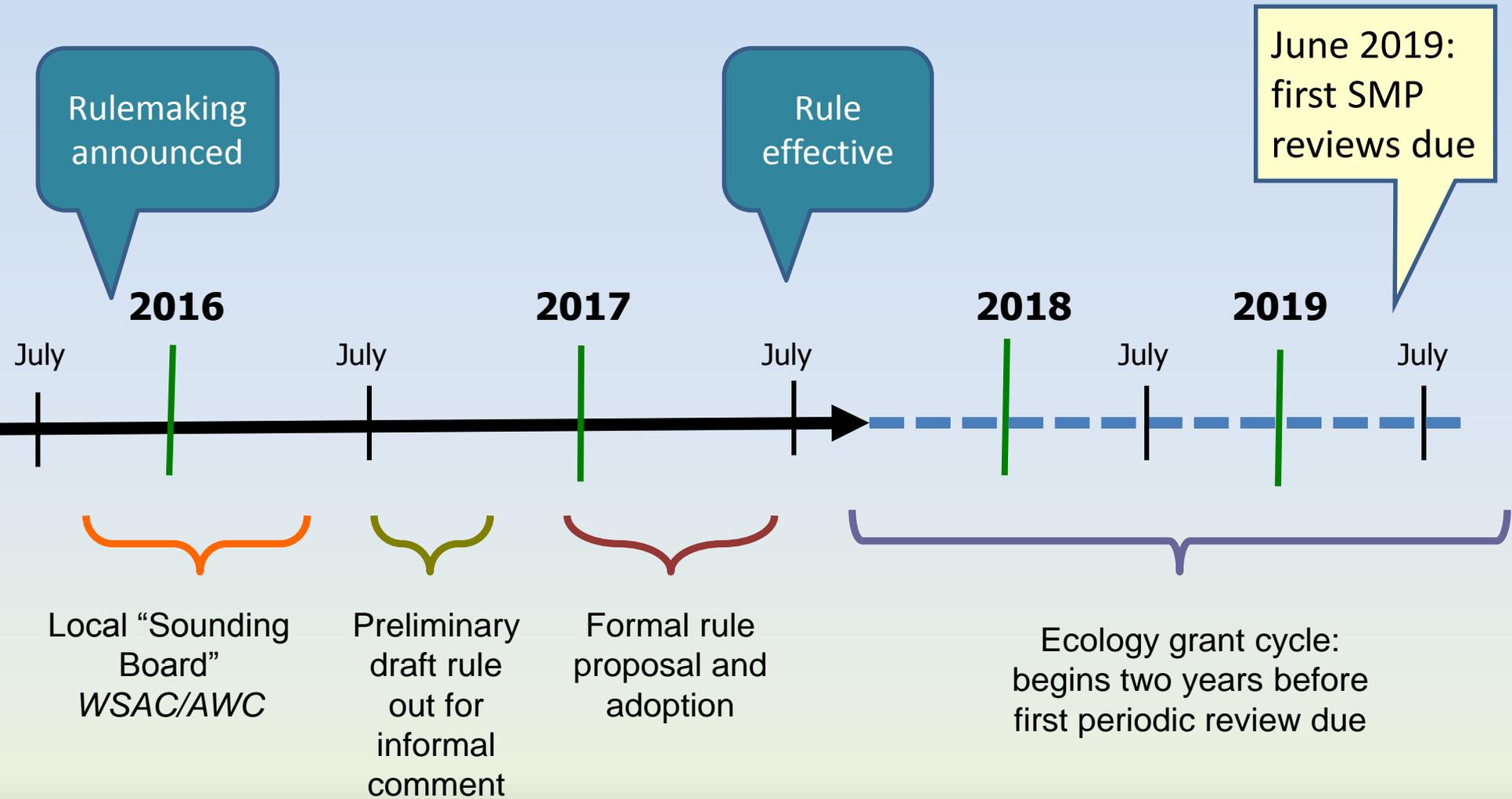
- **Formal approval** of SMP
- **Final action** on
 - Conditional Use Permits
 - Variances

