



Snohomish County
Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

FROM: Alison Hodgkin, Senior Planner

SUBJECT: Staff Report - 2019 Periodic Review of Shoreline Management Program

DATE: May 4, 2018

Dave Somers
County Executive

INTRODUCTION

This staff report provides an overview of recommended amendments to the existing Snohomish County Shoreline Management Program (SMP) that are the result of state-mandated periodic review requirements. The update of the SMP is due in June 2019.

The proposed changes to the county's SMP discussed in this document contain minor amendments to the structure of the SMP policy document, shoreline maps in the SMP map atlas and shoreline regulations in Snohomish County Code (SCC).

Under SCC 30.73.020, amendments to the SMP are processed as Type 3 legislative decisions and require a public hearing before the Snohomish County Council ("council"). Because the SMP implements the Shoreline Management Act (SMA) and not the Growth Management Act (GMA), a hearing before the Snohomish County Planning Commission ("commission") is not technically required (SCC 30.73.040). However, Snohomish County Planning & Development Services (PDS) has historically taken SMP legislation through the full planning commission process in the interest of soliciting a broad range of public input at all levels.

In addition to this local process, any amendments approved to the SMP by the county council will not become effective until approved by the Washington State Department of Ecology ("Ecology").

BACKGROUND

A. Regulatory Framework

The Shoreline Management Act (SMA) was adopted in 1972 as a direct result of citizens concern for the shoreline environment. The SMA is a state law recognizing shorelines are among the most fragile and valuable of our natural resources and that management of shorelines is necessary to protect the public interest on a statewide level. In adopting the SMA, the legislature acknowledged the need to balance various interests affecting the shorelines of the state.

The state conceived the concept of preferred uses in an effort to protect shoreline functions and values and foster reasonable use, public access and water-dependent or water-related economic development of shoreline areas.

The SMA is contained in Chapter 90.58 of the Revised Code of Washington (RCW). The SMA requires Ecology to work with local governments toward achieving compliance. To carry out the SMA provisions of Chapter 90.58 RCW, Ecology administers a set of shoreline rules in Chapter 173-26 of the Washington Administrative Code (WAC). These “guidelines” clarify local governments are responsible for shoreline planning and management, as well as administering a shoreline regulatory program.

Shoreline Master Programs contain all of the components of the planning and regulatory program required in state law. These programs are assembled by local governments with oversight and approval authority by Ecology. Over 200 cities and 39 counties in Washington State have a shoreline regulatory program. Each program is intended to provide a comprehensive vision of how shoreline areas can be used and comprise the policy basis and regulations that govern shoreline development, public access and preservation.

B. Shoreline Management Program History

Snohomish County’s first Shoreline Management Master Program (SMMP) was originally adopted in September 1974, with an effective date of December 27, 1974. The 1974 SMMP was not amended again until 1993. In 2003, Ecology made significant changes to shoreline guidelines in the WAC, resulting in a need for local governments across the state to comprehensively review, evaluate and revise their programs.

Between 2006 – 2012, the county worked to update information, policies, designations and regulations in an effort to bring our shoreline program into alignment with the updated policy framework and regulatory approaches in state law. The county also changed the nomenclature associated with our program from the Snohomish County Shoreline Management Master Program (SMMP) to the Shoreline Management Program (SMP), replacing the term “master” with “management.”

Snohomish County was one of the first local governments to conduct a comprehensive overhaul of our SMP to achieve compliance using the new guidelines. The “2012 SMP Update” included several supporting documents, including an inventory summarizing the ecological functions and conditions of all shorelines in unincorporated Snohomish County. Ecology approved our SMP in July of 2012.

PERIODIC REVIEW

To ensure that shoreline programs do not fall out of compliance with state shoreline laws and guidelines over time, the SMA requires local governments to review their shoreline programs “periodically,” every eight years. According to directives in RCW 90.58.080, the county must review and, if the review determines changes are necessary, revise our SMP no later than June 30, 2019 (and every eight years thereafter).

A. State-Initiated

The SMA states that the purpose of periodic review is to assure that shoreline programs are compliant with applicable state laws (RCW) and shoreline guidelines (WAC) in effect at the time of review and consistent with local government's GMA comprehensive plan and development regulations.

In other words, the county is required to demonstrate compliance with new laws and guidelines that were not in effect when the county's SMP was last amended in 2012.

Additionally, state law requires the county demonstrate that our SMP is consistent with all of the amendments made to the General Policy Plan (GPP) element of our GMA Comprehensive Plan and Title 30 of Snohomish County Code (SCC) that have been adopted since the 2012 SMP Update.

B. Locally-Initiated

In addition to achieving consistency with state law, the periodic review process gives local governments an opportunity to initiate amendments to the SMP that may result in more effective management of shorelines, reflect changed circumstances, new information or improved data in shoreline maps, policies or regulations. For instance, since adoption of the 2012 SMP Update, county staff have identified various shoreline regulations that could be clarified to facilitate implementation.

