

Chapter 3

Shoreline Master Program Updates

All phases

Shoreline Master Program Planning Process

Introduction

The Shoreline Master Program (SMP) Guidelines adopted in 2003 have changed the scope and content of SMPs, the rigor with which they must be prepared, and the process for developing comprehensive updates. The Guidelines set up a systematic process to prepare or amend SMPs, include revised minimum standards that SMPs must implement, and call for SMP provisions to be based on analysis of current scientific or technical information.

SMP comprehensive updates required by the Shoreline Management Act (SMA) are generally three-year planning processes, and some are taking more time. For some communities, the SMP update is a smooth planning process. For others, it's a challenging and contentious process.

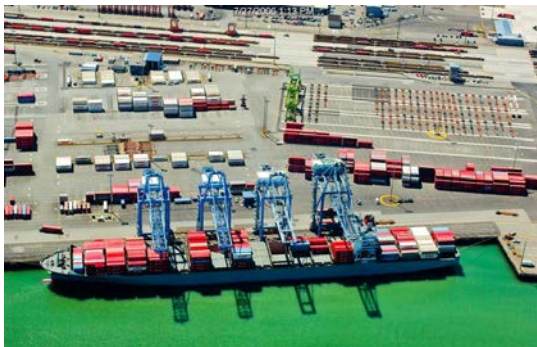


Figure 3-1: Shoreline master programs must address environmental protection, public access and preferred shoreline uses. (Washington Coastal Atlas photos, top left and bottom; Chelan PUD photo, top right.)

Ecology assistance

To help local governments update their SMPs or prepare new ones, Department of Ecology Shorelands staff developed a planning process that's described later in this chapter. This systematic process moves step-by-step through development of an updated master program, from figuring out what water bodies and shorelands fall under the SMA to local adoption and submittal to Ecology.

Throughout the process, Shorelands policy and technical staff are available to answer questions and help guide your work. An Ecology regional planner will work with you throughout the SMP process, from initial start-up to final Ecology approval. Regional planners and other Ecology technical staff review all required products such as the inventory and characterization report, restoration plan, cumulative impacts analysis, as well as the draft SMP. Regional planners often attend local meetings, answering questions and providing direction.

Ecology's goal is to be responsive and efficient throughout the SMP process and provide timely review and comment on SMP documents. Ecology staff will let you know if they are concerned about the direction your SMP is heading, so there are no surprises at the end of the process.

Chapter overview

This chapter provides an overview of the planning process for Shoreline Master Program (SMP) comprehensive updates. Basic practices of SMP planning – concepts to keep in mind throughout the process -- are reviewed first. Next, the chapter outlines the mandatory and optional components of an SMP. The planning process is then discussed, with a description of each task in the process. The SMA and SMP Guidelines relevance to the tasks is provided. The planning process is depicted graphically in the [Shoreline Master Program Planning Process](#) chart at the end of this chapter.

Chapters in the *SMP Handbook* contain more detailed information about the phases and tasks, suggested methods, and examples of acceptable policy and regulation language. Hyperlinks to the SMA and WAC maintained by the State Legislature's code reviser's office link to the start of the pertinent section. You will need to look through each section for the specific subsection addressing the topic.

Basic practices

All SMP amendments, whether comprehensive updates or other amendments, should be grounded on several basic practices. These should have your attention during the entire SMP planning process.

Scoping the project

Before you get overwhelmed by thousands of shoreline studies and various policy options and regulations, take a few deep breaths. Work with your SMP team to determine what needs to be addressed during your SMP update. Take a look at the existing SMP policies and regulations, assess the need for inventory information, and consider shoreline management issues that have surfaced in recent years. This is a big project, and you don't want it to be bigger than it has to be.

Evaluate existing policies and regulations

Scoping should include an evaluation of the existing SMP and other regulations that may be incorporated into the SMP such as the Critical Areas Ordinance and flood hazard ordinance to determine whether they are consistent with and address the requirements of the SMP Guidelines.

This consistency review or gap analysis will be helpful in determining the scope of the SMP update. The existing policies and regulations that are consistent with the Guidelines and also reflect the findings of the inventory and characterization may not need to be changed. Others may need to be tweaked, while some need to be completely rewritten.

You can fill out the SMP Checklist to determine whether existing SMP and other regulations are consistent with the Guidelines, address the requirements, and identify any gaps.

For example, Clallam County's consistency review identifies policies and regulations in the existing SMP that are consistent and inconsistent with the SMP Guidelines, omissions in the existing SMP, and issues regarding interpretation, clarity and enforcement. It also recommends how to address these inconsistencies, omissions and other issues.

More information:

- ⇒ [Clallam County's consistency review](#).
- ⇒ SMP Checklist (Appendix C).

Scope for the inventory and characterization

Before going gung-ho on data gathering for the shoreline inventory or attempting other tasks, stop and think. Scope the project needs. What information do you need for the SMP inventory that is relevant to local shoreline conditions? Consider both the shoreline ecological conditions and the built environment.



Figure 3-2: The [Washington State Coastal Atlas](#) has information that may be helpful for the shoreline inventory. Photos show the conditions of the marine shorelines and many freshwater shorelines. Data includes information about flood hazards, drift cells, public access sites, slope stability, wetlands and more.

- What are the local shoreline issues that need to be addressed -- flooding, public access, or habitat loss, for example?
- Do you anticipate that the topic of vegetation conservation will be a big issue? If so, will you want to know the average shoreline buffers, or do you need to know exact buffer sizes for specific shoreline reaches as part of the inventory?
- Some indicators of healthy ecosystems are not particular to local shoreline conditions. For example, humpback whales travel the Pacific Ocean from Hawaii to Alaska. A single community in Washington State is unlikely to have significant impact on their fate. Therefore, it's not necessary to provide a count of humpback whales in the shoreline inventory.

Do not spend time and money gathering data and information that are not relevant or applicable to local conditions.

Scoping the SMP inventory may be similar to a scoping process for an environmental impact statement. Scoping for an EIS helps the lead agency to focus on significant environmental issues and prioritize issues to be addressed. The [SEPA guidance](#) page has more information about SEPA review.

Current development patterns play a significant role in determining what information is needed for the inventory. For example, for cities with fully developed residential shorelines, future development will be redevelopment of existing houses and other buildings and replacement or repair of structures such as bulkheads. Incentives for restoration of ecological functions during redevelopment, such as allowing expansion in return for removing a bulkhead, are likely to be

important topics. Cities or counties with undeveloped shorelines will need to first consider protection of those areas during the SMP update.

More information:

⇒ *SMP Handbook* Chapter 7, “Shoreline Inventory and Characterization.”

Addressing no net loss

No net loss of shoreline ecological functions is intrinsic to SMP amendments. The SMP Guidelines for the first time address the concept of no net loss. WAC 173-26-186(8) directs that master programs “include policies and regulations designed to achieve no net loss of those ecological functions.” No net loss is addressed throughout the Guidelines.

The no net loss standard is designed to stop the introduction of new negative impacts to shoreline ecological functions resulting from new development. Both protection of existing functions and restoration of impaired or lost functions are needed to achieve no net loss. Local governments will achieve the no net loss standard through the SMP planning process and by appropriately regulating future development.

How will the SMP achieve no net loss? Keep this in mind throughout the SMP process. A report on no net loss is required for Task 4.3.

More information:

⇒ *SMP Handbook* Chapter 4, “No Net Loss of Shoreline Ecological Functions.”

⇒ SMP Guidelines, [WAC 173-26-186\(8\)](#).

Conducting public participation

Public participation is required by both the SMA and the WAC procedural rules, including the SMP Guidelines. Activities should occur throughout the SMP planning process. Specific SMP planning tasks that focus on public participation include:

- Task 1.2 requires development of a public participation plan.
- Task 3.1 requires a community visioning process.
- Task 5.4 requires at least one local public hearing on the draft SMP.

More information:

⇒ *SMP Handbook* Chapter 6, “Public Participation.”

⇒ Shoreline Management Act, [RCW 90.58.130](#).

