

Shoreline Master Program Update

City Council Briefing/Adoption

Monday, May 24, 2021

Introductions

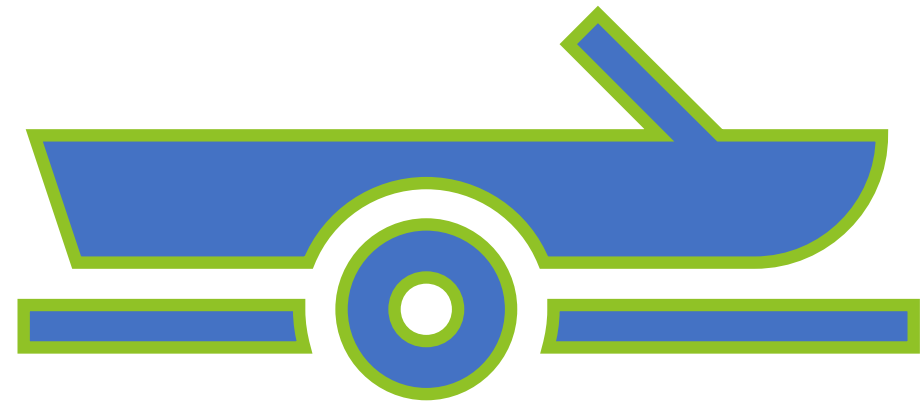
- ▶ **City of Cle Elum**
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 - ▶ Brittany Port, AICP – Land Use Planner
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Why are we here?

- ▶ The City is obligated under certain state laws to review and amend its regulations pertaining to shorelines of statewide significance.
 - ▶ The Shoreline Management Act (RCW 90.58) requires the City's Shoreline Master Program be reviewed and revised, if needed, on an eight-year schedule.
 - ▶ Jurisdictions are on varied schedules to complete this review - the City of Cle Elum's periodic review is due to be completed on or before June 30, 2021.

Shoreline Management Act (SMA)

- ▶ Originally passed in 1971.
- ▶ Manages and protects the state's shoreline resources by planning for reasonable and appropriate uses.
- ▶ Governs use and development of shorelines of the state.

