

Shoreline Master Program

Scope and Assessment Report: 2019 Amendment

The Shoreline Management Act (SMA) requires a periodic review of comprehensively updated Master Programs (SMPs). Local governments must review amendments to the SMA and Ecology rules that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. Local governments must also review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data.

The schedule to complete these reviews is established for every community by the Legislature. The first round of periodic reviews is due on or before June 30, 2019 for Snohomish, King and Pierce counties and their cities and towns. This will be the first Periodic Review conducted for Tacoma's SMP since the Comprehensive Update was approved by the Department of Ecology in 2013.

Project Summary	
Applicant:	Planning and Development Services
Amendment Type:	Plan and Code
Location and Size of Area:	The review area includes all shorelines city-wide.
Current Land Use and Zoning:	The area is comprised of Shoreline Zoning Districts, S-1a to S-15.
Neighborhood Council Area:	Multiple.
Type of Amendment:	Plan and Code.
Staff Recommendation:	Approve Scope and Assessment for 2019 Amendment.
Project Proposal:	<ul style="list-style-type: none"> To ensure that the master program complies with applicable law and guidelines in effect at the time of the review; To assure consistency of the master program with the local government's comprehensive plan and development regulations; To consider whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data, and whether the significance of the changed circumstances, new information or improved data warrants amendments.



