



***DuPont 2019 Shoreline  
Master Program Periodic Review***



# Planning Commission Workshop

Monday, June 10, 2019  
6:00pm

DuPont City Council Chambers  
1700 Civic Drive  
DuPont, WA 98327





# Tonight's Agenda

- I) Welcome and Introductions
- II) Overview of the SMA/SMP
- III) SMP Periodic Review
- IV) Proposed Amendments
- V) Next Steps



# Introductions

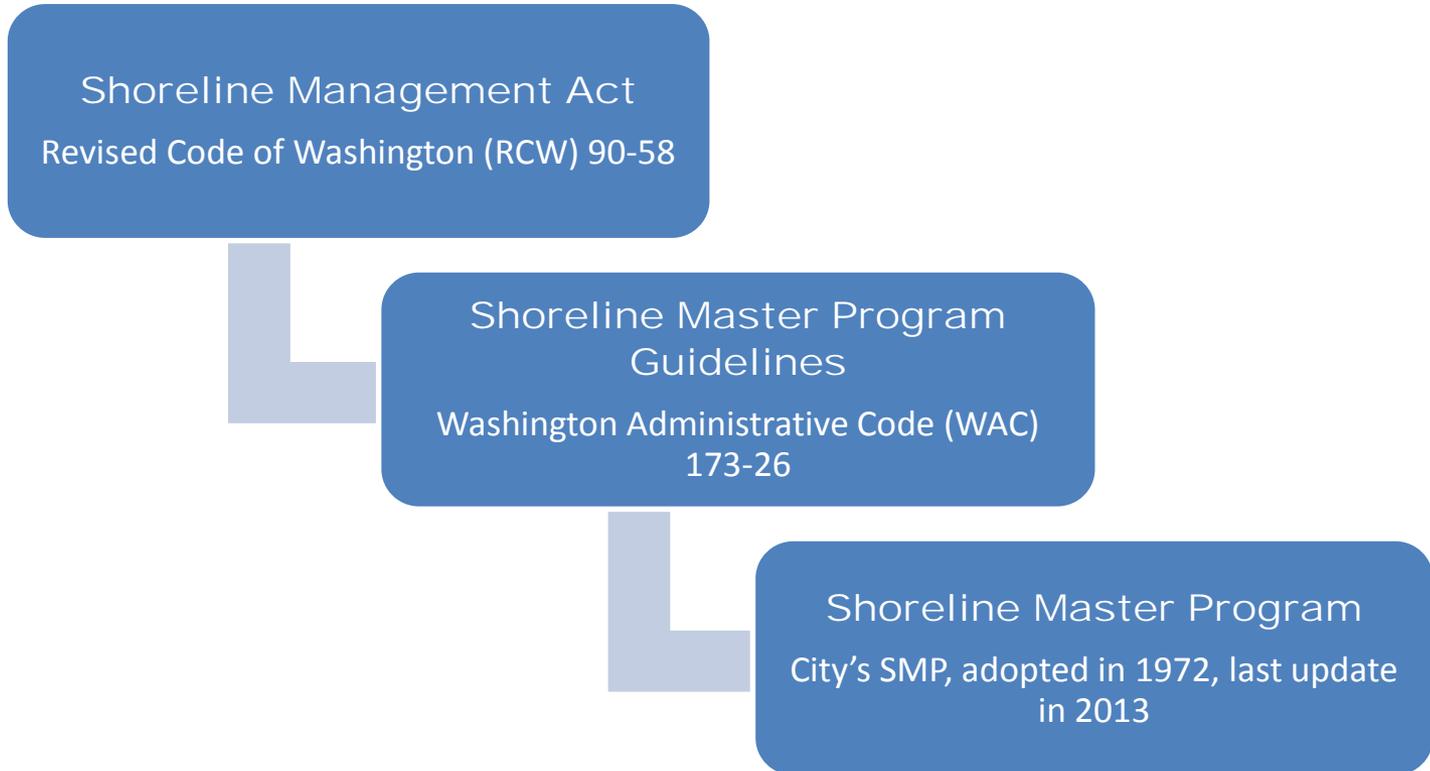
- **City of DuPont**
  - Jeff Wilson, AICP – Community Development Director
- **AHBL, Inc. (Consultant)**
  - Brittany Port, AICP – Consultant Planning Lead



# Why are we here?

- State Law requires the City's Shoreline Master Program be reviewed and revised, if needed, on an eight-year schedule.
- Ecology has prepared a checklist of all laws and rules to be adopted.
- Where gaps exist, draft amendments will be prepared.