Why Ecology is Proposing to
Update
SMA rules now

Context for current rule-making

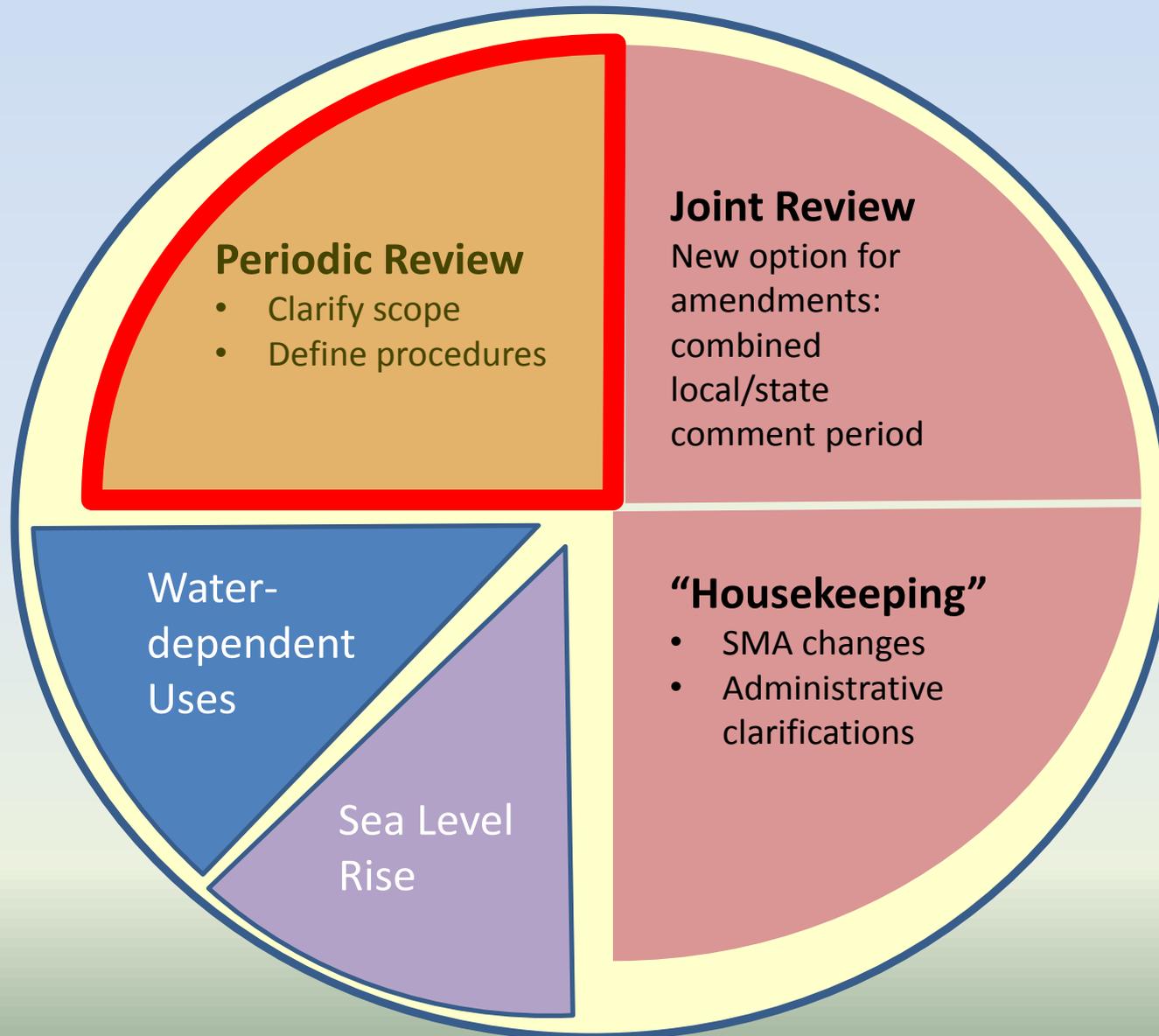


Current rule update process



What Ecology is Considering for the Update

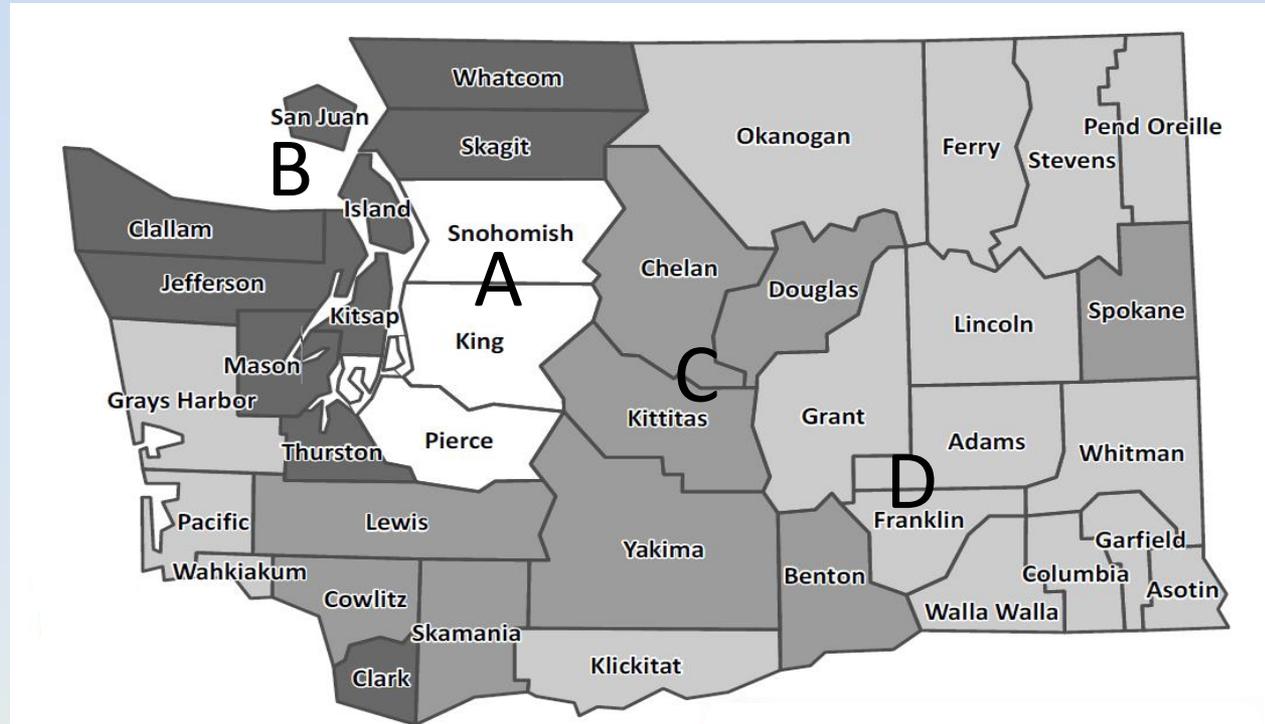
Five Categories



Periodic review schedule

of SMA counties +(cities)

A	3 + (74)
B	10 + (39)
C	10 + (58)
D	18 + (71)



Deadline: June 30 of year listed

* For GMA reviews: extra 2 years for smaller jurisdictions

	A	B	C	D
GMA	2015	2016*	2017*	2018*
SMA	2019	2020	2021	2022
GMA	2023	2024*	2025*	2026*
SMA	2027	2028	2029	2030

1. Periodic review: purpose

The Legislative mandate is to “review and *if necessary*, revise...”

to assure the SMP:

1) Complies with laws and Ecology rules that were not in effect the last time the SMP was amended

2) Remains consistent with the comprehensive plan and development regulations adopted under the Growth Management Act