⇒ WAC procedural rules, [WAC 173-26-090](#), [WAC 173-26-100](#).

⇒ SMP Guidelines, [WAC 173-26-201\(3\)\(b\)](#).

Planning for preferred uses

The SMA policy in RCW 90.58.020 speaks to preservation of the physical and aesthetic qualities of natural shorelines of the State.

“To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state’s shoreline.”

The SMA then states that the limited instances of alterations of the shoreline, “shall be given priority for” single-family residences and their appurtenant structures, ports, shoreline recreational uses that facilitate public access to shorelines, industrial and commercial developments that are dependent on location on or use of shorelines, and other development that provide an opportunity for substantial numbers of the people to enjoy the shorelines.

These preferred uses are among the basic concepts established in the SMP Guidelines, which sets up the following **required** order of preference:

- Protection and restoration of ecological functions.
- Water-dependent and associated water-related uses.
- Mixed-use developments “that include and support water-dependent uses...”
- Water-related and water-enjoyment uses.
- Single-family residential uses, where appropriate.

Non-water-oriented uses should be limited to “*those locations where the above described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Shoreline Management Act.*”

This sequence of preferred uses must be followed in SMP policies and regulations, including environment designations. Pristine undeveloped shorelines should be designated Natural. Water-dependent and associated water-related uses are next in the order of preference. A water-dependent use that is appropriate for the shoreline because the water depth, infrastructure and ecological conditions support it and the shoreline use analysis shows anticipated demand for this use will have priority over other water-oriented uses, single-family uses and non water-oriented uses.

More information:

⇒ SMP Guidelines, [WAC 173-26-201\(2\)\(d\)](#)

Managing consultant contracts

Many local governments hire consultants to carry out all or part of the SMP update tasks. Typical consultant work includes developing the inventory and characterization, policies and regulations, cumulative impacts analysis, and restoration plan. For some local governments, consultants have researched various options and presented them for review. Consultants usually help with and sometimes conduct public participation activities.

Therefore, the local government's contract with the consultant is a significant to the SMP update process. When developing this contract, the local government and consultant should make sure it is consistent with requirements of the SMP Guidelines. This contract should reflect the local government's funding contract with Ecology, which specifies dollar amounts for the planning phases and includes a detailed scope of work. Some local governments have found it helpful to work out contract details with the consultant before signing off on its grant agreement with Ecology. That way, timelines and other details are consistent in both contracts. Consultants should follow the scope of work per their contract with local government.

Local governments that hire consultants for SMP work should manage those contracts to be sure the work is being provided per the contract. Review the consultant's work before sending it on to your Ecology project officer. Make sure that it meets the contract specifications before you provide payment. All of the grant scope of work tasks must be satisfied, either by the consultant or the local government.

Ecology reimburses local governments for SMP work that is consistent with the grant agreement scope of work. Sometimes special studies or other consultant work not in the scope of work are requested by elected officials or planning commission members later in the update process. Ecology can pay for these via an amendment to the grant agreement only if unused funds are available from the grant agreement budget and the work fits within the scope needed for the SMP update.

Building a good record

Keep a written record of decision-making processes throughout the SMP update process. Keeping records is important for several reasons. As you move through the update process, you can look back at the reasons for the decisions and potentially avoid having to make the same decision twice. Also, Ecology will want to know how and why you arrived at certain decisions during the formal review and approval process. Providing the record will help with the review process.

The record also will be part of the defense if the SMP is appealed. For jurisdictions planning under the GMA, SMP appeals are heard by the Growth Management Hearings Board. The growth board reviews the written record compiled by the local government and Ecology and typically does not ask for new evidence or oral testimony. The board will look for information on the record that backs up your decisions, particularly with regard to contentious issues.

Keep the record up-to-date throughout the planning process. Don't leave this task until the end – compiling several years worth of records will likely be frustrating, time-consuming, and will not be fun. Also, complete the SMP checklist for each phase of the planning process.

Some things to track:

- Science-based documents you are using to make your decisions.

- How the science-based documents apply to the local conditions as shown in the inventory and characterization.
- Consideration given to the preferred uses priorities of WAC 173-26-201(2)(d).
- Why critical areas regulations in the SMP are different from those in the Critical Areas Ordinance (CAO), if this is the case.
- How the critical areas standards in the SMP are consistent with the SMP Guidelines.
- Recommendations and decisions made at key steps in the process by the consultants and local planners, advisory committee, planning commission and elected officials, for example. It may be helpful to track this information in a table that you update as you go.

If CAO regulations are adequate and can be incorporated into the SMP, the CAO record, including use of best available science, should be part of the SMP record. However, the best available science relied on for the CAO may not be adequate to achieve no net loss of shoreline ecological functions, particularly if the science is old and doesn't meet the requirement for "the most current, accurate and complete" information available.

More information:

- ⇒ WAC procedural rules on public participation comments, [WAC 173-26-110\(7\)](#).
- ⇒ SMP Guidelines on documenting public participation, [WAC 173-26-201\(3\)\(b\)](#).
- ⇒ SMP Submittal Checklist, Appendix C

Shoreline Master Program components

The SMA and the SMP Guidelines require that SMPS include the components listed below, as applicable. For example, archaeological and historic resources policies and regulations will be needed in all SMPs. Although these resources may not be known at present, they may be discovered in the future. Environment designations are required in every SMP. However, in-stream structural uses are not present in communities without streams, so SMPs for these communities would not need to address these.



Figure 3-3: Wetlands are among the critical areas that are addressed in the general goals, policies and regulations of the SMP.

What's required

This section lists the SMP components required by the SMA, the SMP Guidelines or the grant agreement with Ecology. Links to the appropriate SMA and WAC sections are provided.

General goals, policies and regulations [[WAC 173-26-221](#)]. These apply throughout shoreline jurisdiction, **without regard to environment designation**. They address:

- Archaeological and historic resources.
- Critical areas.
- Flood hazard areas.
- Public access.
- Shoreline vegetation conservation.
- Water quality, storm water and nonpoint pollution.

Environment designations, and their purpose statements, classification criteria, management policies and regulations, maps and boundary descriptions [[WAC 173-26-211](#)].

Shoreline modifications policies and regulations [[WAC 173-26-231](#)]. Shoreline modifications include:

- Shoreline stabilization.
- Piers and docks.
- Fills.
- Breakwaters, jetties, groins and weirs.
- Beach and dunes management.
- Dredging and dredge material disposal.
- Shoreline habitat and natural systems enhancement projects.

Shoreline use policies and regulations [[WAC 173-26-241](#)]. Uses called out in the Guidelines include:

- Agriculture.
- Aquaculture.
- Boating facilities.
- Commercial development.
- Forest practices.
- Industry.
- In-stream structural uses.
- Mining.
- Recreational development.
- Residential development.
- Transportation and parking.
- Utilities.

Administrative provisions for conditional use permits, variances, and nonconforming development [[WAC 173-26-191\(2\)\(a\)\(iii\)](#)]. Permit system administration and enforcement rules are required and necessary to administer and enforce the SMP, but they do not need to be in the SMP. It may be better to group them with other administration and enforcement regulations in the local code. That may be more efficient for local staff and would not involve SMP amendments if changes are needed. Permit fee structures should not be included in the SMP.

Elements in [RCW 90.58.100\(2\)](#). These elements required by the SMA may be addressed as overall goals and policies in various SMP sections, instead of in a separate section dedicated to the elements. Some of these overlap with the general policies and regulations topics. The elements are:

- Economic development.
- Public access.
- Recreational.
- Circulation.
- Shoreline use.



Figure 3-4: SMPs must include policies and regulations for shoreline uses and modifications such as the residential development and bulkheads shown in this photo of the Burien shoreline on Puget Sound. (Photo by Hugh Shipman.)

- Conservation.
- Historic, cultural, scientific and educational.
- Flood damage prevention.

Goals and policies for restoration of impaired shoreline ecological functions [[WAC 173-26-201](#)(2)(f)].