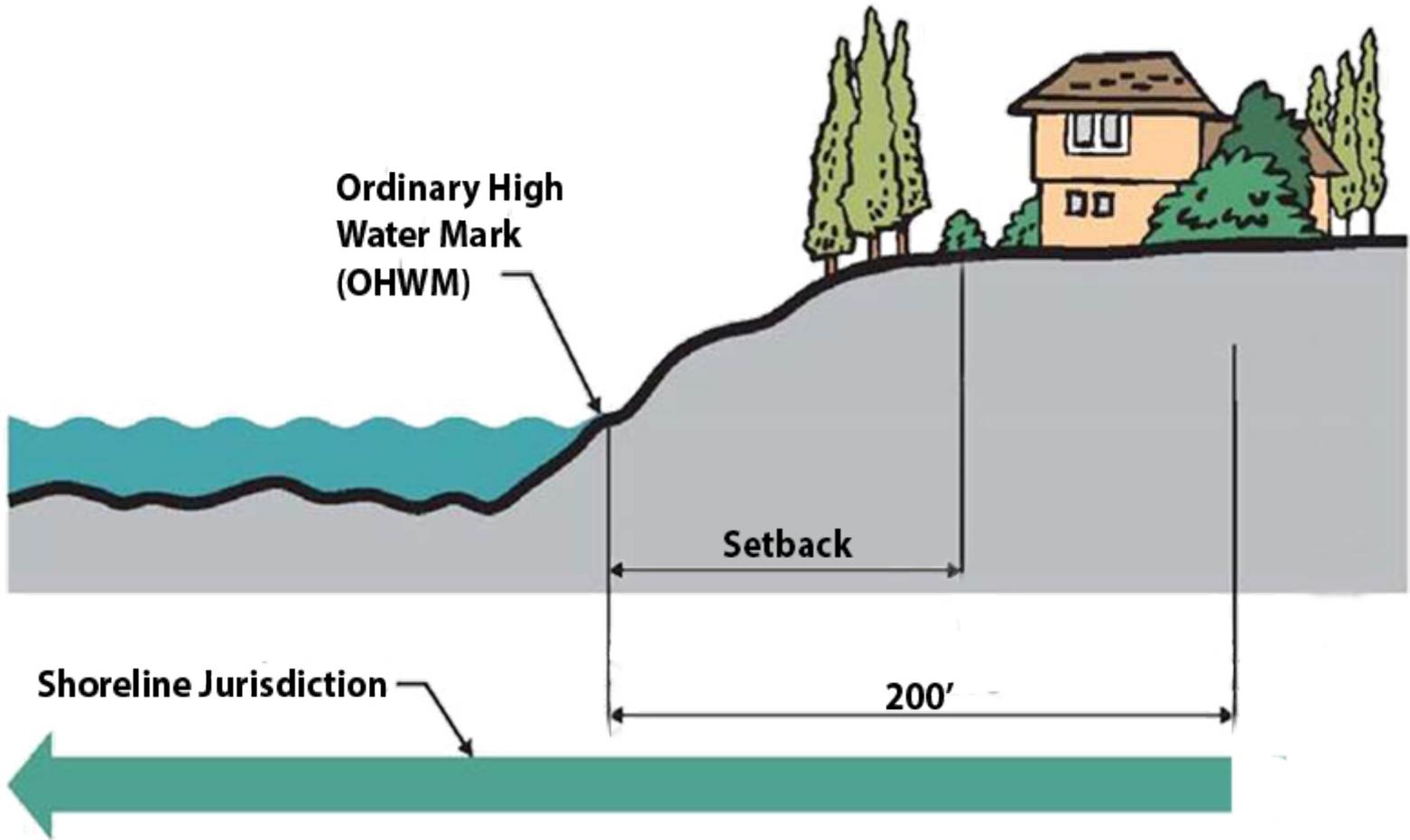
# How did we get here?