Planning and Development Services
City of Tacoma, Washington

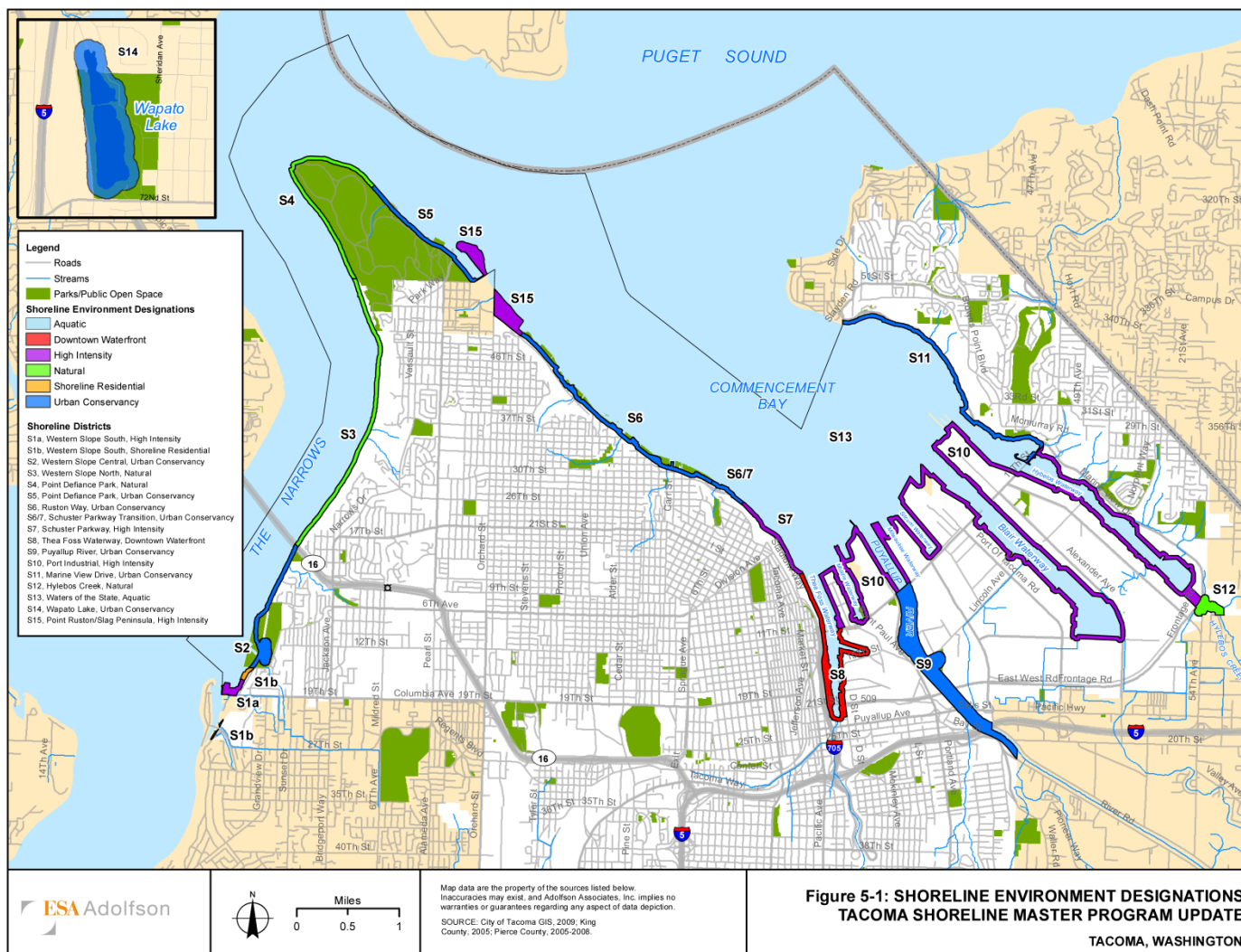
Peter Huffman, Director

Project Manager:
Stephen Atkinson, Principal Planner
satkinson@cityoftacoma.org
www.cityoftacoma.org/planning

Section A. Proposed Scope of Work

1. Area of Applicability

The review area includes all shorelines city-wide, both marine and freshwaters, and lands within 200' of the ordinary high water mark. The following map depicts the City's regulated shorelines and the current shoreline Environmental Designations. For the purposes of this review, shoreline issues that are unique or specific to the Port/Tideflats (S-9, S-10, S-11, and S-12 Shoreline Districts) shall be considered within the scope of the Tideflats Subarea Plan.



2. Background

The shorelines of Tacoma have great social, ecological, recreational, cultural, economic and aesthetic value. Wapato Lake, the Puyallup River and Tacoma's marine shoreline areas provide citizens with clean water; deepwater port and industrial sites; habitat for a variety of fish and wildlife including salmon, shellfish, forage fish, and waterfowl; archaeological and historical sites; open space; and areas for boating, fishing, and other forms of recreation. However, Tacoma's shoreline resources are also limited and irreplaceable. Use and development of shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

State Policy

Recognizing the "inherent harm of uncoordinated and piecemeal development of the state's shorelines," Washington's Shoreline Management Act (SMA or Act) (Revised Code of Washington [RCW] 90.48) was passed by the Legislature in 1971 and adopted by the public in a 1972 referendum. The Act specifically states:

"It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto."

The statewide interest should be recognized and protected over the local interest in shorelines of statewide significance. To ensure that statewide interests are protected over local interests, the goals, policies and development regulations of the SMP must be consistent with RCW 90.58.020.

Joint Program

The SMP is a joint local-state regulatory program, with the Department of Ecology providing guidance on how to fully implement the policies of the SMA and local jurisdictions having the primary responsibility for undertaking the public process and tailoring a Program that is context-sensitive. To insure consistency with statewide interests, the Department of Ecology conducts a review of locally-adopted SMPs and must approve locally-adopted SMPs before they can take effect.

Periodic Review

The Shoreline Management Act (SMA) requires a periodic review of comprehensively updated Master Programs (SMPs). Local governments must review amendments to the SMA and Ecology rules that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. Local governments must also review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data.

The schedule to complete these reviews is established for every community by the Legislature. The first round of periodic reviews is due on or before June 30, 2019 for Snohomish, King and Pierce counties and their cities and towns. This will be the first Periodic Review conducted for Tacoma's SMP since the Comprehensive Update was approved by the Department of Ecology in 2013.