The periodic review process does not require local governments to conduct a comprehensive update like the county was required to do during the 2012 SMP Update. Rather, the focus of periodic review is on achieving consistency with changes to state and local laws and identifying changes needed to improve the local program.

SUMMARY OF PROPOSED CHANGES TO COUNTY SMP

The scope of periodic review of the county's SMP includes: (A) proposed code amendments and (B) proposed map amendments. Additionally PDS is evaluating potential restructuring of the policy document. This would not involve any changes to the policies. Rather, the intent would be to simplify content by reducing background and process information that was necessary during the 2012 Update.

A. Proposed Code Amendments

1. State-Initiated

All of the proposed code amendments below are the result of changes to state laws adopted by the Legislature (RCW) and guidelines adopted by Ecology (WAC). The county is proposing the following "state-initiated" code amendments to achieve consistency with current state laws and guidelines:

- a) Amend the definitions for "floating home" and "development"
- b) Add exemptions for boatyards, Washington State Department of Transportation (WSDOT) facilities and compliance with Americans with Disabilities Act (ADA)
- c) Amend the dollar threshold for replacement docks on lakes and rivers
- d) Change "date of receipt" to "date of filing" as it relates to deadlines for notifications and appeal timelines

- e) Clarify that legally established residences and appurtenant structures shall be considered a conforming use
- f) Add provisions for an exception to the standard buffer width for certain highly-developed lakes*
- g) Amend timing requirement for WSDOT projects addressing safety risks
- h) Allow relief from SMP regulations for restoration projects within an Urban Growth Area
- i) List and map streams and lakes

***Note:** Ecology has requested the county consider allowing an exception to the standard buffer width requirement (currently 150 feet) for single family residential development on highly-developed lakes.

2. Locally-Initiated

All of the proposed code amendments below have been initiated by the county (“locally-initiated”) and are intended to address problems or issues with existing shoreline regulations that have been identified by Snohomish County PDS staff:

- a) Revise provisions related to docks
 - i. Amend light passage requirement for decking materials
 - ii. Clarify length provision for residential piers and docks
 - iii. Change location of dock regulations for ease of use
- b) Clarify intent of impervious surface limit for subdivisions
- c) Codify Ecology guidance on how to make Ordinary High Water Mark determinations
- d) Clarify exemptions for normal maintenance and repair of bulkheads
- e) Update references to 2007 version of critical area regulations (CAR) in the SMP
- f) Amend definition of “aquaculture” to acknowledge Tribes’ role in state fishery
- g) Remove requirement to obtain a shoreline variance permit when innovative development design provisions are used for single family residences
- h) Correct spelling errors related to the terms: “Boathouse,” “Timber,” and “Unauthorized”
- i) Remove language in code referencing “salmonid habitat”
- j) Provide link to definitions for “single family residence” and “appurtenance” in section describing exemptions from shoreline substantial development permits

A table of the proposed state and locally-initiated code amendments are contained in **Attachment A**.

B. Proposed Map Amendments

Snohomish County’s existing SMP contains a series of 44 maps showing official delineation of the county’s shoreline jurisdiction, as well as assignment of shoreline environment designations. The maps the county used for the last SMP Update in 2012, were based on data from 2004 that is no longer accessible in a digital format. For this reason, the 2019 SMP Periodic Review project includes a new

shoreline jurisdiction model based on the most up-to-date series of Geographic Information System (GIS) data sets available.

For purposes of mapping shoreline jurisdiction in Snohomish County, the model uses the following criteria derived from the SMA: all marine waters, all rivers/streams with more than 20 cubic feet per second (cfs) mean annual flow, all lakes and reservoirs greater than 20 acres, the Federal Emergency Management Agency (FEMA) 100-year floodplain, and all “shorelands” (areas within 200 feet of one of these waterbodies).

Note: The criteria listed above are the same criteria the county used to delineate shoreline jurisdiction in our original shoreline program in 1974 and subsequent program updates in 1993 and 2012.

A comparison of the 2012 countywide shoreline jurisdiction map with the draft 2019 countywide shoreline jurisdiction model revealed minor changes in shoreline jurisdiction.

For instance, the comparison revealed a few areas that need to be *removed from* the county’s shoreline jurisdiction map due to changes that have been made to the geographic area comprising unincorporated Snohomish County, i.e., city annexations, tribal trust acquisitions. The comparison also revealed a few areas that need to be *added to* the county’s shoreline jurisdiction map because, due to better GIS data, the 2019 model revealed the area meets one of the shoreline criteria.