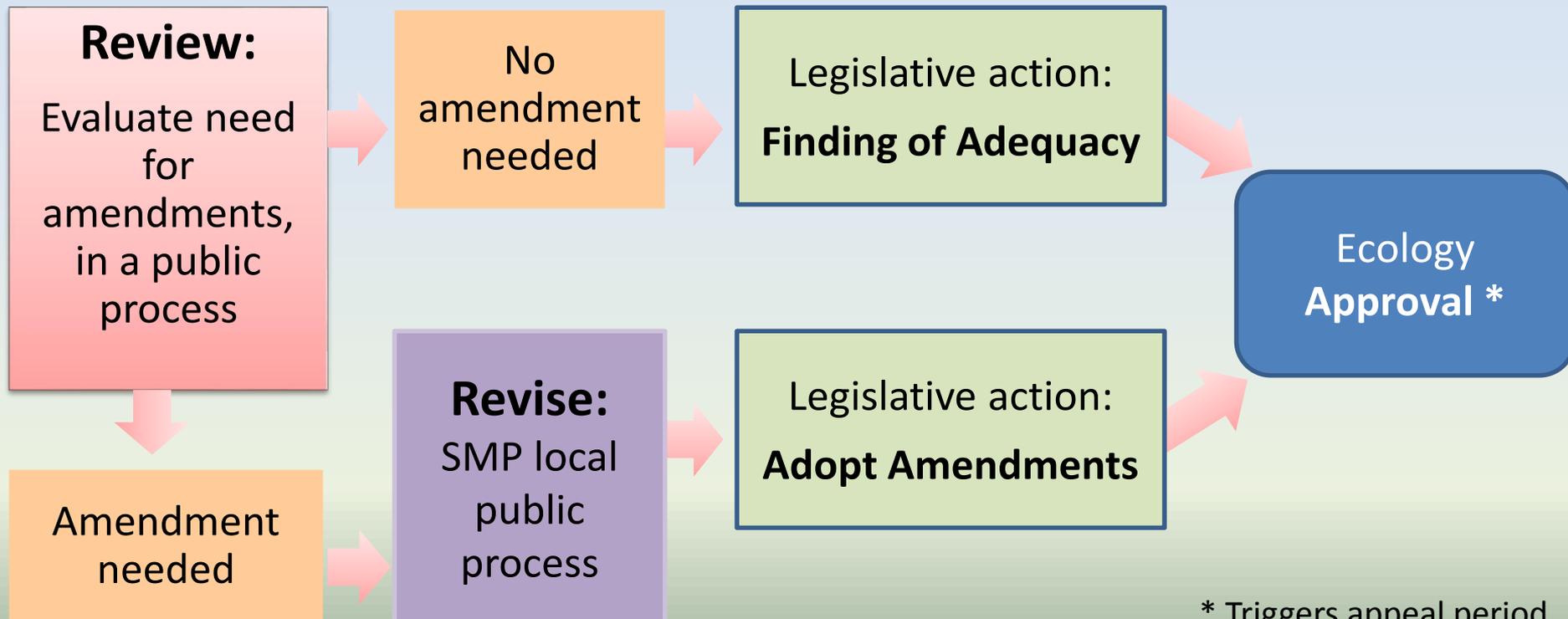
Preliminary draft clarifies:

- existing SMPs are presumed adequate.
- no requirement to re-do inventories.
- The rule also identifies optional elements.

1. Periodic review: public process

The draft rule is based on the GMA periodic review rule. It includes a requirement for a public participation plan.

Checklist:
Laws/Rules



* Triggers appeal period.

2. “Joint review” of SMP amendments

Problem with current process:

- Both a local and state comment period is required for every SMP amendment
- Improvements are slowed by 2 – 6 months
- Procedural steps draw staff resources from implementation

Proposed solution:

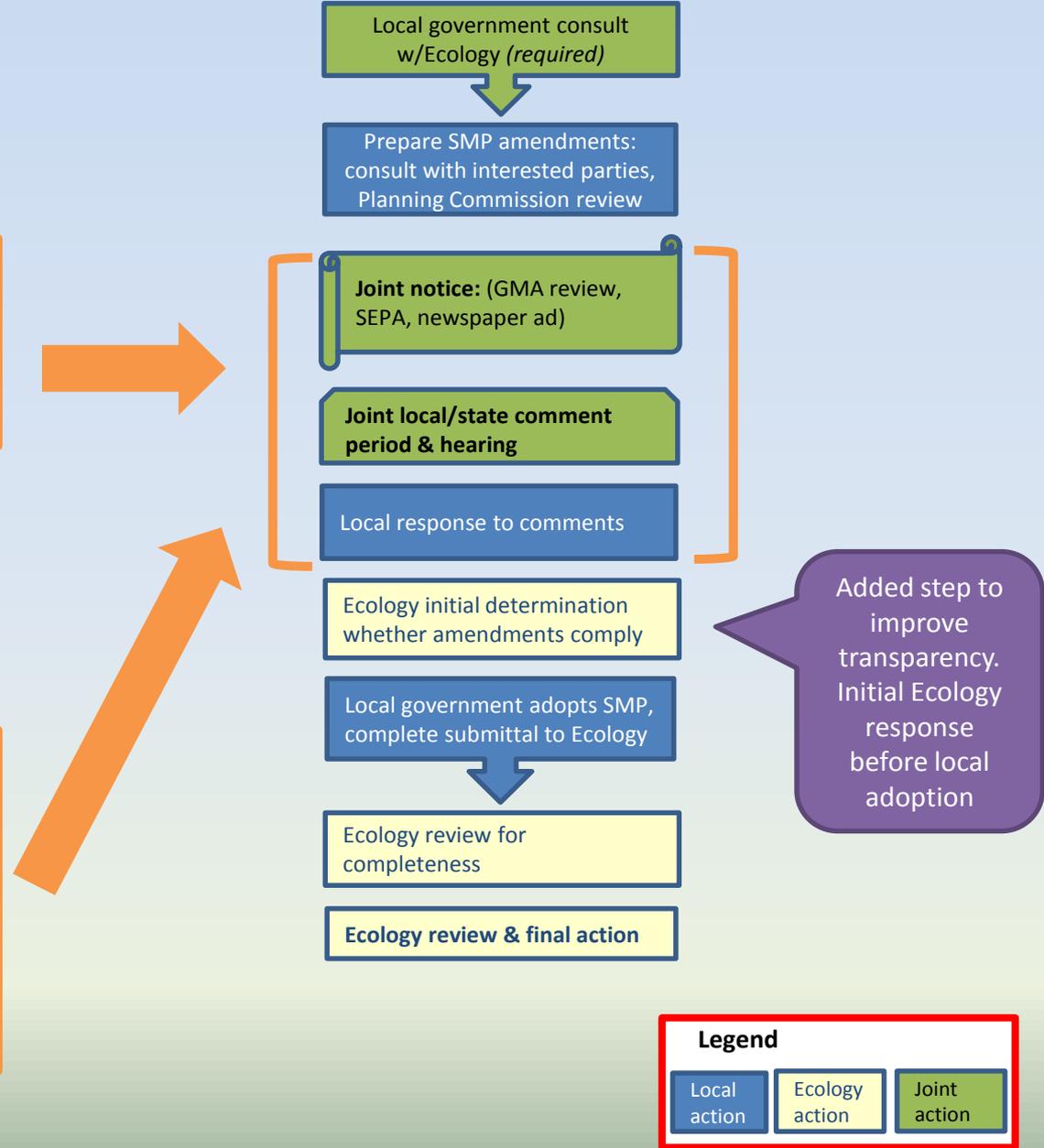
New *optional* process for amendments other than comprehensive SMP updates.