3. Policy Framework

The overall goal of the City of Tacoma's Shoreline Master Program is to:

"Develop the full potential of Tacoma's shoreline in accord with the unusual opportunities presented by its relation to the City and surrounding area, its natural resource values, and its unique aesthetic qualities offered by water, topography, views, and maritime character; and to develop a physical environment which is both ordered and diversified and which integrates water, shipping activities, and other shoreline uses with the structure of the City while achieving a net gain of ecological function."

The City of Tacoma prepared and adopted a Shoreline Master Program (SMP) in 2013 to meet the requirements of the Washington State SMA. The SMP provides goals, policies, and regulations for shoreline use and protection and establishes a permit system for administering the Program. The goals, policies, and regulations contained therein are tailored to the specific geographic, economic, and environmental needs of the City of Tacoma. The Shoreline Management Act and its implementing legislation (Washington Administrative Code [WAC] 173-26 or Shoreline Guidelines) establish a broad policy giving preference to shoreline uses that:

- Depend on proximity to the shoreline ("water-dependent uses"),
- Protect biological and ecological resources, water quality and the natural environment, and
- Preserve and enhance public access or increase recreational opportunities for the public along shorelines.

The Shoreline Master Program includes integrated goals, policies and development regulations (including zoning districts) that are structured around four primary categories:

Shoreline Environment Designations are area-specific goals and policies which are implemented through shoreline zoning districts.

General Policies and Regulations are general policies and standards that apply regardless of the specific type of use or modification that is being proposed, including issues such as vegetation conservation, public access, views and aesthetics, critical areas preservation, and archaeological, cultural and historic resources.

Use Policies and Regulations are focused on policies and regulations pertaining to specific types of uses within the shoreline, such as residential, commercial, port/industrial, and boating facilities.

Shoreline Modification Policies and Regulations are actions that modify the shoreline that may or may not be associated with a specific use, such as shoreline stabilization, ecological restoration, fill and excavation, and clearing and grading.

4. Objectives

Would the proposed amendment achieve any of the following objectives?

- **Address inconsistencies or errors in the Comprehensive Plan or development regulations;**

The proposed amendments will identify and address inconsistencies and/or errors in the Shoreline Master Program.

- **Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**

The periodic review of the SMP is intended to account for changing circumstances and context, including statutory changes, new case law, best available science, as well as local changes in growth and development patterns in the shoreline since the last update.

- **Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**

The periodic review is intended to ensure that the SMP remains consistent with the City's Comprehensive Plan and other land use regulatory codes. The City completed a major update of the Comprehensive Plan in 2015.

- **Enhance the quality of the neighborhood.**

Not applicable.

5. Options Analysis

The purpose and scope of the periodic review as established by the act is:

- To ensure that the master program complies with applicable law and guidelines in effect at the time of the review;
- To assure consistency of the master program with the local government's comprehensive plan and development regulations;
- To consider whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data, and whether the significance of the changed circumstances, new information or improved data warrants amendments.

In accordance with WAC 173-26-090, staff has evaluated the following:

- (i) Review amendments to the act and shoreline master program guidelines.

Staff has utilized the Department of Ecology's Periodic Review Checklist and identified which changes to State law are necessary to consider within this scope of work. This is provided as Attachment A.

- (ii) Review relevant comprehensive plans and regulations.

The One Tacoma Plan was updated in 2015 to reflect the Shoreline Master Program comprehensive update. In addition, the Shoreline Master Program includes specific shoreline zoning districts to ensure internal consistency between shoreline policies and implementing standards. Since the One Tacoma Plan was adopted, the City's planning efforts have been focused on implementation measures rather than policy updates. As a result, the proposed scope of work is limited to the following:

- **Critical Areas consistency:** The City is currently considering amendments to TMC 13.11 to amend standards for Fish and Wildlife Habitat Conservation Areas, specifically Biodiversity Areas/Corridors which are a listed Priority Habitat. The Shoreline Master Program integrates critical areas standards rather than

referring to TMC 13.11. If the proposed amendments to TMC 13.11 are approved, staff proposes to evaluate these code amendments for inclusion within the Shoreline Master Program.