Definitions. Definitions explain shoreline uses and concepts, are important for interpretation and administration of the SMP, and are helpful in legal challenges. Ecology’s grant agreement requires a definitions section; the SMP Guidelines do not require definitions.

Note: Definitions must be consistent with those in the SMA and WAC 173-26. Ecology recommends that local governments use the SMA and WAC definitions verbatim. This will provide more certainty that local policies and regulations are consistent with state statute and rules, especially upon appeal, and provide for greater consistency across jurisdictions.

Statements. There are also two statements that must be included in the SMP:

1. “All proposed uses and development occurring within shoreline jurisdiction must conform to chapter 90.58 RCW, the Shoreline Management Act, and this master program. [[WAC 173-26-191](#)(2)(a)(iii)(A)] This statement must be quoted exactly.
2. All areas within shoreline jurisdiction that are not mapped or designated are automatically assigned a “rural conservancy” or “urban conservancy” designation if in a municipality or

urban growth area, or comparable designation, until the shoreline is redesignated through a master program amendment. This should be noted on the environment designations map and in the text. [[WAC 173-26-211\(2\)\(e\)](#)].

What's optional

Other sections of an SMP are optional – they are not required by the SMA or SMP Guidelines. They include:

Introduction

An introduction is helpful for explaining the legal framework for shoreline planning, briefly describing local shoreline conditions and explaining the relationship of the SMP to other regulatory programs. The introduction should describe the components of the SMP and explain how it is organized. Introductions also may guide readers on how to use the SMP.

User's guide

Ecology's grant agreement suggests a user's guide be developed. A user's guide is a more detailed instructional reference than what would be included in the introduction.

Technical references

A list of technical documents used for making decisions will be helpful for decision makers and the general public.

Comprehensive SMP Update process

In order to prepare a comprehensive SMP update that's consistent with the SMA and the SMP Guidelines, you should follow a thorough planning process. Ecology developed the planning process described below for SMP updates and preparation of new SMPs. This process incorporates the steps discussed in the SMP Guidelines, WAC 173-26-201(3). The process is basically sequential, and is also iterative – work on some later tasks may change earlier work. Each phase includes two or more products that must be submitted to Ecology for review.

Local governments can use a somewhat different process if it would better suit the local situation. Ecology must approve a different process – incorporated into the scope of work – as part of the grant agreement. All required products shown on the SMP Planning Process chart must be submitted to Ecology.

Note: A few local governments develop SMP updates without grant funds administered by Ecology. Several products on the SMP Planning Process chart are required of grant recipients only, and are not required by the SMA or the SMP Guidelines. These will be pointed out for each task of the planning process. Note that these products help to keep the SMP process on track, so Ecology recommends them for every SMP update.

Phases

The **six-phase process** includes the phases listed below. Each phase includes several tasks. The phases and tasks align with the earlier grant agreements that Ecology negotiated with local governments updating SMPs. Starting with the 2013-2015 grant cycle, the grant agreements are organized somewhat differently. However, the suggested planning process and grant deliverables are the same for both the earlier and later grant agreements.

Phase 1: Preliminary shoreline jurisdiction and public participation plan.

Phase 2: Shoreline inventory and shoreline analysis and characterization, including public access and use analyses.

Phase 3: Shoreline environment designations, policy and regulation development, cumulative impacts analysis.

Phase 4: Restoration plan, revisiting Phase 3 products as necessary.

Phase 5: Local approval.

Phase 6: State approval.

Updating the SMP - phases and tasks

This section briefly reviews the tasks within Phases 1-6 of the SMP update process. The color shading for each phase is consistent with the colors on the [SMP Planning Process chart](#), otherwise known as the rainbow chart. Additional information is available in other *SMP Handbook* chapters. The scope of work that is part of the grant agreement with Ecology also provides direction for each task.

Phase 1: Preliminary shoreline jurisdiction and public participation plan

Phase 1 gets you into the nitty-gritty of shoreline management – where the SMP will apply. The first task is to identify preliminary shoreline jurisdiction. The second is to develop a public participation plan.

Task 1.1: Identify preliminary shoreline jurisdiction - shorelines & shorelands.

This task involves identifying all “shorelines of the state” as defined in the Shoreline Management Act, RCW 90.58.030.

The SMA applies to the following:

- All marine waters.
- Rivers and streams with more than 20 cubic feet per second mean annual flow.
- Lakes and reservoirs 20 acres and larger in area.
- Associated wetlands.
- Shorelands adjacent to these water bodies. This is typically the area within 200 feet of the water body, although there are exceptions.



Figure 3-5: The Entiat River is a shoreline of the state under the SMA. (Photo by Ken Bevis, WDFW.)

The shorelines to be regulated by the local government's updated SMP may be different from those identified in its existing SMP. Changes in shoreline jurisdiction may result from:

- New information on water body flow and size. Updated stream flow data may move SMP jurisdiction upstream or downstream. New GIS information may show lakes that were not in the original SMP to be 20 acres or greater.
- Naturally occurring and human alterations to the shoreline.
- Federal lands. The existing SMP might not include national forest and other federal lands within its jurisdictional boundaries. See WAC 173-27-060(1)-(3).
- Annexations. Annexations may bring shorelines into a city from the county, or more rarely, into a city from another city.
- Municipal incorporations. New cities will take over shoreline management responsibility from the county.

Local governments have several options for shoreline jurisdiction regarding shorelands. These are related to river corridors and floodplains, critical area buffers, and unincorporated urban growth areas. These options are discussed in detail in *SMP Handbook* Chapter 5, "Shoreline Jurisdiction." Carefully consider these options at this early stage in the planning process, prior to conducting the shoreline inventory, to determine a preliminary shoreline jurisdiction.

Product:

A preliminary map of local shorelines and shorelands subject to the SMA. (Not required of local governments that do not receive grant funds for the SMP update.)

More information:

- ⇒ *SMP Handbook* Chapter 5, "Shoreline Jurisdiction."
- ⇒ Shoreline Management Act, [RCW 90.58.030](#)(2).
- ⇒ Master program definition, [WAC 173-26-020](#)(24)(a).
- ⇒ SMP submittal requirements, [WAC 173-26-110](#)(3).
- ⇒ SMP Guidelines, [WAC 173-26-211](#)(2)(b) and (d).

Task 1.2: Develop public participation plan (citizen, technical, Ecology, other stakeholders)

Both the SMA and the SMP procedural rules and Guidelines require public participation to ensure all interested parties have an opportunity to shape local shoreline policies and regulations. The SMA intent is to insure that those interested in SMPs have "full opportunity for involvement." The SMA states the local government and Ecology "shall not only invite but actively encourage participation" in SMP development [RCW 90.58.130]. The SMP Guidelines require local governments to comply with the SMA and to notify applicable state agencies and affected Indian tribes.

The public participation plan, implemented throughout the SMP update process, is intended to encourage broad participation in the process so that the diverse concerns of all interested parties are heard and considered. The plan explains the process and identifies ways for local citizens,

special focus groups, property owners, adjacent jurisdictions, tribes, state and federal agencies and other shoreline stakeholders to participate. The plan also explains how copies of draft products will be made available for public review and how notice of public workshops, meetings and hearings will be provided.

The initial plan will be a framework for public participation activities throughout the SMP update process. The plan is likely to change as the SMP process evolves and you learn more about community needs for participation.

Product: Public participation plan. (Not required of local governments that do not receive grant funds for the SMP update.)

More information:

- ⇒ *SMP Handbook* Chapter 6, “Public Participation.”
- ⇒ Shoreline Management Act, [RCW 90.58.130](#).
- ⇒ WAC procedural rules, [WAC 173-26-090](#), [WAC 173-26-100](#).
- ⇒ SMP Guidelines, [WAC 173-26-201\(3\)\(b\)](#).

Task 1.3: Demonstrate how Phase 1 complies with Guidelines.

Demonstrating how the work of Phase I and all subsequent phases complies with the Guidelines is required at the end of each phase. Basically, you should fill out the SMP Checklist as relevant to the tasks for that phase and submit it to Ecology for review.