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

Figure 1. Existing process



Figure 2. Optional Joint Review



3. Water-Dependent Uses

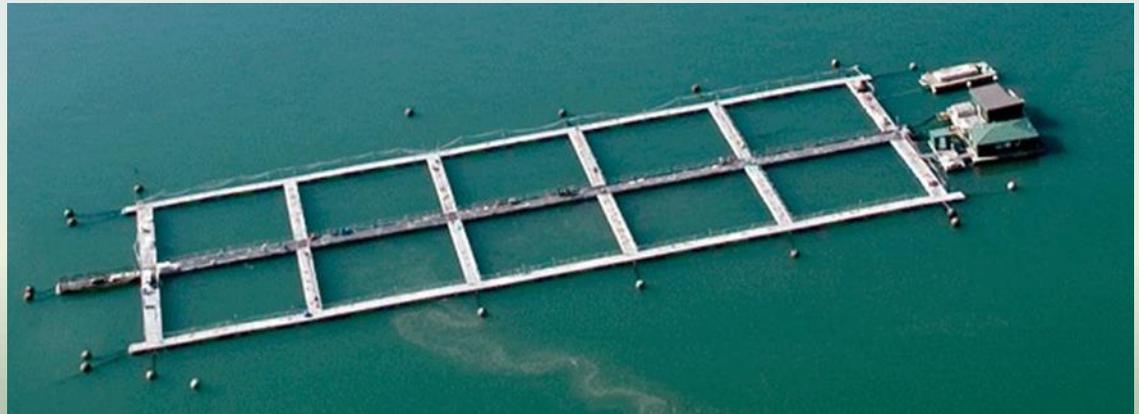
Acknowledges jurisdiction-wide prohibitions of water-dependent uses are allowed where a particular use is **not reasonably foreseeable**

- Requires consultation with affected industries
- Prohibitions revisited during periodic reviews

New section on floating aquaculture (e.g., salmon net pens)

- Clarifies use preference
- Clarifies issues to address
- Points to Ecology guidance for details (currently being updated)

Does not require all local governments to revisit existing aquaculture regulations



4. Sea level rise

Draft rule:

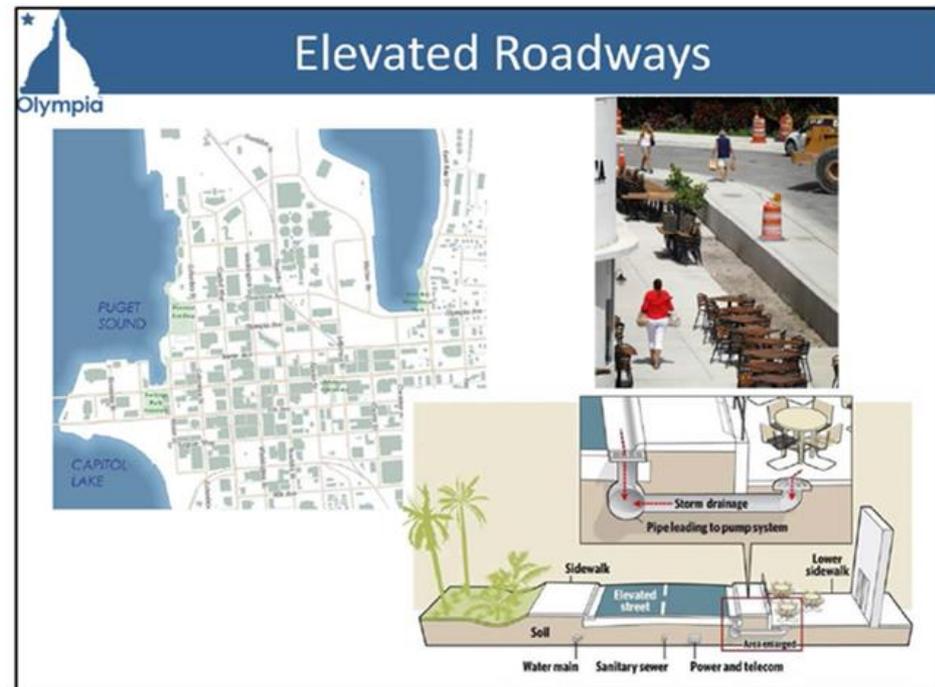
- recommends local governments consult Ecology guidance
- includes no mandatory actions

Other planning efforts are driving adaptation to sea level rise (*e.g., infrastructure plans, flood-proofing*).

Local governments can opt to modify SMPs for consistency with other adaptation efforts.



Olympia example:
SMA area is a tiny sliver of the area potentially subject to SLR flood events



5. Housekeeping

SMA (non-discretionary) changes:

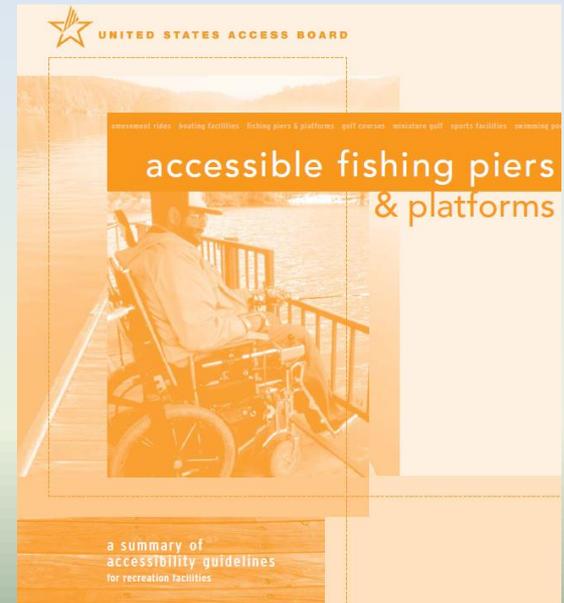
- Notification and appeals timelines
- Floating homes and “floating on-water residences”
- Existing shoreline residential structures may be classified as “conforming”
- New permit exemptions: freshwater dock replacements, modifications to existing structures for handicapped access
- Permits for WSDOT: new exception from regulation

Administrative clarifications:

- *Example:* deleting 39 outdated rules that reference wetland maps that have not been amended since 1980s

Draft rules simply add new direction from legislative updates to the SMA since Ecology’s last rule update.

Rules add no interpretation of statute



Thanks to our local Sounding Board

Stephen Atkinson, City of Tacoma

Leonard Bauer, FAICP, City of Olympia

Dave Catterson, Association of Washington Cities

Damien Hooper, Grant County

Mark Kulaas, FAICP, Douglas County (& Wenatchee City Council)

Mike Shuttleworth, Benton County

Jason Sullivan, City of Bonney Lake

Lisa Verner, King County

RCW 90.58.050

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

How to comment on preliminary draft rules

To comment on preliminary draft

Visit our [Website](#)

- Join the [Listserv](#)
- Download documents for review
- Use the online comment form

Comments due by **August 26, 2016**

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