Proposed map changes are categorized and further described below:

1. Changes in Jurisdiction

a) Annexations:

- i. Two annexations near the city of Stanwood
- ii. One annexation in the city of Arlington
- iii. One annexation in the city of Lake Stevens
- iv. Two annexations in the city of Snohomish

b) Trust Lands:

- i. One tribal trust acquisition near the city of Stanwood
- ii. One relinquishment of tribal trust land near the city of Darrington
- iii. One tribal trust acquisition in the city of Sultan
- iv. Adjustments to tideland areas adjacent to tribal trust lands on the Tulalip Indian Reservation

c) Federally-Leased Lands:

- i. Non-federal development/use on federal lands (mining claims)

2. Improved GIS Data

a) Addition of three new 20-acre waterbodies:

- i. Lake Rowland
- ii. Meadow Lake
- iii. Olson Lake

b) Technical adjustments to floodplains associated with existing SMP waterbodies

c) Removal of portion of the 500-year floodplain

d) Changes to county hydrology layer maintained by Snohomish County Department of Information Technology (DoIT)

3. Natural Changes

Changes due to shift in mapped watercourse and delineation of waterbodies

A draft map showing the general location of proposed map amendments is contained in **Attachment B**.

A note regarding the 100-year floodplain: The Digital Flood Insurance Rate Maps (DFIRMs) are the official maps on which the Federal Emergency Management Agency (FEMA) has delineated special flood hazard areas and risk zones. These maps show the location of a property relative to special flood hazard areas, including the 100-year floodplain.

New DFIRMs have been developed and are going through the FEMA adoption process. The county anticipates that the updated DFIRMs may be finalized by January 2019. Once the new maps are official, the county will have to update shoreline regulatory maps to reflect the new 100-year FEMA floodplain boundary.

C. Potential Restructuring of the SMP Policy Document

Though not a requirement under 2019 Periodic Review, PDS is evaluating the way the existing SMP policy document is currently structured. The focus would be to rearrange existing content so that it contains only that which is required under state law by reducing background and process information that was necessary during the 2012 Update.

Development of the 2012 SMP was based on directives in Chapter 173-26 of the WAC (Shoreline Guidelines). At the time, these guidelines required the county to prepare several supporting documents:

- an inventory of the ecological functions and conditions for all shoreline areas,
- procedures for assigning shoreline environment designations for each shoreline reach,
- a plan identifying all of the restoration needs and projects throughout the county, and
- a cumulative impact analysis assessing potential impacts to shorelines of future development.

The county's existing SMP policy document currently contains all of the background information and processes associated with this supporting documentation. This supporting documentation is not required to be contained within a policy document. However, this documentation will be preserved in its entirety as part of the "2012 SMP."

OUTREACH: STAKEHOLDER, TRIBAL AND PUBLIC INVOLVEMENT

PDS developed a project website for the 2019 SMP Periodic Review Project. The website is intended to serve as a clearinghouse of information about the project. It provides interested parties with the project description, background, details about public outreach opportunities, information about the process for adopting proposed changes, the draft project schedule, and contact information. Links to project materials are also provided.

In addition to the website, PDS staff targeted the following outreach efforts:

A. Tribal Partners

Snohomish County works closely with the sovereign governments of Indian Tribes with Reservations and treaty rights located in Snohomish County. PDS staff sent requests to meet in person with our tribal partners to provide information about and obtain early tribal input on the scope of the 2019 SMP Periodic Review project. PDS staff also sought to learn from each tribal government how best to provide status updates and keep Tribes apprised of developments throughout the legislative process for this project.

PDS was accompanied by staff from the Snohomish County Executive's Office in meetings with the three tribal governments. Listed on the following page are dates the county met with each tribal government followed by questions/issues raised at each meeting:

- 1. The Tulalip Tribes:** December 4, 2017, January 17, 2018, and March 2, 2018.
 - a) Questions about changes in state law made by Legislature and Ecology
 - b) Concerns about not requiring a variance for non-habitable structures, i.e., stairs/trams
 - c) Request to address redevelopment and expansion of existing residential structures, i.e., describe in code what is allowed in a buffer and what is not allowed
 - d) Request to address the definition for repair and replacement of bulkheads
 - e) Potential map changes near Quil Ceda Creek and Marine View Drive
- 2. The Stillaguamish Tribe of Indians:** December 15, 2017.
 - a) Questions about map changes on areas of the North Fork of the Stillaguamish River
 - b) Other questions unrelated to 2019 SMP Periodic Review
- 3. The Sauk-Suiattle Indian Tribe:** February 8, 2018.
 - a) Questions about county soft-shore armoring regulations
 - b) Questions about county regulations for the channel migration zone (CMZ)

PDS has not yet received formal comments from the tribal governments listed above related to 2019 SMP Periodic Review.

B. Agencies

On January 12, 2018, PDS sent an email to a variety of agency stakeholders with a known interest in regulations affecting shorelines in unincorporated Snohomish County. The purpose of the email was to inform agency stakeholders about the 2019 SMP Periodic Review project and invite them to an SMP Open House for Agency Stakeholders on February 13, 2018.