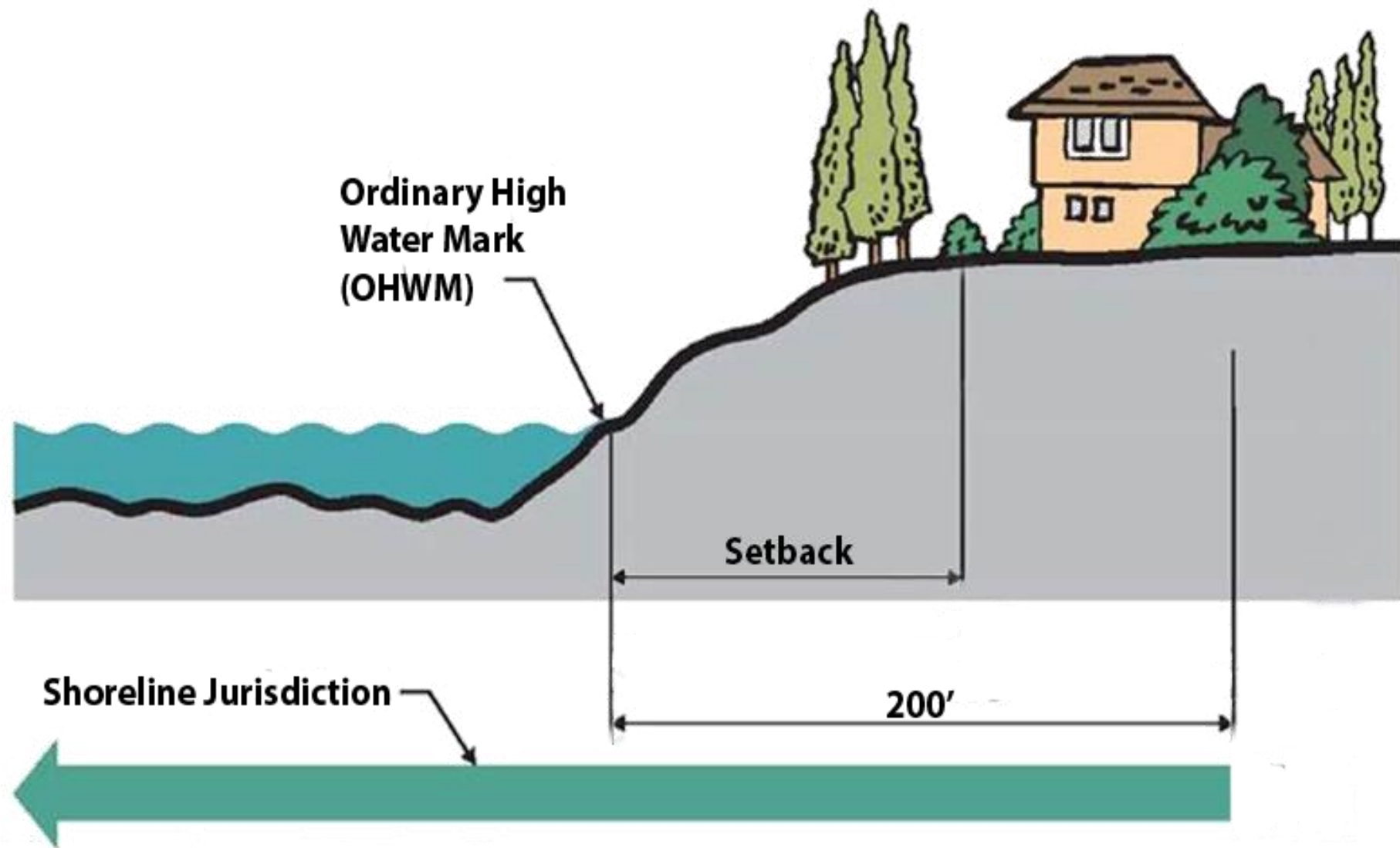


Shoreline Master Program (SMP)

- ▶ Required by State law.
- ▶ Implements the SMA in the City.
- ▶ Establishes goals, policies, and regulations for shoreline use, protection, and development.
- ▶ Cle Elum did a comprehensive SMP update in 2012, culminating with adoption in 2016. The SMP was later amended in 2019.

Shoreline Jurisdiction

- ▶ Major waterbodies and adjacent shorelands extending 200-feet landward from the ordinary high water mark.
- ▶ In Cle Elum, includes the Cle Elum River and the Yakima River and all upland areas within 200 feet of the ordinary high water mark of those waterbodies.