- Sea Level Rise: The Shoreline Management Act (SMA) and the Shoreline Master Program (SMP) Guidelines contain no requirements for SMPs to address climate change or sea level rise. However, they require local jurisdictions to take into account scientific and technical information pertinent to shoreline management issues. The Guidelines require local governments use “the most current, accurate and complete scientific and technical information available” [WAC 173-26-201(2)(a)]. The Guidelines also encourage local governments to consult Ecology’s guidance for applicable new information on emerging topics such as sea level rise [WAC 173-26-090(1)]. Some local governments have already incorporated sea level rise considerations into their Comprehensive SMP updates. Ecology recommends local governments include SMPs into their broader planning framework for addressing rising seas.

In 2015, the City’s Comprehensive Plan update included new policies on planning for, mitigating, and adapting to climate change, including sea-level rise. The Shoreline Master Program does not specifically incorporate or address these policies. Staff proposes to include a sea-level rise policy review as part of this scope of work.

(iii) Additional review and analysis.

a. Changed local circumstances

- Ruston Way: The City of Tacoma and Metro Parks Tacoma are currently conducting a joint process to re-envision the future of Ruston Way. Information on the project is available at: <https://www.metroparkstacoma.org/envisionourwaterfront>. At this time, the process is in its early phases. However, staff is recommending a placeholder within the scope of work for any code refinements that may emerge from this process.
- Wapato Lake: The shoreline zoning district at Wapato Lake extends to across Alaska Street and partially applies to residential areas on the western half of Alaska Street. The current zoning is highly restrictive in use and was primarily intended to apply to the publicly owned park and recreation facilities. While shoreline jurisdiction cannot be modified to exclude these areas, staff proposes conducting a zoning review for these sites to identify use allowances that may be appropriate for this area. This scope of work is highly contingent upon zoning proposals that may result from the Future Land Use Implementation project.

b. New information or improved data

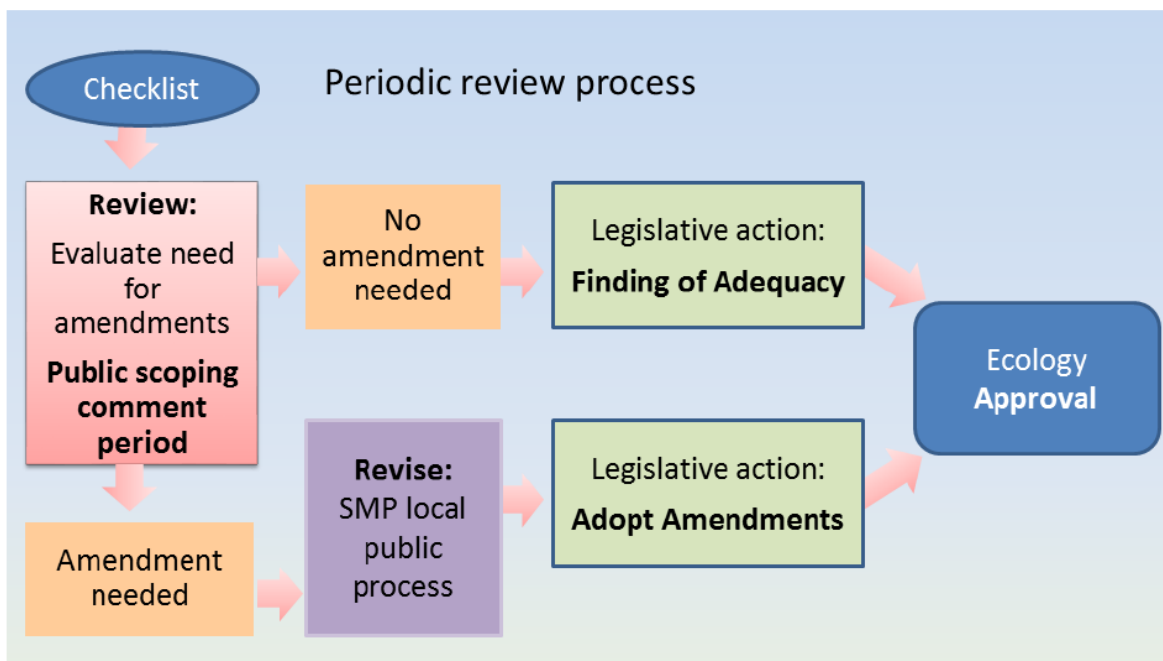
- Base Flood Elevation and Building Heights – The FEMA base flood elevations were modified in 2017. In some cases, the change in flood elevation and requirements to raise structures to meet those elevations has resulted in a shrinking building envelope that impacts the viability of new development. Building height is typically measured from average grade of the site or, for overwater structures, ordinary high water mark. Staff proposes to evaluate the potential, in limited circumstances, to measure height from the new base flood elevation, as a means to ensure a consistent building envelope that is consistent with the intent of the Plan.