# Shoreline Jurisdiction

- Major waterbodies and adjacent shorelands extending 200-feet landward from the ordinary high water mark.
- In DuPont, includes Puget Sound, Brackish Marsh downstream at end of Sequelitchew Creek and lands 200 feet landward of the Ordinary High Water mark.
- “Shoreline Setback” is not the same as “Shoreline Jurisdiction”.



# Shoreline Environments

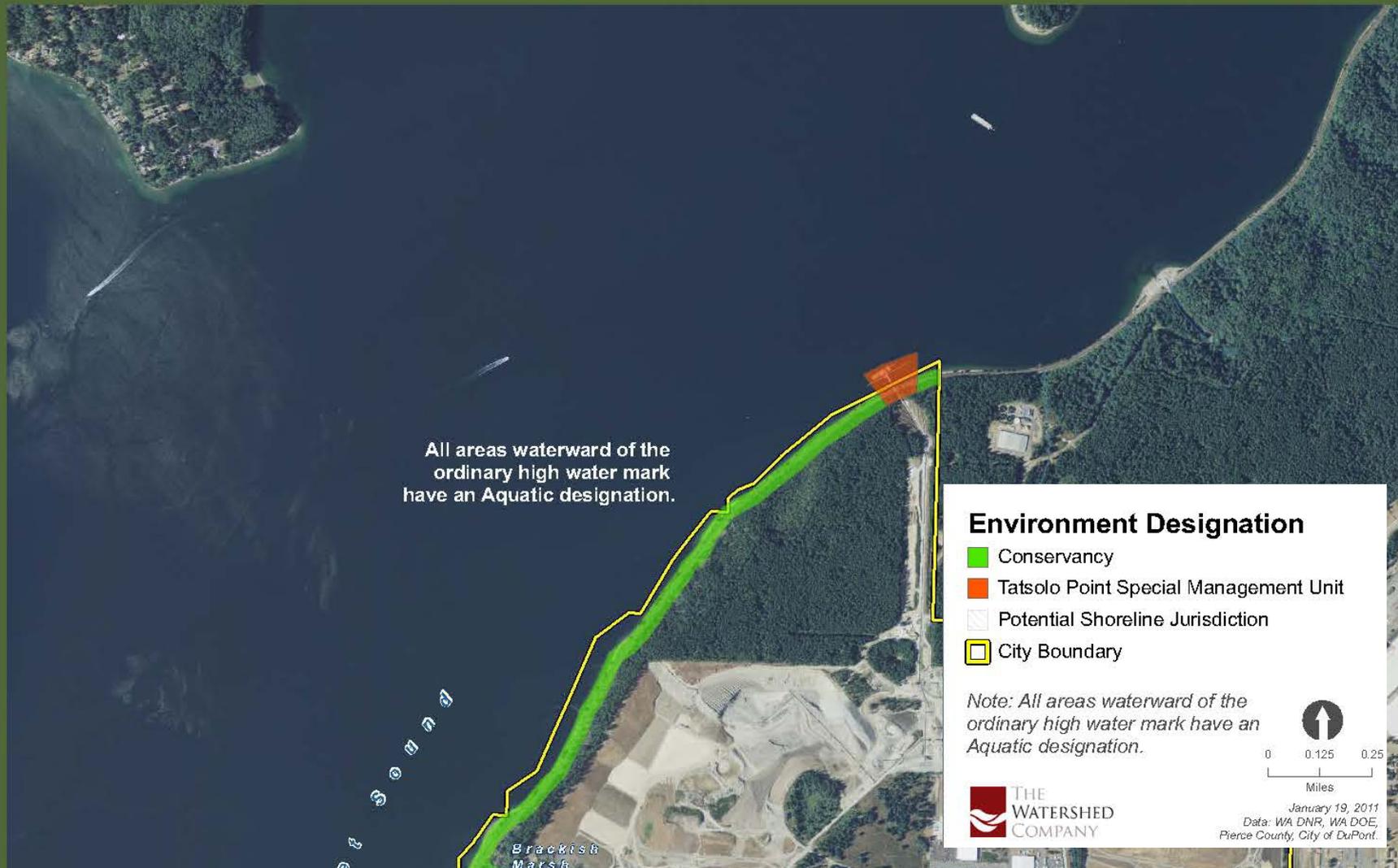
- Aquatic
- Conservancy
- Tatsolo Point Special Management Unit





