



Planned Amendments to the Steilacoom Shoreline Master Program 2018-2019

Wording shown to be added to existing text is underlined

Wording shown to be removed from existing text is ~~stricken~~

“Reference RCW, WAC or WSR” is the state law or regulation requiring the wording change.

1. Proposed changes to the following definitions, all in SMC 16.08.050

16.08.050 Definitions. The following definitions, along with those in Chapter 90.58 RCW, and Chapter 173-26 WAC, shall govern the terms of this Master Program. If any definition contained herein conflicts or differs from definitions contained in Chapter 90.58 RCW or Chapter 173-26 WAC, the wording in the state law or regulation shall prevail. All other terms not defined shall have their ordinary dictionary definition. [...]

Development, Shoreline. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Master Program at any state of water level. “Development” does not include dismantling or removing structures if there is no other associated development or re-development. **Reference WAC 173-26-241**

Floodway. ~~For the purposes of this Master Program means the area established as such in Federal Emergency Management Agency flood insurance rate maps.~~
“Floodway” means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. **Reference RCW 90.58.030**

Substantial Development. Substantial development means any development of which the total cost or fair market value exceeds ~~\$6,416.00~~ \$7,047.00, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold referenced in this subsection shall be adjusted for inflation by the Office of Financial Management every five years, as specified in RCW

90.58.030(3)(e) and WAC 173-27-040 as now or hereafter amended. **Reference WSR 17-17-007**

2. Proposed new reference to Periodic Review in SMC 16.08.080

16.08.080 Master Program Review and Update.

(a) This Master Program shall be periodically reviewed as necessary to reflect changing local circumstances, new information or improved data, and changes in State statutes and regulations.

(b) The Town's Community Development Department shall annually issue a written report to the Town Council documenting all project review actions in shoreline areas. The first report shall be issued in May, 2013.

(c) The Town shall evaluate the cumulative effects of authorized development on shoreline conditions in conjunction with the review of the Master Program as required by RCW 90.58.080. This evaluation may involve a joint effort by the Town, state resource agencies, affected Indian tribes, and other parties. The evaluation shall result in a public written report to the Town Council and the Department of Ecology.

(d) The Town will conduct the periodic review process consistent with requirements of RCW 90.58.080 and WAC 173-26-090. Reference WAC 173-26-090

3. Proposed new section on Exceptions to Local Review

16.16.115 Developments not required to obtain shoreline permits or local reviews

Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

(ii) Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial

development permit, conditional use permit, variance, letter of exemption, or other local review.

(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

Reference WAC 173-27-044 and WAC 173-27-045

4. Proposed alterations to Shoreline Exemptions regarding docks and ADA compliance in SMC 16.08.320

16.08.320 Shoreline Exemptions.

(A) The Administrator is hereby authorized to approve or deny requests for a statement of exemption from the Shoreline Substantial Development Permit requirement for uses and developments within shorelines that are specifically listed in RCW 90.58.030 and WAC 173-27-040. The statement shall be in writing and shall indicate the specific exemption of the Master Program that is being applied to the development, and shall provide a summary of the Administrator's analysis of the consistency of the project with this Master Program and the Shoreline Management Act. The list below is a summary of common exemptions that may occur within Town shorelines; a complete list of exemptions is provided in WAC 173-27-040.

Exempt developments include:

(1) Any development of which the total construction cost or fair market value, whichever is higher, does not exceed the dollar threshold established by the Office of Financial Management pursuant to WAC 173-27-040, and does not materially interfere with public use of the water or shorelines of the state. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state;

(2) Normal maintenance or normal repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment;

(3) Construction of a normal protective bulkhead common to single family residences. A "normal protective bulkhead" is constructed at or near the ordinary high water mark to protect a single family residence and is for protecting land from erosion,

not for the purpose of creating dry land. Where an existing bulkhead is being replaced, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings;

(4) Emergency construction necessary to protect property from damage by the elements. Flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

(5) Construction, installation, or modification of navigational aids such as channel markers and anchor buoys;

(6) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his/her own use or for the use of his/her family, which residence does not have a building height that exceeds 35 feet from average grade and meets all requirements of the Steilacoom Municipal Code (SMC) and this Master Program;

(7) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of one or more single and multi-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either:

(A) in salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or

(B) in fresh waters, the fair market value of the dock does not exceed:

(i) twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or

(ii) ten thousand dollars for all other docks constructed in fresh waters.

~~but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction will be considered a substantial development for the purposes of this Master Program;~~

However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this Master Program.

Reference WAC 173-27-040

(8) The marking of property lines or corners, when such marking does not significantly interfere with the normal public use of the surface waters;

(9) Any project with certification from the Governor pursuant to Chapter 80.50 RCW;

(10) Watershed restoration projects as defined in WAC 173-27-040. The Town shall review the projects for consistency with the Master Program in an expeditious manner and shall issue its decision along with any conditions within forty-five (45) days of receiving all materials necessary to review the request for exemption from the

applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration;

(11) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this Master Program, if:

(a) The activity does not interfere with the public use of the surface waters;
(b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality and aesthetic values; and

(c) The activity does not involve the installation of any structure and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

(12) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities. Reference RCW 90.58.030

(B) When a development meets the exemption criteria listed in this section or WAC 173-27-040, and is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, a copy of the Shoreline Exemption shall be sent to the Department of Ecology.

(C) Before issuing a Shoreline Exemption, the Administrator shall review this Master Program to determine if the proposed development requires a Shoreline Variance and/or a Shoreline Conditional Use Permit.