- **Code Cleanups** – This is a general placeholder for any code cleanups that may be identified through this process, including citations, internal inconsistencies, or improvements to definitions or other minor text amendments to improve code clarity.

6. Proposed Outreach

The SMA requires public participation for all amendments. Ecology’s rule calls for a public participation plan that should include broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. The plan will ensure the public knows when to comment on the scope of the review and proposed changes and when elected officials are expected to take formal action.

Review Process:



General Schedule and Timeframe for Amendments:

May-June 2018	The Planning Commission reviews the proposed scope of work and assessment report; a public hearing is held to solicit public input on the proposed scope of work; the Commission finalizes the work plan.
July – September 2018	The Planning Commission considers the available options to address the issues. The Commission determines the specific options to develop for public review. Staff conducts outreach efforts to solicit comments, feedback and suggestions from stakeholders, interested entities and the community
October – December 2018	The Planning Commission develop the proposed Plan and Code Amendment exhibits and staff conducts a technical analysis and staff report evaluating the proposals.
February 2019	The Planning Commission and Department of Ecology conduct a joint public hearing
April 2019	The Planning Commission makes recommendations to the City Council
February -May 2019	Infrastructure, Planning and Sustainability Committee and other pertinent City Council standing committees review the proposed amendments
May 2019	City Council conducts a study session and a public hearing
June 2019	City Council considers adoption of amendments
July/August 2019	Changes take effect upon approval by the Department of Ecology

Modes of Notification:

- *Website*
Planning Services will maintain a calendar of events, project updates, advisory group meeting summaries and project documents on the PDS web site.
- *Mailing*
An electronic mailing list will be used to provide updates to interested parties regarding meetings, events and new products. Hard copy notices of important events such as public hearings will be mailed to interested parties. Utility mailings or other community newsletters may be used to disseminate information to a broader audience that includes tenants as well as property owners.
- *Media*
Announcements for key events and document releases will be distributed to local media outlets including the Daily Index and The News Tribune, neighborhood newspapers and other outlets.
- *Social Media*
Facebook and Twitter will be used to announce project news and promote and document events. Social Media will also be used to make connections to similar efforts, organizations and individuals in Tacoma.

Opportunities for Engagement:

The project team will meet with Neighborhood Councils, Business Districts, and other neighborhood and business groups to talk about the process upon request and seek their input. Staff will ensure that interested groups are made aware of project proposals and milestones, offer opportunities for submitting comments and attend community group meetings at key milestones.

The City of Tacoma utilizes a diverse set of citizen boards, commissions and committees to advise on topics ranging from land use issues to transportation, landmarks, the arts, parking, human rights and human services, among many others. These boards are comprised of volunteers who commit their time and expertise to serving the City and the residents of Tacoma. Staff will actively engage with these groups to provide information on ongoing projects, solicit feedback, and encourage collaboration among staff and community members with diverse interests.

In addition, there will be multiple opportunities for public comment and testimony in both the Planning Commission and City Council legislative process.

Consultation with the Puyallup Tribe of Indians:

The City will provide the scope of work, assessment report, and public review materials to the Puyallup Tribe of Indians and solicit input as to the Tribes preferred methods and scope of consultation on this project.