# City of Dupont Environment Designation

City of DuPont Shoreline Master Program





# City of Dupont Environment Designation

City of DuPont Shoreline Master Program



## Environment Designation

- Conservancy
- Tatsolo Point Special Management Unit
- Potential Shoreline Jurisdiction
- City Boundary

*Note: All areas waterward of the ordinary high water mark have an Aquatic designation.*



0 0.125 0.25  
Miles



January 19, 2011  
Data: WA DNR, WA DOE,  
Pierce County, City of DuPont.



# Purpose of SMP Review

- Stay current with changes in laws and rules.
- Remain consistent with Du Pont plans and regulations, including updated Critical Area Ordinance.
- Respond to changed circumstances, new information and improved data.



# Updated Shoreline Requirements

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



## What Is Not Changing

- Changes are narrow in scope; consistent with Ecology.
- Ecology is not funding any additional scientific analysis of shorelines.
- Most development standards (setbacks, height, width, lot coverage, etc.) will remain the same.



# 2019 SMP Amendments

## Summary of Change in Law

OFM adjusted the **cost threshold for substantial development** to \$7,047.

# 2019 SMP Amendments

## City's Response

The City's SMP references RCW 90.58.030(3)(e) which is the State's reference to the latest CPI-adjusted threshold. No change is necessary as this has automatically been adjusted.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology amended rules to clarify that the **definition of “development”** does not include dismantling or removing structures.

# 2019 SMP Amendments

## City's Response

Update the definition in Section 9 of the SMP:

**Development** A use consisting of the construction or exterior alteration of such structures; dredging; drilling; dumping; filling, removal of any sand, gravel, or minerals; bulkheading; driving of pilings; 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 chapter at any state of water level. Development does not include dismantling or removing structures if there is no other associated development or re-development.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology adopted rules that clarify **exceptions to local review under the SMA.**

# 2019 SMP Amendments

## City's Response

Update Section 8.5.3 of the SMP to include the additional exemptions. A statement is necessary to exempt certain activities from local review as well as permitting.

### Exemptions

R-189 The City shall exempt from the Shoreline Substantial Development Permit requirement the shoreline developments listed in WAC 173-27-040 and [173-27-044](#), RCW 90.58.030-(3)(e), 90.58.140(9), 90.58.147, 90.58.355, [90.58.356](#) and 90.58.515.

R-190 Letters of exemption shall be issued by the City when an exemption per Regulation R-~~217~~[189](#) applies or when a letter of exemption is required by the provisions of WAC 173-27-050. [A letter of exemption shall not be issued, nor shall local review under this SMP be required for the activities listed under WAS 173-27-044.](#)



# 2019 SMP Amendments

## Summary of Change in Law

Ecology amended rules that clarify **permit filing procedures** consistent with a 2011 statute.



# 2019 SMP Amendments

## City's Response

The City's SMP references WAC 173-27-130 which includes the permit filing procedures for Ecology amendments. No change is necessary.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.



# 2019 SMP Amendments

## City's Response

There is no commercial forestry in the City and as such no change is necessary.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction**



# 2019 SMP Amendments

## City's Response

There are no lands with exclusive federal jurisdiction in the shoreline jurisdiction and as such no change is necessary.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology clarified “default” provisions for nonconforming uses and development.



