

# SMP Administrative Provisions

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Coastal Training Program

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# Requirements for SMP are minimal

- Include criteria for CUPs and variances
  - Must be consistent with SMA and WAC 173-27.
  - May require CUP for development exempt from SDP, e.g. , bulkheads.

# Requirements for SMP are minimal

- Include conformance statement
  - “All proposed uses and development must conform to SMA and SMP (WAC 173-26-191(2)(a)(iii))

# Requirements for SMP are minimal

- Address nonconforming uses and structures (more on this later).



Definitions are not required in SMP, but it's a good place to put them.

- Start with SMA and WAC definitions
- Add custom definitions as needed
- Important in legal challenges
- Help public understanding
- Consistency with definitions in development code
- SMA & WAC are defaults

# Exemptions from SDP requirements cannot be changed

- SMP can refer to SMA.
- SMP can list SMA exemptions verbatim.

# Program to administer and enforce permit system is required

- It does not need to be in SMP – easier if it's not.
- It can be in ordinance separate from SMP.
- It must be consistent with SMA.

# Nonconforming development should be addressed in SMP



Use is nonconforming if it would not be approved as new development



A **structure** that does not meet current standards is nonconforming



# Lots that do not conform to lot size standards are nonconforming



# Options to address nonconforming uses and structures include:

- Use the nonconforming standards in WAC 173-27-080.
- Use some provisions of WAC 173-27-080 & revise others to meet local needs.
- Write new nonconforming provisions.
- Use same nonconforming provisions as in local zoning code.

# SMP should cover breadth of provisions in WAC 173-27-080

- Definitions
- Structures – maintenance and repair, expansion, moving the structure
- Uses – expansion, change in use
- Reconstruction after damage, including timelines for permitting and reconstruction
- Abandonment
- Undeveloped lots

# Court decisions set parameters

- *In Washington, local governments are free to preserve, limit or terminate nonconforming uses subject only to the broad limits of applicable enabling acts and the constitution.*

## Sideboards for provisions include:

- Existing legal uses and structures may continue.
- Changes should meet new requirements.
- Nonconformity should not increase.
- Local governments have right to terminate nonconforming development.

# New law addresses critical areas

- ESB 1653 - legal structures & uses in critical areas continue as conforming until comprehensive SMP update is in effect.
- When SMP update becomes effective, SMP covers all critical areas in shoreline jurisdiction.

# Don't forget no net loss!

- Cumulative impacts analysis should analyze nonconforming development.
- Will your community achieve no net loss?