The purpose of the open house was to provide general information about the 2019 Periodic Review Project, increase understanding of the requirements for periodic review and highlight the tentative schedule for consideration of any proposed changes. PDS staff provided a presentation about the project and attendees were given an opportunity to look at draft materials, ask questions and provide input. 32 agency stakeholders attended the meeting.

C. Landowners

During the initial scoping phase for this project, PDS staff evaluated the county's current shoreline. During our review, PDS identified four waterbodies that appear to exceed the 20-acre threshold to be included in shoreline jurisdiction but did not appear on the county's existing shoreline maps. Therefore, part of the map amendments include updating shoreline regulatory maps with these four previously unmapped waterbodies.

For this reason, on January 10, 2018, PDS sent a letter in the US Mail to approximately 106 landowners with properties adjacent to or within 200 feet of one of the waterbodies we had identified. The purpose of the letter was to invite landowners to a special outreach meeting the week of February 5, 2018. The purpose of the special outreach meetings were to give landowners an opportunity to meet with PDS staff and ask questions about how the proposed changes to shoreline maps might affect them. 13 landowners attended the meetings.

D. General Public

On January 12, 2018, PDS sent an email to 74 individual email addresses for stakeholders with a known interest in regulations affecting shorelines in unincorporated Snohomish County. The purpose of the email was to inform individuals about the 2019 SMP Periodic Review project and invite them to an SMP Open House for the general public on February 13, 2018.

The purpose of the open house was to provide general information about the 2019 Periodic Review Project, increase understanding of the requirements for periodic review and highlight the tentative schedule for consideration of any proposed changes. PDS staff provided a presentation about the project and attendees were given an opportunity to look at draft materials, ask questions and provide input.

MONITORING

A. Shoreline Monitoring

The SMA requires counties and cities to track and periodically evaluate the cumulative effects of all project review actions in shoreline areas (WAC 173-26-191). The county's SMP, contains policies related to shoreline monitoring in its conservation and monitoring element below:

Snohomish County SMP Conservation and Monitoring Element

Policy 9. *Regularly inventory and monitor shoreline conditions and habitat improvements to provide information which can be used to evaluate the cumulative effects of shoreline development. Where feasible, coordinate with other agencies' monitoring and data gathering activities.*

Policy 11. *Monitor the effectiveness of shoreline plans and regulations in protecting, preserving, and restoring the shoreline environment.*

The mechanism for tracking and periodically evaluating the cumulative effects of all project review actions in shoreline areas is described in Part 700 of the county's critical area regulations in Chapter 30.62A SCC, which are adopted by reference in the county's shoreline regulations (Chapter 30.67 SCC).

SCC 30.62A.730 - Monitoring and adaptive management program - reporting

One year prior to the GMA (RCW 36.70A.130) required review and update of the county's critical area regulations, the executive shall report to the council on the monitoring and adaptive management program, using best available science, and provide data and conclusions regarding the effectiveness of the county in achieving no net loss of critical area functions and values. If net loss is detected, using scientifically valid techniques, the executive shall report and recommend strategies for adaptive management.

Specifically, the county is required to develop a monitoring report every seven years on the ecological functions and values of critical areas, which includes actions within shoreline jurisdiction. To date, the county has developed critical area monitoring reports in 2008, 2012 and 2014. Most recently, PDS has developed a strategy to begin work on our next CAR Monitoring Report (due in 2022) that involves an early phase of analysis focused solely on project review actions in shoreline areas.

COMPLIANCE WITH STATE LAW

The SMA in Chapter 90.58 RCW and the implementing guidelines in Chapter 173-26 WAC require SMPs to be consistent with the guiding principles and standards and address specific elements of the SMA.

The GMA planning goals in RCW 36.70A.020 guide the development and adoption of comprehensive plans and development regulations. The goals and policies of the SMA in RCW 90.58.020 are included as one of GMAs planning goals (RCW 36.70A.480). The goals are not priority listed.

This proposal achieves consistency with requirements for SMA periodic review by proposing amendments to assure compliance with applicable SMA laws and guidelines that were not in effect during the county's last SMP Update in 2012.

COMPLIANCE WITH THE SNOHOMISH COUNTY COMPREHENSIVE PLAN

This proposal is consistent with shoreline goals and policies in the SMA and with the county's GMA comprehensive plan (GMACP) and implementing development regulations. The SMA goals guide the policies in the SMP which is considered an element of the county's GMA comprehensive plan. Shoreline use regulations, while a component of the SMP, are contained in Chapters 30.67 and 30.44 SCC.

Additionally, this proposal is consistent with all of the amendments made to the GPP element of the county's GMACP and Title 30 SCC that have been adopted since the 2012 SMP Update, including the 2015 update to the county's critical area regulations and compliance review.