Product: SMP Checklist, filled out as relevant for Phase 1. (Local governments that do not receive grant funds must provide a checklist only with final SMP submittal. Ecology encourages you to fill out the Checklist throughout the update process.)

Phase 2: Shoreline Inventory and Shoreline Analysis and Characterization



Figure 3-6: Ecosystem processes.

The shoreline inventory and characterization are the foundation of the SMP update. Further work – environment designations, policies and regulations, restoration plan, cumulative impacts analysis – is dependent on the findings of the inventory and characterization report.

SMP Handbook Chapter 7, “Shoreline Inventory and Characterization,” discusses the significance of this work and suggests a method for developing the inventory and characterization. This section provides a quick overview of the work in this phase.

Task 2.1: Complete shoreline inventory

The inventory includes existing data, information and descriptions of watershed and shoreline attributes that pertain to existing and emerging problems and issues in a jurisdiction. The inventory describes existing development, land use patterns, altered and degraded areas, and shoreline conditions, including vegetation, wildlife habitat, hazard areas, public access sites, channel migration zones, flood plains and other shoreline conditions. The inventory is necessary to conduct the characterization.

Task 2.2: Conduct shoreline analysis

The Guidelines recognize that proper management of SMA shorelines cannot occur in isolation from activities taking place upstream, updrift or on adjacent land areas. Shoreline functions are dependent upon ecological processes occurring throughout the watershed or ecosystem. The flow of water, sediment, nutrients and materials into and through shorelines are the driving processes that determine the health of the overall system. Modifying or interrupting these ecosystem-wide processes may affect local processes and ecological functions within shoreline jurisdiction.

Task 2.2.1: Characterize ecosystem-wide processes

Using inventory data and information, local governments must characterize existing shoreline land use, shoreline ecosystems and associated shoreline ecological functions. The characterization starts with a broad examination of physical and biological conditions affecting the jurisdiction, providing a regional overview. This is a coarse analysis of ecological processes at the ecosystem-wide scale influencing the shoreline jurisdiction.

Task 2.2.2: Characterize shoreline functions

The characterization next focuses on specific shoreline reaches or drift cells. At this reach-level scale, a detailed analysis:

- Discusses the physical, biological and land-use components of each reach or group of reaches.
- Evaluates existing ecological functions of the reaches based on the current scientific understanding of the relationship between conditions in the ecosystem and those within shoreline jurisdiction.
- Presents findings and recommendations at a reach level. These will be applied during subsequent steps in the update process.

More information:

- ⇒ *SMP Handbook* Chapter 7, “Shoreline Inventory and Characterization.”
- ⇒ SMP Guidelines, [WAC 173-26-201](#)(3)(c) and (d).

Task 2.2.3: Conduct shoreline use analysis

The shoreline use analysis considers SMA preferred uses and describes expected locations and future demand for shoreline space. The use analysis involves looking at existing uses and trends and projecting future demand for uses that have a direct relationship to the water –water-dependent, water-related and water-enjoyment uses.

Potential use conflicts that may result from current and future development should be analyzed. This sets the stage for minimizing these conflicts in the final SMP. The shoreline use analysis should discuss whether local shorelines will be able to accommodate the future demand for shoreline space, particularly the preferred water-dependent uses. The use analysis report can be a stand-alone document or included within the Inventory and Characterization report (Task 2.3).

Product: Shoreline use analysis.

More information

- ⇒ *SMP Handbook* Chapter 8, “Shoreline Use Analysis.”
- ⇒ SMP Guidelines, Use analysis, [WAC 173-26-201](#)(3)(d)(ii).

Task 2.2.4: Analyze public access opportunities

Protecting and providing public access to shorelines is one of the three major policies of the SMA. For this task, local governments should identify both existing physical and visual access to a jurisdiction's shorelines and potential opportunities for enhancing public access. Public access sites should be shown on inventory maps, preferably for each shoreline reach. Existing plans that address public access should be summarized in the report. This report can be a stand-alone document or included within the Inventory and Characterization report (Task 2.3)

Product: Public access analysis.

More information:

- ⇒ *SMP Handbook* Chapter 9, “Shoreline Public Access,” beginning on page 5.
- ⇒ SMP Guidelines, [WAC 173-26-201](#)(3)(c)(vi).



Figure 3-7: Identifying public access opportunities is part of Phase 2. Many public access locations are not as obvious as Golden Gardens beach in Seattle. (Photo by Hugh Shipman.)

Task 2.3: Prepare shoreline inventory and characterization report

The shoreline inventory and characterization report compiles all the work of Task 2.2 into one package. The report should provide an analysis of ecosystem processes and how they affect shoreline functions. The report should present findings so that it is useful for making SMP decisions regarding environment designations, policies and regulations.

There are a variety of ways to organize this information, but readers should be able to clearly understand relationships between ecosystem processes and shoreline functions. Ecology recommends that you use a table to display this information. The report should also include appropriate maps that will help people understand shoreline conditions.

Recommendations in the report should suggest **how to translate the findings of the inventory and characterization into environment designations, policies and regulations**. The recommendations should identify opportunities, constraints and implementation strategies for:

- Protecting and restoring ecological functions.
- Addressing shorelines of state-wide significance.
- Providing public access.
- Accommodating existing and future appropriate water-oriented and SMA preferred uses.

Product: Shoreline inventory and characterization report, including shoreline use analysis and public access analysis.

More information: *SMP Handbook* Chapter 7, “Shoreline Inventory and Characterization.”

Task 2.4: Demonstrate how Phase 2 complies with the Guidelines

See the description for [Task 1.3](#).

Phase 3: Shoreline environment designations, policy and regulation development, cumulative impacts analysis

During Phase 3 of the planning process, the draft SMP takes shape. This phase starts with a community visioning process so the public has a chance to speak to its goals for local shorelines within the context of the SMA, the Guidelines and the inventory and characterization results. Next, it's time to draft general policies and regulations, environment designations, policies and regulations for shoreline uses and modifications, and administrative provisions. A preliminary cumulative impacts analysis is also required.

Task 3.1: Conduct community visioning process

Providing a public participation opportunity before beginning work on SMP policies and regulations and environment designations is an excellent way to introduce citizens to inventory and characterization findings and assure consideration of shoreline issues important to each group of stakeholders. Community visioning is a time-honored and highly recommended method for identifying emergent shoreline issues and opportunities early-on in the SMP update process. Visioning offers interested parties a chance to look into the future and express their shoreline goals and aspirations within the framework of the inventory and characterization, the SMA and the SMP Guidelines.

Product: Community visioning report. (Not required of local governments that do not receive Ecology grant funds for the SMP update.)

More information: *SMP Handbook* Chapter 10, "Community Visioning."

Task 3.2: Develop general goals, policies and regulations

General goals, policies and regulations will apply throughout shoreline jurisdiction, regardless of the environment designation. They provide a foundation for policies and regulations that are not specific to environment designations, shoreline uses, and shoreline modifications. General provisions should be developed for:

- Archaeological and historic resources.
- Critical areas.
- Flood hazard areas.
- Public access.
- Shoreline vegetation conservation.
- Water quality, storm water and nonpoint pollution.

The elements required by [RCW 90.58.100](#) may fit within these general provisions.

Writing goals, policies and regulations: The following guidance applies to goals, policies and regulations for general provisions, environment designations, shoreline uses and shoreline modifications.

Goals are the broadest expression of community desires consistent with the Shoreline Management Act (SMA). The SMA and SMP guidelines do not require the inclusion of goal statements in an SMP. However, many local communities find value in setting goals. Goal-setting can focus the community on mutually desired outcomes before beginning the potentially more divisive process of deciding how to best achieve those outcomes.

A **policy** is a commitment to act in a prescribed manner when administering the master program. Policy direction itself will require interpretive judgment when being applied to a specific proposal. Use the verb form “should” in policy statements to indicate intent and provide direction while at the same time allowing needed administrative flexibility.

