Why the City must prepare a New Shoreline Master Program

Below is an explanation of the 4 key reasons why the City needs to prepare a new Shoreline Master Program:

1. New State Guidelines

In 2003 the State issued a comprehensive set of guidelines addressing requirements for local Shoreline Master Programs, which are contained in Chapter 173-26 of the Washington Administrative Codes.

The new Guidelines contain certain requirements that the City's SMP must meet. The City's current SMP is not consistent with these guidelines.

The following describes some of the key new requirements found in the Guidelines:

- **Shoreline Environmental Designations**. The Guidelines establishes a new system of classifying the shoreline areas based on physical, biological and development characteristics. Each shoreline environment has a different level of protection and the allowed uses, activities and improvements must be appropriate for that level of protection. The City's current shoreline designations need to be modified to meet the new classification system.

- **No Net Loss.** The Guidelines require that the impacts of new uses, activities and improvements be identified and mitigated with a final result "no net loss" of the shoreline ecological function. The benchmark for the 'no net loss' starts with the City's 2006 Final Shoreline Analysis completed for the SMP update. Since most types of shoreline development result in at least some degree of impact to ecological functions, the 'no net loss' standard means that the SMP must contain provisions for mitigating these unavoidable impacts. In evaluating 'no net loss', the City must consider the aggregate effect of future development that includes both the individual impact of each development and the cumulative impact of all of the development that is likely to occur.

- **Restoration Plan**. The Guidelines also require jurisdictions to plan for restoration of ecological functions where the functions have been impaired. Restoration plans are to be done through a combination of public and private programs and actions. The goal is to improve the overall condition of habitat and resources within the shoreline area over time compared to the existing conditions as documented in the 2006 Final Shoreline Analysis. Actions could include planting shoreline vegetation, replacing part or all of bulkheads with soft shoreline stabilization and adding fill and vegetation waterward of existing bulkhead.

- **Shoreline Stabilization**. The Guidelines contain specific standards addressing shoreline stabilization. The Guidelines make clear distinctions between hard structural shoreline stabilization (not preferred), such as a bulkhead or concrete wall and soft shoreline stabilization (preferred), such as a mix of gravels, cobbles, boulders, logs and native vegetation. New hard structured shoreline stabilization is only to be allowed if soft shoreline stabilization is not feasible.

2. Critical Areas Regulations

Under WAC 173-26-221(2), the City's SMP must provide for management of critical areas. The City's current SMP contains no critical area management. The City's city-wide critical area ordinance (CAO) was adopted in 2003 which predates the issuance of the Department of Ecology's Western Washington Wetland Rating System and DOE's issued guidance for management of wetlands. Critical area ordinances must also meet the Best Available Science (BAS) as defined in WAC 365-195-905 when amending the critical area regulations.

Critical area regulations need to be added to the new SMP that reflect an updated rating system and BAS.

3. Puget Sound Salmon Recovery Plan

In 2005, 27 local governments, including Kirkland, ratified the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan. This plan, together with other plans prepared throughout the Puget Sound region, became part of the official Puget Sound Salmon Recovery Plan approved by NOAA Fisheries Service in 2007. WRIA 8's efforts at the local jurisdiction level focus on the conservation and restoration of salmon habitat. For Lake Washington nearshore areas, the WRIA 8 key recommendations are to reduce bank hardening, restore overhanging riparian vegetation, replace bulkheads and rip-rap with sandy beaches and gentle slopes, use plastic mesh rather than solid wood dock surfaces and reduce the number of docks for more shared docks. The SMP needs to reflect the commitment that the City has made to regional Salmon recovery efforts.

4. Consistency with the Zoning Code and State and Federal regulations

The current SMP was adopted in 1974 and has rarely been amended because of the complex amendment process established by DOE. The current SMP contains a combination of goals, policies and shoreline regulations. There are inconsistencies between the current SMP and regulations found in the Zoning Code that need to be resolved. Also, the SMP does not reflect existing shoreline conditions, new standards on docks and hard structural shoreline stabilization from the Washington State Department of Fish and Wildlife and the US Army Corps of Engineers that have jurisdiction over shoreline development, and the Puget Sound Salmon Recovery Plan as discussed above.

In addition, DOE is now taking the position that they have final approval over any amendment to the Zoning Code that applies to the shoreline. Over half of the City's Zoning Code contains provisions that apply city-wide that would then be subject to DOE approval. The approach of the new SMP is to have most of the shoreline standards under one chapter in the Zoning Code to limit Department of Ecology's jurisdictional review.