The proposed amendments will better achieve, comply with and implement the following goals contained in the Shoreline Use Element of the Snohomish County SMP:

Goals:

- 1.** Snohomish County shoreline areas should be consistent with the county GMA comprehensive plan, shoreline environment designations, and policies and regulations for shoreline uses and modifications.
- 2.** Give preference to allowing shoreline uses that maintain or restore shoreline ecological functions, protect water quality and the natural environment, depend on proximity to the water, and provide or enhance public access and recreational use of the shoreline.
- 3.** Preserve, protect and restore Snohomish County's unique, valuable and nonrenewable natural resources while encouraging the best management practices for the continued sustained yield of renewable resources of the shorelines.
- 4.** Allow only those industrial, commercial and recreational developments particularly dependent upon their location on and use of Snohomish County's shorelines, as well as

other developments that will provide substantial numbers of the public an opportunity to enjoy the shorelines.

ENVIRONMENTAL REVIEW

On June 28, 2006, Snohomish County issued a Final Environmental Impact Statement (FEIS) for updates to the SMP. On August 25, 2010, the county updated the 2006 environmental analysis to reflect substantive revisions being proposed with the 2012 SMP Update by issuing a Final Supplemental EIS (FSEIS). On November 6, 2013, the county issued Addendum No. 1 to the SMP FSEIS issued in 2010, related to commercial shellfish aquaculture.

Following the planning commission public hearing on this proposal, PDS will conduct State Environmental Policy Act (SEPA) environmental review of this proposal.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce following environmental review of this proposal.

STAFF RECOMMENDATION

Staff recommends holding a public hearing to consider the proposed code, map and policy amendments.

ACTION REQUESTED

PDS requests the planning commission hold a public hearing, consider the proposed code, map and policy amendments, and provide a recommendation to the county council. Following the public hearing, the commission could recommend approval of the code, map and policy amendments with supporting findings as proposed or modified, denial of the proposal with findings, or amend the proposals with appropriate findings.

ATTACHMENTS:

Attachment A: Proposed Code Amendments

Attachment B: Proposed Map Amendments

CC: Ken Klein, Executive Director
Barbara Mock, PDS Director
Ikuno Masterson, AICP, PDS Manager
Jacqueline Reid, AICP, PDS Supervisor
Yorik Stevens-Wajda, Senior Legislative Analyst

Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Proposed Code Amendments

State-Initiated Amendments

#	Provision	Subject Area	Changes Made by Legislature to SMA Provision	Impact to County SMP	Proposed Change Mandatory or Optional
1.	RCW 90.58.270(5-6) 2011c on ECY checklist WAC 173-26-030(3)(d)(17) 2011c on ECY checklist	Add or Amend Definitions	State law declares that floating homes legally established prior to 1/1/2011 must be classified as a conforming preferred use. Jurisdictions are required to amend their definition for “floating home.”	<ul style="list-style-type: none"> • SCC 30.67.440(31) – Reference notes Add floating homes to those types of uses permitted only in marinas. • SCC 30.67.450(9) – Non-conforming uses or structures Add new subsection (9) declaring that floating homes legally established prior to the dates listed in the WAC are considered conforming uses. • SCC 30.67.570 – Residential Add supporting amendment declaring that “residential” uses include floating homes. • SCC 30.91F.355 – Definition of Floating Home Amend definition of “floating home” to achieve consistency with 2011 amendment. • Possibly amend policies. 	Mandatory. Jurisdictions with floating homes must include a definition consistent with the statute and a policy or regulation that clarifies the legal status of floating homes. By adding floating homes under residential use as conforming uses, new, maintenance, repair, replacement and remodeling should be allowed for these historic uses just like any other SMP residential use. This exception does not apply to floating homes that were not legally established prior to 1/1/2011 – those uses continue to be prohibited.
2.	WAC 173-26-241 2017b on ECY checklist		Ecology amended shoreline rules in the WAC to clarify the definition of development does not include projects that involve only dismantling or removing structures without any associated development or re-development.	SCC 30.91D.230 – Definition of Development Consider amending definition of “development” in SCC to exclude projects that only involve dismantling or removal.	Optional. It is not necessary to adopt this clarification into an SMP - local governments may look to the state rule to answer questions about this change should this arise. However, if a local government chooses to incorporate the new clarification it could be incorporated directly into the SMP definition of “development.” This comes up enough for PDS permitting that they see a benefit to including this clarification.
3.	RCW 90.58.030 2016a on ECY checklist WAC 173-27-040 2016a on ECY checklist	Exemption for Compliance with ADA	Legislature added exemption for retrofitting existing structures for compliance with ADA in 2016; WAC subsequently amended to comply with change in statute (RCW).	SCC 30.44.120(1) – Exemptions from shoreline substantial development permits Consider adding new subsection (p) with language provided by the state.	Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments added this exemption by amending their SMP to specifically address it.
4.	RCW 90.58.030(3)(e) 2014a on ECY checklist WAC 173-27-040(2)(h) 2014a on ECY checklist	Cost Threshold for Replacement Docks on Lakes and Rivers	Legislature changed exemption criteria for fresh water docks. Changes to WAC specify criteria for exemption: Exempts docks under (A) \$20,000 for replacement docks or (B) \$10,000 for all other docks constructed in freshwater.	SCC 30.44.120(1)(h)(ii) – Exemptions from shoreline substantial development permits Amend by adding A and B to distinguish the \$20,000 from the \$10,000.	Mandatory. This SMA amendment applied on its effective date, regardless of whether local governments specifically exempted it in their SMP. Snohomish County does not simply cite the RCW in code. Instead, we repeat what the WAC says in order to assist applicants and therefore need to modify this section of code to reflect the new cost thresholds adopted by the state.
5.	RCW 90.58.140 2017d on ECY checklist RCW 90.58.180 2017d on ECY checklist WAC 173-27-130 2017d on ECY checklist	Date of Filing	<p>Legislature clarified deadlines are measured from the date permit decisions are filed; not received; also clarified the meaning of "date of filing" in RCW 90.58.140(6)</p> <p>Legislature clarified that appeal windows are measured from the date ECY decisions are filed, not date of receipt. Changes to the WAC are to achieve consistency with change in statute (RCW), i.e., amend provisions related to notifications and appeal timelines; filing with the department.</p>	<ul style="list-style-type: none"> • SCC 30.44.220(1) and (2) - Time requirements for shoreline permits • SCC 30.44.230(2)- Filing with ECY • SCC 30.44.250 –Appeals • SCC 30.44.270(8) - Revisions to shoreline permits Consider amendments to all sections that would change the date of “receipt” to date of “filing” 	Mandatory. Ecology amended shoreline rules to incorporate a 2011 law relating to permit filing. These details are important because the date of filing establishes the start of the Shoreline Hearings Board appeal period. The law clarified that local permit decisions shall be submitted to Ecology by return receipt requested mail. This intent is to bring consistency and predictability to the timing of the appeal period.

Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Proposed Code Amendments

6.	RCW 90.58.620 2011d on ECY checklist	Non-Conforming Use	Legislature clarified that SMPs may classify legally established residential structures as conforming, even if they do not meet certain requirements. Changes also allow these previously non-conforming, now conforming residential structures, to redevelop or expand just like other properties, so long as no net loss of ecological functions occurs.	<ul style="list-style-type: none"> • SCC 30.67.450 – Non-conforming uses or structures Consider adding new “Residential” section • SCC 30.67.570 – Residential for consistency (new citations and subsections). Consider checking here to see if any additional amendments may be needed for consistency 	Optional. SMPs approved by Ecology after 9/1/2011, may include provisions that authorize legally established residential and appurtenant structures used for a conforming use but not meeting dimensional standards for new development to be considered conforming structures. This does not include bulkheads, other shoreline modifications, or overwater structures. Authority: RCW 90.58.620
7.	Special ECY Request		Request from Ecology to allow a special, common-line setback for new SFR development on vacant lots on specific, highly-developed shorelines throughout the county.	SCC 30.67.060 – Relationship to Critical Area Regulations <ul style="list-style-type: none"> • Consider adding new subsection (3) allowing a special setback on certain “built-out” lake shorelines in Snohomish County • Consider identifying lakes that meet the “built-out” criteria, e.g., Roesigner, Goodwin • Consider providing illustrations in code on how to calculate special setback for “built-out” lake shorelines. 	Special Request by Ecology Ecology has repeatedly encouraged the county to consider adopting variable critical area buffer widths for new single family residential development on vacant parcels located on the shorelines of Lakes Goodwin, Shoecraft, Ki, Stevens, Roesiger, Serene, Martha and Lake Stickney.
8.	RCW 90.58.355 2017c on ECY checklist	Exemptions for Certain Projects and Activities	The Legislature added new sections in 2012 and 2015 exempting certain projects from obtaining shoreline permits or local reviews: 1) boatyard facility site improvements for stormwater treatment and 2) WSDOT facility and maintenance projects.	SCC 30.44.020 – Development not subject to the SMA <ul style="list-style-type: none"> • Amend subsection (2) clarifying exemptions • Add subsection (2)(ii) and (iii) addressing each new project 	Optional. The exceptions to SMP review covered under the statutes in these two rules apply whether or not they are included in local SMPs. The county already has a consolidated code section devoted to addressing these exceptions to ensure consistent implementation.
9.	RCW 90.58.140 2015a on ECY checklist	Time Requirements	The Legislature also added new subsection (c) allowing WSDOT projects addressing safety risks to begin construction 21 days after submitting an application.	SCC 30.44.220 – Time requirements for shoreline permits <ul style="list-style-type: none"> • Consider a minor amendment to subsection (1) referencing new subsection (c) in RCW 90.58.140(5). 	Optional. It is not necessary for the county to include these provisions in its SMP, but a reference here could help ensure consistent implementation with the statute.
10.	WAC 173-26-241(3)(b) 2011b on ECY checklist	Geoduck Aquaculture	ECY adopted new rules for commercial geoduck aquaculture. Many of the changes were incorporated into the County’s SMP in 2014 with this exception related to requiring a Shoreline Substantial Development Permit (SDP) for projects and activities that cause substantial interference with public access.	<ul style="list-style-type: none"> • SCC 30.67.430 Table 1 – Shoreline Use Matrix Add new reference note # (38) • SCC 30.67.440 – Reference notes for shoreline matrix Add description for reference note 38 clarifying that an SDP is required for projects and activities that cause interference with public access. • SCC 30.67.510 – Aquaculture Add new subsection (2)(h) clarifying that a SDP is required for projects and activities that cause interference with public access. 	Mandatory. Ecology adopted new rules for commercial geoduck aquaculture many of which are already addressed in county code, with this exception for a SSDP. This amendment is not optional and is being added to achieve consistency with requirements in state law.
11.	RCW 90.58.580 WAC 173-27-215 2009a on ECY checklist	Restoration Projects within a UGA	Legislative change allowing relief to property owners experiencing a hardship from restoration projects that have shifted the OHWM, thus shifting the 200-foot area where shoreline regulations apply.	SCC 30.67.580 - Shoreline habitat restoration and enhancement. Consider adding new subsection (3) allowing for relief from SMP development standards and use regulations resulting from shoreline restoration projects within urban growth areas.	Optional. It is not necessary to amend local SMP regulations though the process may be used even if the provision is not in the SMP. Property owners utilizing this option may request relief consistent with the criteria and procedures in WAC 173-27-215.
12.	WAC 173-18-044 WAC 173-18-046 WAC 173-20-044 173-20-046 2007b on ECY checklist	List and Map of Streams and Lakes	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Amend the SMP policy doc to: Update the list of streams and lakes on pages 6 – 10 with previously unmapped waterbodies	Optional. State law suggests that if a jurisdiction has identified any new streams or lakes since the comprehensive update, the lists and maps should be updated. The amendments also clarify that if a stream segment or lake is subsequently discovered to meet the SMA criteria, the SMP shall be amended within three years of the discovery.

Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Proposed Code Amendments

Locally-Initiated Amendments						
		Subject Area	Description of Possible Change	Implementation Issue/Problem	Example of SMP Amendment	
1.	Code Changes	Spelling Errors	a) Consider amending code to correct spelling error related to term: "Boathouse"	Existing code spells the term "boathouse" differently. It is split into two words in Boating Facilities; definition of "boathouse" in 30.91B has it all as one word.	SCC 30.67.515 – Boating Facilities Consider amending (l)(vii) and (viii) by replacing "boat house" (two separate words) with "boathouse."....addressing unintentional error.	
			b) Consider amending code to correct spelling error related to term: "timber"	The Reference notes for the shoreline use and modification matrix use the word "timer" instead of "timber."	SCC 30.67.440 – Reference notes for shoreline use/modification matrix Consider amendment to (8) to replace term "timer" with "timber."	
			c) Consider amending code to correct spelling error related to term: "unauthorized"	Existing code puts a space between "un" and "authorized," which is not intended. This should be spelled as one word.	SCC 30.67.515 – Boating Facilities Consider amendment to (3) to replace term "un authorized" with "unauthorized."	
		2.	Docks	a) Consider amending light passage requirement for decking	Existing code contains very specific requirements for construction materials for docks & piers (45% light passage); floats, 30%. Staff state that these standards are difficult to achieve, implement and prove.	SCC 30.67.515 – Boating Facilities Consider amending (1)(k)(ix)(l) to remove 45% light passage requirement for decking of all piers and docks and 30% light passage for floats and replace with language that reflects the use of construction materials with "maximum light passage" technology or techniques.
				b) Consider clarifying the length provision for residential piers and docks	Existing code requires length of dock to be an average of the lengths of abutting docks and piers, but does not specify what to do if there are no adjacent docks or piers.	SCC 30.67.515 – Boating Facilities Consider amendment to (1)(k)(ix)(F) clarifying that properties without abutting piers/docks cannot extend more than 80 feet from OHWM. [unless required to protect fish habitat?]
				c) Consider reformatting code to change the location of dock regulations	Existing regulations for boating facilities (marinas, yacht & boat clubs, boat launches, boat ramps, and boathouses) is combined with regulations for mooring facilities (docks, piers, floats and mooring buoys). Currently, residential dock regulations are buried in the code.	SCC 30.67.515 – Boating Facilities Consider separating regulations for piers, docks, floats and mooring buoys from regulations for marinas, yacht and boat clubs, boat launches, ramps, and boathouses into two separate sections to provide more clarity?.
		3.	Impervious Surface	Consider clarifying intent of impervious surface limit for subdivisions	Existing code limits subdivisions lying fully or partially within shoreline jurisdiction to a maximum of 10% total impervious surface within the subdivision boundary. Shoreline requirements cannot be imposed on the portion of the subdivision that is outside of shoreline jurisdiction.	SCC 30.67.570 – Residential Consider amendment to 1(g) clarifying that the ten percent cap on total effective impervious surface only applies to that portion of the subdivision that lies within shoreline jurisdiction.
		4.	Ordinary High Water Mark (OHWM)	Consider codifying Ecology (ECY) guidance on OHWM determinations	Existing code does not provide guidance for how OHWM determinations are made; new guidance from ECY exists is available.	SCC 30.44.300 – Ordinary high water mark determinations Consider adding new section stating that determinations shall be made using ECY's Oct 2016 Guidance Manual.
		5.	Bulkheads	Consider clarifying exemptions for normal maintenance and repair of shoreline and bank stabilization measures, i.e., bulkheads	Existing code indicates that a shoreline Conditional Use Permit (CUP) is required for bulkheads not associated with a restoration project. This provision would benefit from clarification that normal maintenance and repair of bulkheads is allowed (SCC 30.67.575(1)(a)) without a CUP.	SCC 30.67.575 – Shoreline and bank stabilization Consider amendment to (2)(b) clarifying that a CUP is not required for normal maintenance and repair of a bulkhead.
6.	Critical Area Regulations	Consider updating references to 2007 version of Critical Area Regulations (CAR) in the SMP	Existing code in 30.67.060 still makes reference to 2007 CAR which is no longer Best Available Science. Though 2015 CAR has been adopted by the county, this proposed change will need to be reviewed/approved by Ecology.	SCC 30.67.060 – Relationship to Critical Area Regulations Consider incorporating amendments to SCC 30.67.060 as updated by 2015 CAR.		
7.	Geoduck	Consider amending definition of aquaculture to acknowledge wild geoduck fishery is co-managed by both state and Tribes	This proposed amendment reflects greater accuracy in county's SMP	SCC 30.91A.255 - Aquaculture. Amend definition by adding the words "and Tribes as co-managers" of wild geoduck fishery.		