A **regulation** is an authoritative rule that directs the requirements for a use or physical standard. Regulations are specific, as definitive as possible, and generally use the verb form “shall” to indicate that a proposed use or activity must conform to the regulation.

The term “**provision**” is used in Ecology’s SMP guidelines and SMP submittal checklist to indicate policies, regulations, standards, guideline criteria or environment designations.

In practice, the SMP policies are adhered to with more flexibility than regulations in the review of development proposals at the local and state level. The policies form the umbrella framework under which the regulations are developed, and are used to help interpret, support or explain the regulations. The regulations are the primary standards against which all development proposals are evaluated. It is important to keep in mind that the mandate of the SMA is to implement adopted shoreline policy.

Tips for writing SMP provisions: Ecology recommends that policies and regulations be included together in each of the general use, modification activity and environment designation sections of an SMP. The policies will serve as the bridge between goals and the regulations, making the connection between policy direction and implementing regulation more apparent and effective.

SMPs do not need to contain a separate elements section with goals and policies for each of the elements listed under RCW 90.58.100(2). The elements should be addressed in the General Policies and Regulations section that covers all shoreline uses.

- Use the term “may be permitted” or “may be allowed” when describing a use or modification activity that could be permitted subject to and complying with the SMP provisions (*e.g. marinas may be permitted in the High Intensity environment designation*). This provides the jurisdiction the expressed discretion of approving, approving with conditions or denying proposals.
- Use the verb form “will” or “must” when describing an administrative action taken by the government (*e.g. the city will review the submittal and approve or deny the permit application*).

- Use the term “prohibited” when describing a use, activity or condition that is *not permitted under any circumstance*. A prohibited use cannot be granted a variance or conditional use permit. WAC 173-27-160(4) states that a conditional use permit shall not be granted for a use which is specifically prohibited. The various sections of a master program should not conflict and weaken the intent of the WAC, resulting in “not permitted” getting the connotation of “not usually permitted.” thus opening the possibility of conditional use approval. Bottom line -- state the use is “prohibited” if you want to insure that the prohibition will stand up.
- Wherever possible, cross-reference interrelated general use, environment designation and modification activity regulations so it is clear that all apply. This will make administration easier and the document more user-friendly.
- Use the general term “shoreline permit” if the referenced provisions could apply to a substantial development, variance or conditional use permit, or any combination thereof.

Often, a large maritime industrial or commercial activity will require non-water-oriented uses such as parking or office and warehouse space. Unless some accessory use provision is included in the master program, these support activities will be difficult to regulate. An accessory use should be defined as "a use that is demonstrably subordinate and incidental to the principal use and which functionally supports its activity." The definition of an accessory use must not be so broad as to allow uses that are not subordinate to and supportive of the primary use because unintended uses could be permitted on the shoreline as accessory uses.

Archaeological and historic resources: Archaeological, historic and cultural resources are often found within shoreline jurisdiction. The SMA requires master programs to include, when appropriate, “an historic, cultural, scientific and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values” [RCW 90.58.100(2)(g)].

The SMP Guidelines provisions apply to “archaeological and historic resources that are either recorded at the state historic preservation office and/or by local jurisdictions or have been inadvertently uncovered.”

Shoreline master programs shall:

- Include policies and regulations to protect archaeological, cultural and historic resources.
- Require developers and property owners to immediately stop work if resources are uncovered during excavation.
- Specify that permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist.

Ecology worked with the Department of Archaeology and Historic Preservation to develop model language for archaeological, historic and cultural resources. The model language includes



Figure 3-8: The Central Schoolhouse, District 49 in Spokane County was built in 1900. It is the only remaining one-room schoolhouse in the area. (Photo from Spokane City/County Historic Preservation Office.)

goals, policies and regulations. It includes requirements for a cultural resource site assessment for some permit applications and establishes a process for an inadvertent discovery of an archaeological, cultural or historic site. See Appendix B for this model language.

Product: Draft general goals, policies and regulations, as part of draft SMP.

More information:

- ⇒ [WAC 173-26-221](#).
- ⇒ [Washington Department of Archaeology and Historic Preservation](#).

Task 3.3: Develop environment designations

Environment designations in the SMP are akin to land use designations in the local comprehensive plan. Environment designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and land use patterns, community goals, and shoreline management recommendations in the inventory and characterization.

Environment designations provide “the framework for implementing shoreline policies and regulatory measures specific to the environment designation” [WAC 173-26-191(1)(d)].

Each environment designation must have a purpose statement, designation criteria, and management policies and regulations specific to each environment. Environment designation regulations establish specific uses, such as residential or industrial, for these shoreline areas [WAC 173-26-211].

SMP Handbook Chapter 13, “Shoreline Environment Designations,” discusses considerations for developing designations, describes the environment designations suggested in the Guidelines, and discusses alternative designations, purpose statements, designation criteria, management policies, and parallel environments.

Product: Draft environment designations, as part of Draft SMP.

More information:

- ⇒ *SMP Handbook*, Chapter 13, “Shoreline Environment Designations.”
- ⇒ SMP Guidelines, [WAC 173-26-191](#)(1)(d), [WAC 173-26-211](#).

Task 3.4: Develop shoreline use & modification policies, regulations and standards

Specific policies and regulations that apply to shoreline uses (e.g., residential, aquaculture, commercial) and modifications (e.g., shoreline stabilization, dredging) must be included in the SMP. These policies and regulations will apply within environment designations where these uses and modifications are permitted.

Ecology recommends that master programs distinguish between shoreline “uses” and “modifications.” Uses are the ongoing functional result of development. Shoreline modifications are construction elements that change the physical configuration or qualities of the shoreline in preparation for or continuance of a use. For example, a marina is a use, and dredging is a modification to allow for the marina.

Use policies establish the principles applicable to each use category. Use regulations typically set physical development and management standards for each use such as location restrictions, design, construction materials, and buffer and setback requirements, for example. Regulations for modifications should require that modifications support an allowed use.

SMPs must state whether uses and modifications are permitted, require a conditional use permit or are prohibited.

Shoreline uses: The SMP Guidelines require master programs to implement the following four principles that guide development of local use policies and regulations [WAC 173-26-241(2)(a)].

1. Establish a system of use regulations and environment designation provisions consistent with WAC 173-26-201 (2)(d) and 173-26-211.
2. Ensure that all shoreline master program provisions concerning proposed development of property are established.
3. Reduce use conflicts by including provisions to prohibit or apply special conditions.
4. Establish use regulations to assure no net loss of ecological functions.

The Guidelines establish standards for the following uses:



Figure 3-9: Shoreline stabilization at this site in Anacortes employs plantings, added beach gravel, and strategically located large wood. (Photo by Hugh Shipman.)

- Agriculture.
- Aquaculture.
- Boating facilities (marinas, launch ramps, moorage, etc.).
- Commercial development (retail, restaurants, offices, etc.).
- Forest practices.
- Industry (manufacturing, shipbuilding, wholesale warehousing, cargo transfer, construction yards, etc.).
- Instream structures.
- Mining.
- Recreational development (non-boating such as parks, trails, golf courses).
- Residential development.
- Transportation facilities (roads, ferries, private air strips, helipads, etc.).
- Utilities (wastewater treatment, electrical substations, etc.).

Shoreline modifications: Modifications are typically **construction activities** such as building a dike or dredging a basin, but they can include other actions such as clearing, grading, or application of chemicals.

As described in the SMP Guidelines, shoreline modifications are undertaken in support of or in preparation for shoreline uses. Modifications represent a physical alteration of the shoreline so the regulations related to them must deal with more immediate, time-limited physical impacts. For some modifications, there are long-term impacts. Examples include fill (modification) for a cargo terminal (industrial use) or dredging (modification) for a marina (boating facility use). A single use may require several different shoreline modifications. For example, building a marina and boatyard may involve a breakwater, dredging, clearing, grading and fill.