Natural



Urban
Conservancy

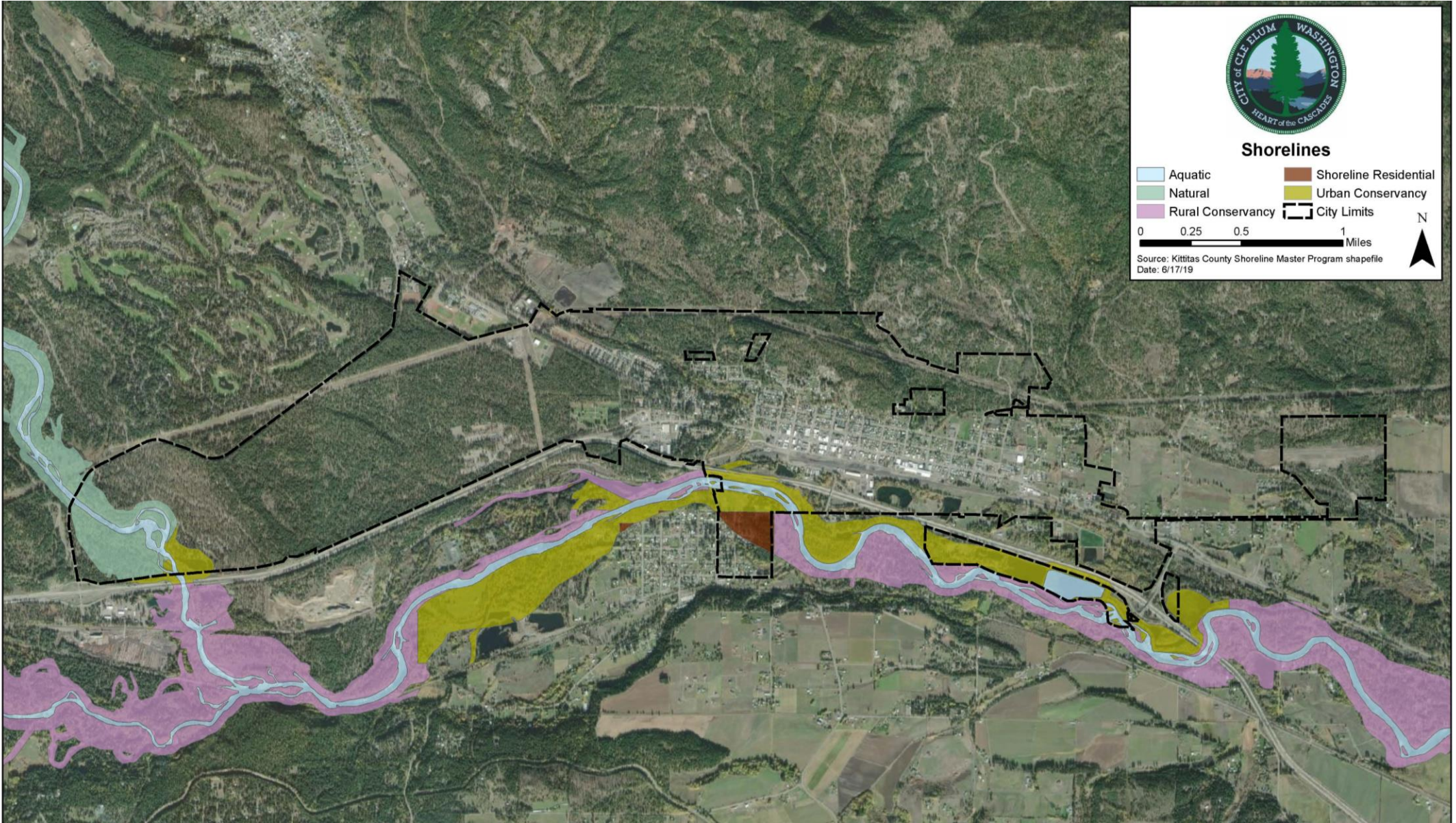


Shoreline
Residential



Aquatic

Shoreline Environments



Purpose of SMP Review

- ▶ Stay current with changes in laws and rules.
- ▶ Remain consistent with City plans and regulations.
- ▶ Respond to changed circumstances, new information and improved data.
- ▶ Ecology is not funding any additional scientific analysis of shorelines.

Periodic Review Checklist

- ▶ Ecology provides a checklist of what must be reviewed/amended to be consistent with changes in state law/guidance.
- ▶ Most of these changes are procedural in nature.