7. Impacts Assessment

The scope of work is limited to minor amendments to maintain consistency with State law and to ensure internal consistency. As a result, the potential impacts are minor. Primary impacts for assessment include impacts on private property rights; views; and ecological functions.

8. Supplemental Information

Staff will provide the following supplemental information for the scoping phase:

- Attachment A: Periodic Review Checklist

Section B. Assessment

The applications were reviewed against the following assessment criteria pursuant to TMC 13.02.045:

1. If the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review.
Staff Assessment: The request is legislative and properly subject to Planning Commission review.
2. If there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into.
Staff Assessment: The City completed a comprehensive update of the Shoreline Master Program in 2013. The periodic review is a state-mandated process to ensure that the SMP continues to reflect best available information, state law, and recent case law. Given the Tideflats Subarea Plan will include significant shoreline areas, shoreline issues related to that process could be consolidated into the Tideflats scope of work.
3. If the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

Staff Assessment: The scope of work is reasonable and is primarily limited to minor amendments, however, staff does recommend incorporating issues specific to the Port/Tideflats into the Tideflats Subarea Plan, which reduces the scope of this periodic review.

Section C. Summary of Public Comments

The Planning Commission conducted a public scoping hearing on June 6, 2018. The following is a summary of public comments pertaining to the scope of work and assessment report for the Shoreline Master Program Periodic Review.

Issue	Staff Response
<p>Nonconforming Overwater Residences: Salmon Beach has expressed concern over the existing limitations on development for nonconforming overwater residences and has requested the following:</p> <ol style="list-style-type: none"> 1. Greater recognition of the existing community and infrastructure in the Environment Designation policies. 2. Consideration to be reclassified as “conforming.” 3. An allowance for a 25’ building height. 4. Flexibility to adapt to sea level rise. 	<p>Staff recommends incorporating these requests into the Scope of Work and moving them forward for technical review and analysis.</p>
<p>Building Envelopes on the East Foss: Concern that building envelope, setback, and view corridor requirements on the East Foss could allow for a canyon effect along the esplanade.</p>	<p>Staff recommends that any issues pertaining to the East Foss should be reviewed within the Tideflats Subarea Plan process. This area of the East Foss is a transition area between the Downtown and the Manufacturing and Industrial Area and multiple parcels along the Wheeler-Osgood are split zoned shoreline/industrial. The specific concerns expressed are somewhat mitigated by the shallow building sites in some locations that preclude larger developments, allowance for industrial uses, restrictions on development at the BNSF property at the head of the Wheeler-Osgood, as well as buffer setbacks and a requirement for a 30% view corridor/side yard setback for new development. However, staff concurs that the East Foss has not received the degree of detailed modeling that was applied to standards on the West Foss.</p>
<p>Temporary Surface Parking: Concern that once land is used for temporary parking, that it is difficult to transition back to other more productive uses.</p>	<p>The Shoreline Master Program and WAC Guidelines do not recognize temporary uses. Any improvement or development must be in accordance with the standards of the SMP and is treated as a permanent improvement. The SMP prohibits parking as a primary use, and neither does it require parking, but it does allow for parking that serves public access, recreation or other primary uses.</p>

Section D. Staff Recommendation

According to TMC 13.02.045, the Planning Commission will review this assessment and make its decision as to:

1. Whether or not the application is complete, and if not, what information is needed to make it complete;
2. Whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
3. Whether or not the application will be considered, and if so, in which amendment cycle. The Planning Commission shall make determinations concerning proposed amendments.