Guidelines principles require SMPs to limit shoreline modifications in number and extent, and only where necessary to support or protect an allowed primary structure or legally existing shoreline use. The Guidelines set standards for the following modifications:

- Shoreline stabilization.
- Piers and docks.
- Fill.
- Breakwaters, jetties, groins and weirs.
- Beaches and dunes management.
- Dredging and dredge material disposal.
- Shoreline habitat and natural systems enhancement projects.

Product: Shoreline use and modifications policies, regulations and standards.

More information:

- ⇒ SMP Guidelines, Shoreline Modifications, [WAC 173-26-231](#).
- ⇒ SMP Guidelines, Shoreline Uses, [WAC 173-26-241](#).
- ⇒ Chapter 15, “Shoreline Stabilization.”
- ⇒ [Soft Shoreline Stabilization: Shoreline Master Program Planning and Implementation Guidance](#).
- ⇒ “Forest practices in shoreline jurisdiction” in Appendix B.

Task 3.5: Develop administrative provisions

Administrative provisions are the policies and regulations that cover how the SMP will be administered and enforced by local governments. The SMP must include some specific administrative provisions, but general permit administration, compliance and enforcement provisions should be included in other parts of the municipal code. When developing SMP amendments, take some time to review and correct any problems with local administrative procedures. The best shoreline master program is of little use if it is not effectively administered. Responsibilities and procedures should be spelled out clearly to ensure thorough and efficient review of proposed actions.

Local government has the primary responsibility for administering the Shoreline Management Act ([RCW 90.58.050](#)). In setting permit and enforcement procedures, take into account environmental protection, efficient permitting, public involvement, protection of public and private rights, protection of nearby properties and the staff and expertise available to the community. Local governments use different procedures for various types of uses and activities to appropriately balance these needs.

When deciding what body should have decision making responsibility for conditional uses and variances, consider that legislative bodies are primarily policy makers. Requiring them to review and approve all conditional use permits and variances, particularly in a large jurisdiction, may result in substantial permitting delays and additional work for an already overworked legislative body.

Approving or denying permits is an administrative function. Many local communities assign responsibility for conditional use permits and variances to an existing body with permitting expertise, such as a hearing examiner.

Appeals: Local governments have the authority to provide for appeals of local permit decisions. Local appeals provide additional protection to residents and property owners. They also give local legislative authorities the power to review the decisions of staff or hearings examiners. Local appeals are preferable to having every permit approved by both staff or a hearing examiner and a city council or county commission. On the down side, they can introduce additional delays into the permitting process. So local appeal processes must be carefully considered.

The SMA provides an appeals process to the Washington State Shorelines Hearings Board. This appeal is available in the case of all decisions to approve or deny shoreline permits, even if a local appeals process is in place.

Include in the SMP:

- Shoreline uses that are exempt from requirements for Substantial Development Permits must still comply with SMP policies and regulations. SMPs must include the following statement: "Except when specifically exempted by statute, all proposed uses and development occurring within shoreline jurisdiction must conform to chapter [90.58](#) RCW, the Shoreline Management Act, and this master program."
- Criteria for reviewing shoreline substantial development and conditional use permits and variances. This must be consistent with WAC 173-27-150, 160 and 170, respectively. It's best to just incorporate the WAC language in the SMP.
- Definitions. These are required by Ecology's scope of work, but not the SMP Guidelines. Definitions must be consistent with those in the SMA and WAC 173-26. Ecology recommends that local governments use the SMA and WAC definitions verbatim. This will provide more certainty that local policies and regulations are consistent with state statute and rules, especially upon appeal, and provide for greater consistency across jurisdictions. SMPs should include definitions for other terms needed to aid in interpreting SMP policies and regulations. These definitions also must be consistent with the SMA and WAC.

Include in other sections of the municipal code: The SMP Guidelines allow the administrative, enforcement and permit review procedures to be included in the master program. However, Ecology recommends including them in other parts of the local code for a couple of reasons.

- 1) Any changes will not need Ecology approval if they are not in the SMP.
- 2) These provisions can be integrated with other permit procedures, allowing for more efficiency by staff.

This recommendation also applies to the requirements for a mechanism to document all project review actions in shoreline jurisdiction and a process to periodically evaluate the cumulative effects of authorized development on shoreline conditions.

Product for Tasks 3.2 to 3.5: Complete draft SMP including products from Tasks 3.2 to 3.5.

More information:

⇒ SMP Guidelines, Administrative provisions, [WAC 173-26-191](#)(2)(a)(iii).

Task 3.6: Prepare preliminary cumulative impacts analysis

The cumulative impacts analysis describes anticipated shoreline development within your jurisdiction and assesses the cumulative impacts of such development on shoreline ecological functions over the long term. The cumulative impacts analysis should inform decisions about where to apply regulations to most effectively protect shoreline ecological functions. The purpose of the cumulative impacts analysis is to ensure that SMP updates include shoreline policies and regulations that will achieve no net loss of shoreline ecological functions, as the SMP is implemented over time.

Ideally, you should be thinking about potential cumulative impacts along the way, from the time the SMP update starts. Your goal is to develop an SMP that fully addresses cumulative impacts.

If changes are made to the SMP as it winds its way through the local review and approval process, additional analysis of cumulative impacts may be necessary. Significant changes to SMP policies and regulations may alter or invalidate assumptions regarding future shoreline development that form the basis for the findings of the preliminary analysis.

Product: Preliminary cumulative impacts analysis.

More information:

⇒ *SMP Handbook* Chapter 17, “Cumulative Impacts Analysis.”

⇒ SMP Guidelines, [WAC 173-26-186](#)(8)(d), [WAC 173-26-201](#)(3)(d)(iii).

Task 3.7: Demonstrate how Phase 3 complies with the Guidelines

See the description for [Task 1.3](#).

Phase 4: Restoration plan; revisiting Phase 3 products as necessary

During Phase 4, you're past the hurdle of developing a draft SMP and will have time to focus on finishing the restoration plan. Then, you may need to tweak, or even significantly revise, portions of the draft SMP. During this phase, the final shoreline jurisdiction maps should be prepared.

Task 4.1: Prepare restoration plan

The restoration plan is a framework for restoration based on the shoreline inventory and characterization, which will identify potential sites and opportunities for restoration and protection. The plan should include a list of ongoing, proposed and potential restoration projects. The restoration plan can address both non-regulatory and regulatory restoration projects.

Research has shown that even the best designed and implemented mitigation projects are subject to some degree of failure. A restoration plan, therefore, is needed to offset the expected loss of function that will occur from site-specific mitigation and other incremental impacts sustained over time.

Restoration plans must:

- Identify degraded areas, impaired functions and sites with potential for ecological restoration.
- Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions.
- Identify existing and ongoing projects and programs.
- Identify additional projects and programs to meet restoration goals.
- Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals.
- Provide for mechanisms or strategies.



Figure 3-10: Phase 1 of this restoration project on the Pend Oreille River included planting 600 plants.

Product: Restoration plan.

More information:

⇒ SMP Guidelines: WAC 173-26-186(8)(c) and WAC 173-26-201(2)(f).

Task 4.2: Revisit environment designations, policies and regulations; finalize jurisdiction maps

Task 4.2 provides an opportunity to make changes to the Draft SMP, including the environment designations and all goals, policies, and regulations. Revisions may be a result of the public process or new information. SMP changes will be necessary if the cumulative impacts analysis shows the draft SMP will result in a net loss of ecological functions. The cumulative impacts analysis may need to be changed to reflect revisions to the SMP.

Final maps showing shoreline jurisdiction should also be prepared. Information developed during the update process may show that some water bodies previously thought to not be shorelines of the state are, or vice versa.

Product: Revised policies, regulations and environment designations that reflect the cumulative impacts analysis; revised cumulative impacts analysis, if needed; and final shoreline jurisdiction maps.

Task 4.3: Demonstrate how No Net Loss is achieved

For this task, Ecology wants to see how the SMP will achieve no net loss of shoreline ecological functions. Prepare a short narrative summary that gives an overall picture of how your local government will meet the no net loss requirement.