Snohomish County Shoreline Management Program (SMP) 2019 Periodic Review – Proposed Code Amendments

8.	Innovative Development	Consider removing the requirement to obtain a shoreline variance when the innovative development design provisions of SCC 30.62A.350 are utilized for a single family residence.	Innovative Development Design can be used for any project regardless of size, scale, intensity, use or type. It is often the only way for many small-scale, single family residential (SFR) projects to comply with CAR. If an SFR is CAR compliant, a variance should not be required. Removing this automatic variance trigger would allow SFR structures and appurtenances relief from the variance permit requirement while preserving the variance permit requirement for non-SFR innovative development designs.	SCC 30.67.060(4) – Relationship to Critical Area Regulations Consider amendment clarifying that a shoreline variance permit is required for all innovative designs except those solely for SFR structures or appurtenances.
9.	Provide Link to Definitions	Consider providing a link to the definitions for “single family residential (SFR)” and “appurtenance.”	This section on exemptions would be much simpler for customers if the link to definitions for “single family residential (SFR)” and “appurtenance” were embedded directly in the code provision.	SCC 30.44.120 – Exemptions from substantial development permits Consider amending (g) to include links to definitions for SFR and appurtenance.
10.	Salmonid Habitat	Consider clarifying the term “salmonid habitat” in provisions related to width requirements for piers/docks on lakes shorelines.	Existing code states the maximum width of piers/docks on any lake identified as “salmonid habitat” is two feet less (4 ft) than lakes not identified as salmonid habitat (6 ft). “Salmonid habitat” is not a term officially defined in county code. This provision would benefit from clarification that the 4 ft requirement applies to lakes that contain salmonids.	SCC 30.67.517 – Mooring Facilities Consider amending (1)(F)(III) to remove language “of any lake identified as salmonid habitat” and replace with “of any lake that contains salmonids.”

DRAFT

2012 and 2019 Shoreline Jurisdiction Comparison

Print Date: 12/6/2017

Legend

2012 and 2019 SMP Jurisdictional Comparison*

- Added in 2019 (2,114 acres)
- Removed from 2019 (2,885 acres)
- Areas Unchanged (132,512 acres)

SMP Grid maps boundaries

Urban Growth Boundary

City Boundary

County Boundary

— Railway

Watercourses

WTRTY_CD

— Type "S"

— Type "F"

— Types "Np" and "Ns"

U. S. National Forest Land

Washington Counties

City Boundary

*NOTE: This map does not reflect preliminary FEMA flood data proposed in 2016, as it is still going through the adoption process.

SNOHOMISH COUNTY DATA and MAP DISCLAIMER

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42.56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Parcel lines and designation boundaries are adjusted to the Snohomish County Assessor Integrated Land Records Parcel Data Base as of November 2012.

This map is a graphic representation applied from the Snohomish County Geographic Information System. It does not represent survey accuracy. This map is based on the best available information as of the date shown on the map.

For the purposes of land use application review, final determination of future land use designations will be made by the County during the review process.