Based on the review of the proposals against the assessment criteria and consideration of the public testimony, staff concludes that the project is ready for technical analysis. Staff recommends that the Planning Commission accept the application, as amended, for consideration during the 2019 Amendment cycle, with the following considerations:

- Project Integration:
 - The Tideflats Subarea Plan is expected to include a review and recommendations on use and development transitions between industrial and non-industrial areas. Therefore, staff recommends consolidating shoreline issues specifically related to the East Foss, Tideflats, and Marine View Drive, within the scope of the Tideflats Subarea plan.
 - The Geologically Hazardous Areas amendment proposal is applicable to shoreline areas. However, due to staffing and resource capacities, staff recommends limiting the Geologically Hazardous Areas review to shoreline critical areas and delaying the amendments to the critical areas code until after the shoreline review is complete. This would effectively phase the project and incorporate the scope of work for Geologically Hazardous Areas into the Shoreline Periodic Review.
- Scope of Work Modification: Staff recommends incorporating the comments from Salmon Beach into the scope of work for the 2019 Shoreline Review.

Section E. Planning Commission Determination

On June 20, 2018 the Commission approved the Scope of Work and Assessment Report as recommended by staff and forwarded the application for technical review and analysis as part of the 2019 Amendment.

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

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

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

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

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

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

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Currently set at old threshold	Consider within scope.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Per DOE guidelines, development should not include projects that are simply demolition, to clarify processes covered by <i>Cowiche Canyon v Bosley</i>	Consider within scope.
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	An additional section is required to include these exceptions to any local review	Consider within scope.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	The permit process needs to be updated to include a stipulation about using return receipt requested mail.	Consider within scope.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Forest Practices are currently prohibited in the SMP, Section 7.2.	No action required.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	The current ordinance could be construed to cover certain private activities on federal lands (page12- 13 of the SMP), list item #7.	Consider within scope.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	Tacoma’s SMP has a definition for non-conforming uses and development, which supercedes these default rules	No action required.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	Tacoma SMP specifics process for SMP review, and meets revised standards	No action required
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	The Periodic Review process will be conducted on this optional SMP amendment process.	No action required
j.	Submittal to Ecology of proposed SMP amendments.	Submission process change, not substantive to SMP itself.	No action Required.

Row	Summary of change	Review	Action
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	Tacoma current SMP cites exemptions as specified by RCW, 90.58.030, #3 on page 17 of the SMP as required by this update, which should comply with the law, though ADA requirements are not specifically listed.	Consider within scope.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	The SMP was updated in 2016 to reflect this change in Ecology guidance.	No action Required.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	The SMP does not address this target for local review.	Consider within scope.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	Current Tacoma SMP uses old figure for this specification.	Consider within scope.
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	The current Tacoma SMP does not provide a specific definition of Floating on Water Residences, but prohibits residential use on or in water. Section 2.5 describes the limitations and allowances for non-conforming uses and development. This section could be modified to recognize the “conforming” status conferred by this legislation for those floating on-water residences legally established prior to 7/1/2014. However, the status does not alter the limitations on these types of uses as described in Section 2.5.	Consider within scope.

Row	Summary of change	Review	Action
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	The current SMP specifies that appeals of amendments to the SMP will be addressed via RCW 90.58.190, which is the governing statute under the change.	No Action Required
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Current SMP refers to delineation using DOE manuals, including federal manuals	No Action Required
b.	Ecology adopted rules for new commercial geoduck aquaculture .	<p>This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.</p> <p>The SMP was amended in 2011 to restrict the scale, type and extent of aquaculture in the City's shorelines. The definition for aquaculture excludes wild geoduck harvest.</p>	No Action Required
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	<p>This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.</p> <p>The SMP considers over-water and in-water residential to be non-conforming by use.</p>	No Action Required
d.	The Legislature authorized a new option to classify existing structures as conforming .	<p>This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.</p> <p>The SMP does not confer "conforming" status on uses or development that are non-conforming. However, the SMP does provide allowances</p>	No Action Required

Row	Summary of change	Review	Action
		for nonconforming uses and development.	
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required
2009			
a.	The Legislature created new "relief" procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required
b.	Ecology adopted a rule for certifying wetland mitigation banks.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required
c.	The Legislature added moratoria authority and procedures to the SMA.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No action required
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP wb as amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	This change pre-dated the City's Comprehensive Update and was considered as part of that process in 2011.	No Action Required