The summary should explain how policies and regulations in the SMP were developed from a science-based understanding of existing ecological functions, land segregation patterns, shoreline uses and modifications, and restoration opportunities. How are the recommended shoreline management recommendations in the inventory and characterization report, together with the conclusions of both the cumulative impacts analysis and the restoration plan reflected in the proposed SMP policies and regulations in order to achieve no net loss? Demonstrate how you considered and addressed the no net loss standards through all phases of the update process.

Think of the summary as describing the standard for NNL of ecological functions. In it you should give an overall picture of how your town, city or county will meet the no net loss requirement.

Relate the summary to other documents: Each of the documents (deliverables) listed below should contribute key components to demonstrating how the SMP achieves NNL. The narrative summary should describe how each of these documents were applied, and that the resulting SMP will achieve NNL when implemented over time.

- Inventory and characterization report.
- Shoreline use analysis.
- Cumulative impacts analysis.
- Restoration plan.
- SMP environment designations, policies, regulations and maps.
- SMP checklist.

The summary can briefly compare the conclusions of the documents (all but the SMP itself and the checklist) with the environment designations and use regulations to demonstrate how these provisions avoid, reduce, and mitigate reasonably foreseeable impacts in order to achieve NNL.

You should refer to specific sections of these documents but do not need to repeat detailed information from them (e.g. no need to list specific SMP regulations or ecological functions in the summary). Detailed references to SMP regulations should be provided in the final SMP checklist in a chronological manner that captures any suggested or required changes to the SMP. This summary should provide a general chronology of the SMP amendment while providing reference to the specific chronology captured in the SMP checklist. By providing a chronology, your town, city or county can describe its planning process, SMP documents, major findings, SMP provisions, and changes that were made along the way to address no net loss, in addition to other relevant issues.

You may submit this summary as an independent deliverable or integrate it into your cumulative impacts analysis.

How the summary may be used: The purpose of the NNL narrative summary and other supporting documents is to ensure that the SMP environment designations, policies, and regulations are based on the findings of the inventory and characterization report and the cumulative impacts analysis, and will achieve NNL.

Documentation of this information will also provide a record of the jurisdiction's decisions on SMP policies and regulations in relation to no net loss. This concise information will be helpful when explaining the draft SMP to the Planning Commission, elected officials and the public. Ecology will use information from the summary in its findings and conclusions to document that no net loss will be achieved and to justify approval of the SMP. Lastly, this information will be part of the record and will be useful if the SMP is appealed.

Product: No net loss report. (Not required of local governments that do not receive Ecology grant funds for the SMP update.)

Task 4.4: Demonstrate how Phase 4 complies with the Guidelines

See the description for [Task 1.3](#).

Phase 5: Local Approval

Phase 5 is the final full phase at the local level. During this phase, you'll finish some important procedures and respond to public comments. The local council or board of commissioners will adopt the SMP and staff will send it to Ecology for review and approval. The SMP becomes effective with Ecology approval (Phase 6).

Paying close attention to each of the Phase 5 tasks will help to expedite the state approval process and avoid challenges to the SMP based on procedural errors. Ideally, local staff will work closely with Ecology to develop an SMP that is fully compliant with the SMP Guidelines before local adoption and submittal to Ecology.

Task 5.1: Assemble complete draft SMP and submit to Ecology for informal review.

The SMP Guidelines encourage local governments to work with Ecology during the SMP update and to submit draft provisions for review prior to formal submittal [WAC 173-26-201(3)(h).] The complete draft SMP, supporting documents, and copies of any regulations adopted by reference should be provided to Ecology prior to local approval. This gives Ecology an opportunity to review the draft SMP that elected officials will take action on and work with local government to resolve any remaining issues prior to local adoption.

Local governments must use a process to assure that proposed regulations and administrative actions do not unconstitutionally infringe on private property rights [WAC 173-26-186(5)]. Please refer to State of Washington Attorney General's Advisory Memorandum, *Avoiding Unconstitutional Takings of Private Property*. This process must be documented in the SMP Checklist. No product related to this review is required by Ecology.

Product: Complete draft SMP, supporting documents, and regulations adopted by reference.

More information:

- ⇒ [WAC 173-26-201\(3\)\(h\)](#).
- ⇒ [WAC 173-26-186\(5\)](#).
- ⇒ [Avoiding Unconstitutional Takings of Private Property](#), Attorney General's advisory memorandum.

Task 5.2: Complete SEPA review, documentation.

Local governments must conduct environmental review under the State Environmental Policy Act, RCW 43.21C and issue an environmental threshold determination. Some jurisdictions have prepared an environmental impact statement. The SMP submittal must include evidence of compliance with SEPA, as required by WAC 173-26-110(5).

Product: SEPA determination and SEPA checklist.

More information: [WAC 173-26-110\(5\)](#).

Task 5.3: Provide GMA 60-day notice of intent to adopt.

Local governments planning under the Growth Management Act must notify Ecology and the Department of Commerce of their intent to submit an SMP amendment at least 60 days prior to final local approval, as required by RCW 36.70A.106(1) and WAC 173-26-100(5).

Product: Notification to Ecology and Department of Commerce.

More information:

⇒ [RCW 36.70A.106](#)(1).

⇒ [WAC 173-26-100](#)(5).

Task 5.4: Hold public hearing.

Local governments must hold at least one public hearing prior to local approval of the draft SMP and publish notice of the hearing, as required by WAC 173-26-100(1) and (2). Local governments must publish notice of the hearing in one or more newspapers of general circulation in the area where the hearing is to be held. The names and mailing addresses of all interested parties providing comment shall be compiled.

Product: Record of public hearing.

More information: [WAC 173-26-100](#)(1) and (2).

Task 5.5: Prepare responsiveness summary and respond to public comments.

A summary of all public comments received during the public hearing and the public comment period must be prepared. This summary should discuss how the draft SMP addresses the issues discussed in each comment.

Product: Summary of public comments and responsiveness summary. (The responsiveness summary is not required of local governments that do not receive Ecology funds for their SMP updates. However, Ecology recommends this summary be prepared so the public and Ecology can see how issues are being addressed.)

More information: [WAC 173-26-110](#)(7).

Task 5.6: Adopt SMP and submit to Ecology.

The local elected body must approve the draft SMP. Local government staff should then assemble the complete draft SMP, as revised by the elected body, and all supporting documents, and submit them to Ecology. Submittal requirements are provided in WAC 173-26-110. Compiling the draft SMP and all supporting documents can take a good amount of time. Keep documents organized throughout the process to make this final task less onerous. Deliverables include:

- A complete, locally approved SMP including maps, with relevant supporting documentation (Tasks 5.1 and 5.7).
- SEPA products: checklist, MDNS or EIS; SEPA notice (Task 5.3).
- Evidence of compliance with GMA notice requirements (Task 5.4).
- Public hearing record (Task 5.5).
- Response to comments received (Task 5.6).
- Final SMP Checklist.

WAC 173-26-110 requires the following as part of the submittal package:

- A signed resolution or ordinance documenting local approval of the submittal.
- Specific text amending or replacing the existing master program.
- Amended environment designation maps.
- A summary of proposed amendments and explanation text, staff reports, records of hearing and other materials.
- Evidence of compliance with SEPA.
- Copies of all public, agency and tribal comments received and a record of names and addresses of interested parties involved in the local government process.

Product: Locally adopted SMP and supporting documents.

More information: SMP submittal requirements, [WAC 173-26-110](#).

Task 5.7: Demonstrate how Phase 5 complies with the Guidelines.

See the description for [Task 1.3](#). The final SMP checklist should be part of the package submitted under Task 5.6.

Phase 6: State approval

Although Phase 6 is Ecology's formal review and approval process, this phase continues to require some work on the part of local government and possibly the consultant. The amount of work will depend on the level of agreement between the local government and Ecology on the draft SMP at time of submittal and the number of comments Ecology receives during its public review process. If Ecology cited concerns about consistency of the SMP provisions with the SMA or SMP Guidelines requirements during earlier phases of the update and they were not resolved, these issues will re-surface during Phase 6.