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

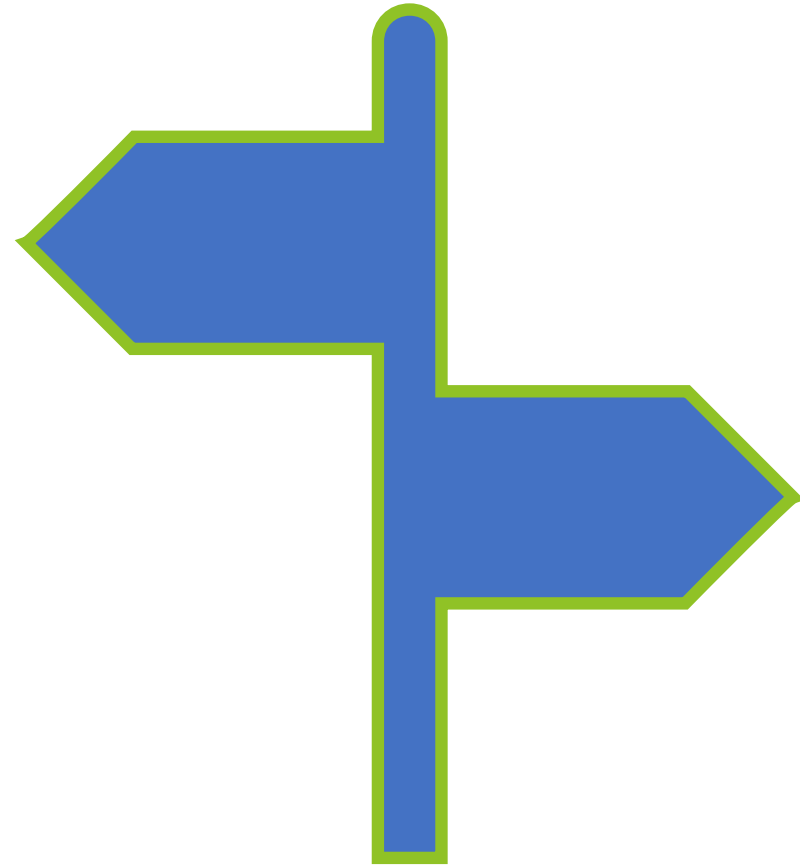
Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the **end of your review process**, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Updated Shoreline Requirements...

- ▶ Apply to future development.
- ▶ Do not apply retroactively to past actions.
- ▶ Do not require changes to existing land uses or developments.



What's Changing?

- ▶ Cost threshold for what constitutes a “substantial development” has increased to \$7,047 (updated in accordance with Consumer Price Index).
- ▶ The cost threshold for building and replacing freshwater docks has increased to \$22,500 for docks that replace existing docks, and \$11,200 for new docks (previously \$10,000 for new or replacement docks)
- ▶ The definition of “development” has been clarified to exclude the dismantling/removal of structures.

What's Changing?

- ▶ Certain exceptions to local review under the Shoreline Management Act have been added (meaning they do not require a permit from the City or review)
 - ▶ Remedial activities that are required to occur under consent decree
 - ▶ Improvement to boatyards required under the National Pollution Discharge Elimination System (NPDES)
 - ▶ WSDOT facility maintenance
- ▶ Ecology clarified that forest practices that only involve timber cutting are not “developments” under the SMA and do not require a Shoreline Substantial Development Permit

What's Changing?

- ▶ An SMP exemption has been added for retrofitting structures to comply with the Americans with Disabilities Act
- ▶ The Legislature adopted special permitting procedures for WSDOT projects which require a target review time of 90 days and an optional process to allow construction to commence 21 days after filing for a shoreline permit

Planning Commission Recommendation

- ▶ On March 16, 2021 the Planning Commission considered, deliberated and recommended 4-0 approval to the City Council of the proposed amendments to the City's Shoreline Master Program.

Next Steps

- ▶ Adopt the amendments to the City's SMP
 - ▶ The City is obligated under WAC 173-26-090 to review, and if necessary, revise its Shoreline Master Program. The review must be complete on or before June 30, 2021.
 - ▶ This update is being funded by a grant from the Department of Ecology. If the update is not complete by June 30th, the City will be unable to reimburse additional costs associated with the update.
- ▶ After adoption, the City transmits the locally adopted SMP to the Department of Ecology for final approval. The Department of Ecology has already issued an "Initial Determination" that the City's SMP, as amended, complies with all applicable laws and rules.
- ▶ The SMP will be effective 14 days after the Department of Ecology issues final approval.

Discussion & Questions

