Shoreline Master Program
Periodic Reviews

Misty Blair, Senior Shoreline Planner - NWRO
Shoreline Management Act (SMA) - RCW 90.58

RCW 90.58.050
This chapter establishes a **cooperative program**... between local government and the state.

SMA policies
There are three basic SMA policy areas: Shoreline use, environmental protection, and public access.

The City of Kirkland Shoreline Master Program (SMP)
Comprehensive SMP update was approved in 2010. This program was created consistent with the SMP guidelines (WAC 173-26) in order to implement the Policies of the SMA.
The SMA mandates a schedule for the periodic review of your SMP at least every 8-years.

Updated SMA rules effective September 7, 2017

- Periodic review: clarifies scope and process
- New optional SMP amendment process
SMP Periodic Review Schedule

# of SMA counties +(cities)

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

**Deadline**: June 30 of year listed

(RCW 90.58.080)

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<th>A</th>
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<tr>
<td>GMA</td>
<td>2015</td>
<td>2016</td>
<td>2017</td>
<td>2018</td>
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<td>SMA</td>
<td><strong>2019</strong></td>
<td>2020</td>
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<td>GMA</td>
<td>2023</td>
<td>2024</td>
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<td>2026</td>
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<td>SMA</td>
<td><strong>2027</strong></td>
<td>2028</td>
<td>2029</td>
<td>2030</td>
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Periodic review process:

1. REVIEW required
2. REVISE if necessary
3. ACTION required
Review SMP for changes to:

1. RCW & WAC
2. Comprehensive Plan & development regulations
3. Local circumstances, new information, improved data
1. Use Ecology Checklist & Guidance to address changes to RCW and WAC

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<thead>
<tr>
<th>Year</th>
<th>Summary of Change</th>
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<td>2011</td>
<td><strong>a.</strong> Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual.</td>
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<td><strong>b.</strong> Ecology adopted rules for new commercial geoduck aquaculture.</td>
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<td><strong>c.</strong> The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.</td>
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<td>2012</td>
<td>The Legislature amended the SMA to clarify SMP appeal procedures.</td>
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<td>2014</td>
<td>The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to $20,000 (from $10,000).</td>
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**2011 a. Federal wetlands delineation manual**

Ecology repealed the State Delineation Manual rule and replaced it with a rule requiring that identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.


**Review considerations**

All SMPs should use language from the new WAC because the state delineation manual rule has been repealed. Consult [Ecology's website for wetland delineation manual guidance](#).

**Example language**

The following language should be included in the applicable section of the SMP (or the applicable critical areas code if wetland delineation is addressed in a CAO adopted by reference):

Identification of wetlands and delineation of their boundaries shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements.
2. Review relevant Comprehensive Plan & Regulations

Local governments must **review changes** to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations **remain consistent** with them.

**WAC 173-26-191 (1)(e) and WAC 173-26-211(3)** provide guidance on determining internal consistency.

- **Citations to SMA and GMA directives for mutual consistency**
- **Environment Designations:**
  - (a) Provisions not precluding one another
  - (b) Use compatibility
  - (c) Sufficient infrastructure

It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should **document the consistency analysis** to support proposed changes.”
3. Consider changes to local circumstances

Kirkland example:
City added O.O. Denny Park within Comprehensive Plan to reflect the 2011 Annexation area.

Nearshore native vegetation at Juanita Beach Park

The City’s parks and natural areas are a reflection of the values of the Kirkland community. The Parks Department strives to ensure that the public landscape remains attractive, while meeting the expectations of our users and preserving our parks and natural spaces for generations to come.

Opportunities exist to improve nearshore native vegetation in a number of shoreline parks, including Juanita Beach Park, O.O. Denny Park, Waverly Beach Park, the Lake Avenue West street end park, Marina Park, David E. Brink Park, Settler’s Landing, Marsh Park, and Houghton Beach Park. Restoration activities could include such practices as native plant buffers at the shoreline edge, control of noxious and invasive species, implementation of sound horticultural practices, use of Integrated Pest Management (IPM) techniques, organic fertilizers, and natural lawn care practices.

All of these type of staff recommended changes related to changing circumstances or implementation issues are included in Table 5 with rationale.
Joint state/local review

WAC 173-26-104

New *optional* process

For amendments other than comprehensive SMP updates:

- “Joint review” = concurrent state and local comment period
- Consolidates, does not reduce public comment opportunity
Local government consult w/Ecology & others

Draft SMP amendments, Planning Comm review

**Joint notice:** (GMA review, SEPA, newspaper ad)

**Joint local/state comment period & hearing**

Local response to comments

Ecology initial determination whether amendments comply

Local government adopts SMP, complete submittal to Ecology

Ecology review for completeness

Ecology review & final action

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**Legend**

- Local action
- Ecology action
- Joint action

2(c)(i) 30-day comment period

2(c)(ii) minimum of (1) **joint** public hearing *(typically at Planning Commission)*
Next Steps:

• **Response to Comments** - Provide responses to all comments received and determine if additional amendment modifications are necessary.

• **Submit to Ecology for Initial Determination** - After comment period and prior to local adoption. Ecology will provide a written initial determination of consistency with SMA and Guidelines.

• **Local Adoption** - After receiving written concurrence from Ecology, locally adopt the proposed SMP amendments.

• **Submit Locally Adopted SMP amendments to Ecology** – per WAC 173-26-110.

*The SMP Amendments will be effective 14-days after Ecology’s formal written approval.*
Ecology is required to review all SMP amendments to ensure consistency with the Shoreline Management Act and implementing rules.

In order to approve the City’s Periodic Review and proposed SMP amendment, Ecology must conclude that the proposed amendment satisfies the criteria found in WAC 173-26-201(1)(c). This includes the conclusion that the SMP amendment:

• will not foster uncoordinated and piecemeal development of the state’s shorelines (WAC 173-26-201(2)(c)(i); and
• will assure no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(iv)).
Questions?

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