Local government's tasks in Phase 6 fall under Task 6.1 – respond to comments received during Ecology's public comment period, and Task 6.3 – work with Ecology to finalize local adoption.

Ecology's first step in the state approval of amendments to local SMPs is to determine whether or not the SMP submittal package is complete. If it is, Ecology sends the local government a letter acknowledging that it is complete. If it is incomplete, Ecology sends the local government a letter identifying the deficiencies. After Ecology determines the submittal is complete, the formal state approval process can begin. The state approval process generally takes six months to

complete. (Phase 6 tasks apply to both SMP amendments and new SMPs. New SMPs are rare, as most jurisdictions have SMPs, so the following discussion refers just to SMP amendments to keep it simple.)

Task 6.1: Provide public notice and opportunity for comment; respond to comments received.

When the SMP submittal package is complete, the formal review process begins. Ecology will publish a notice and invite public comment. Ecology will send notice to all parties of record including federal and state agencies and interested parties. The comment period is typically 30 days. An Ecology public hearing is optional.

Within 15 days after the comment period closes, Ecology will send the comments to local government for review and response. Local government must submit its response to Ecology within 45 days of the date of Ecology's letter requesting the response or request additional time to respond.

Product: Local government's responsiveness summary.

Task 6.2: Prepare decision packet including responsiveness summary, findings and conclusions, transmittal letter, and conditions of approval (if any)

After receiving the local government's responses, Ecology also will respond to the issues raised during public comment in a responsiveness summary. Ecology will prepare findings and conclusions regarding the SMP's consistency with the SMA and SMP Guidelines. Ecology may (1) approve the submitted SMP amendment as is, (2) approve the SMP amendment subject to the local government making required changes, or (3) deny the SMP amendment.

If Ecology requires changes to the SMP, we will provide advance notice and rationale to the local staff. Within 30 days after receiving Ecology's decision letter, local government can either:

- Agree to the required changes by sending a letter to Ecology indicating acceptance of the changes.
- Submit an alternative proposal.

If Ecology determines the alternative is not consistent with the intent of the changes it proposed, Ecology may either deny the alternative proposal or, at the request of the local government, start anew with the review and approval process.

Promptly after approving or denying the SMP or amendment, Ecology will publish a notice consistent with the Growth Management Act (RCW 36.70A.290) stating its decision. Ecology also must notify the legislative authority of local governments that do not plan under the GMA by telephone or electronic means, followed by written communication as needed, to assure that the local government has received the written decision.

Product: Ecology's decision package.

Task 6.3: Work with local government to finalize local adoption

Ecology will work with local government to resolve any final issues and develop SMP language that is acceptable to both state and local government. If local government submits an alternative proposal suggesting changes to Ecology's required changes, Ecology will review the alternative for consistency with the SMA and the SMP Guidelines.

Products:

- Local government's final actions on SMP.
- Ecology's final decision letter and published notice.

More information:

- ⇒ Shoreline Management Act, state adoption process, [RCW 90.58.120](#)(1)
- ⇒ State process, [WAC 173-26-120](#)

Appeals

Ecology's final decision to approve or reject a proposed master program or amendment by a local government planning under the Growth Management Act (RCW 36.70A.040) may be appealed to the Growth Management Hearings Board by filing a petition within 60 days after publication of Ecology's notice.

Ecology's final decision to approve or reject a proposed master program or amendment by a local government not planning under the Growth Management Act (RCW 36.70A.040) may be appealed to the Shorelines Hearings Board by filing a petition within 30 days of the date of publication of Ecology's notice.

More information:

- ⇒ Shoreline Management Act, appeal of Ecology's decision, [RCW 90.58.190](#)(2) and (3)
- ⇒ Shorelines Hearings Board and Growth Management Hearings Board, [Environmental and Land Use Hearings Office](#)

FIGURE 1: SHORELINE MASTER PROGRAM PLANNING PROCESS

SMP UPDATE PROCESS	SPECIFIC PLANNING TASKS	PRODUCTS
Phase 1: Preliminary Shoreline Jurisdiction and Public Participation Plan	Task 1.1: Identify preliminary shoreline jurisdiction - shorelines & shorelands Task 1.2: Develop public participation plan (citizen, technical, Ecology, other stakeholders) Task 1.3: Demonstrate how Phase 1 complies with Guidelines	Product 1.1: Preliminary map of local shorelines & shorelands subject to the SMP Product 1.2: Public participation plan Product 1.3: Documentation in SMP submittal checklist
Phase 2: Shoreline Inventory & Shoreline Analysis & Characterization	Task 2.1: Complete shoreline inventory Task 2.2: Conduct shoreline analysis Task 2.2.1: Characterize ecosystem-wide processes Task 2.2.2: Characterize shoreline functions Task 2.2.3: Conduct shoreline use analysis Task 2.2.4: Analyze public access opportunities Task 2.3: Prepare shoreline inventory and characterization report Task 2.4: Demonstrate how Phase 2 complies with Guidelines	Product 2.1: Draft list of inventory data sources, digital maps of inventory information Product 2.3: Shoreline inventory and characterization report with map portfolio & GIS data, including: <ul style="list-style-type: none"> • Characterization of ecosystem-wide processes • Characterization of shoreline functions • Identification of potential protection and restoration areas • Shoreline use & public access analyses • Shoreline management recommendations Product 2.4: Documentation in SMP submittal checklist
Phase 3: Shoreline Environment Designation, Policy & Regulation Development; Cumulative Impacts Analysis	Task 3.1: Conduct community visioning process Task 3.2: Develop general goals, policies & regulations Task 3.3: Develop environment designations Task 3.4: Develop shoreline use & modifications policies, regulations & standards Task 3.5: Develop administrative provisions Task 3.6: Prepare preliminary cumulative impacts analysis Task 3.7: Demonstrate how Phase 3 complies with the Guidelines	Product 3.1: Community visioning report Product 3.2-3.5: Complete Draft SMP, including: <ul style="list-style-type: none"> • Draft general goals, policies & regulations • Draft environment designations • Draft shoreline use & modifications policies, regulations & standards • Draft administrative provisions Product 3.6: Preliminary cumulative impacts analysis Product 3.7: Documentation in SMP submittal checklist
Phase 4: Restoration Plan; Revisiting Phase 3 Products as Necessary	Task 4.1: Prepare restoration plan Task 4.2: Revisit environment designations, policies and regulations; finalize jurisdiction maps Task 4.3: Demonstrate how NNL is achieved Task 4.4: Demonstrate how Phase 4 complies with Guidelines	Product 4.1: Restoration plan Product 4.2: Revised SMP, cumulative impacts analysis & jurisdiction maps Product 4.3: No net loss report Product 4.4: Documentation in SMP submittal checklist
Phase 5: Local Approval	Task 5.1: Assemble complete draft SMP and submit to Ecology for informal review Task 5.2: Complete SEPA review, documentation Task 5.3: Provide GMA 60-day notice of intent to adopt Task 5.4: Hold public hearing Task 5.5: Prepare responsiveness summary and respond to public comments Task 5.6: Adopt SMP and submit to Ecology Task 5.7: Demonstrate how Phase 5 complies with Guidelines	Product 5.1: Final draft SMP Product 5.2: SEPA products (checklist, MDNS/EIS; SEPA notice) Product 5.3: Evidence of compliance with GMA notice requirements Product 5.4: Public hearing record Product 5.5: Responsiveness summary Product 5.6: Complete SMP submittal package Product 5.7: Documentation in SMP submittal checklist
Phase 6: State Approval	Task 6.1: Provide public notice & opportunity for comment; respond to comments received Task 6.2: Prepare decision packet including findings & conclusions, transmittal letter, conditions of approval (if any), & responsiveness summary Task 6.3: Work with local government to finalize local adoption	Product 6.1: Responsiveness summary Product 6.2: Decision package submitted to local government Product 6.3: Final SMP adoption incorporating any Ecology conditions of approval; SMP takes effect