# 2019 SMP Amendments

## City's Response

The City's SMP adopts SMA requirements in WAC 173-27-070 and 173-27-080 by reference and as such no changes are necessary as this has been automatically updated.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology adopted rule amendments to clarify the scope and process for conducting **periodic reviews**.



# 2019 SMP Amendments

## City's Response

The City's SMP already referenced the statutory obligation to conduct reviews under RCW 90.58.080 and as such no changes are necessary.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.



# 2019 SMP Amendments

## City's Response

The City's SMP already referenced the statutory obligation to conduct reviews under RCW 90.58.080 and as such no changes are necessary.



# 2019 SMP Amendments

## Summary of Change in Law

The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the **Americans with Disabilities Act**.



# 2019 SMP Amendments

## City's Response

The City's SMP references the exemptions in WAC 173-27-040 and as such no changes are necessary.



# 2019 SMP Amendments

## Summary of Change in Law

Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.



# 2019 SMP Amendments

## City's Response

The City's SMP was adopted prior to the 2014 wetland rating system and is in need of several updates to be consistent with the Critical Area Regulations outside of the shoreline jurisdiction.

# 2019 SMP Amendments

## City's Response

The City considered two options for complying with this requirement:

1. **Comprehensive update of the stand-alone chapter appended to the SMP.**
2. **Adopt the City's CAO by reference.**

# 2019 SMP Amendments

## City's Response

The City considered two options for complying with this requirement:

1. Comprehensive update of the stand-alone chapter appended to the SMP.
2. **Adopt the City's CAO by reference.**



# 2019 SMP Amendments

## City's Response

Certain provisions in the CAO cannot apply in the shoreline jurisdiction as they conflict with SMA.

# 2019 SMP Amendments

Exceptions to the applicability of critical area regulations in shoreline jurisdiction are provided below.

R-20 Critical area regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffers that are outside shoreline jurisdiction, see Critical Areas Regulations, Chapter 25.105 DMC.

R-21 Provisions of the critical areas regulations related to Exemptions and Exceptions in do not apply in shoreline jurisdiction. Specifically, Section 25.105.070 DMC does not apply in shoreline jurisdiction.

R-22 Provisions of the critical areas regulations related to Appeals do not apply in shoreline jurisdiction. Specifically, Section 25.105.150 DMC does not apply in shoreline jurisdiction and is instead regulated by Section 8.13 of this SMP.

R-23 Provisions of the critical areas regulations related to Reasonable Use do not apply in shoreline jurisdiction. Specifically, Section 25.105.050(2)(g)(iv) does not apply in shoreline jurisdiction and is instead regulated by Regulation R-33 below.



# 2019 SMP Amendments

## Summary of Change in Law

The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.



# 2019 SMP Amendments

## City's Response

There are no areas within the shoreline jurisdiction that include or could include WSDOT projects and as such no change is necessary.



# 2019 SMP Amendments

## Summary of Change in Law

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).

# 2019 SMP Amendments

## City's Response

The City's SMP references RCW 90.58.030(3)(e) which is the State's reference to the latest CPI-adjusted threshold. No change is necessary as this has automatically been adjusted.



# 2019 SMP Amendments

## Summary of Change in Law

The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.



# 2019 SMP Amendments

## City's Response

There are no floating on-water residences in the City.

# Important Milestones

- Final Public Participation Plan Sent to Ecology
- Community Open House on the SMP Update

April



- Prepare Amendments to SMP
- Planning Commission Workshop on the SMP
- Community Open House to Review Proposed SMP Amendments
- Draft SMP Sent to Ecology

May



- Notice of Intent to Adopt sent to Commerce (60-day review)
- SEPA Determination and Notice Distributed
- Joint Planning Commission/Ecology Public Hearing on the SMP

June



- Council Committee to Review Proposed SMP Amendments

July



- Full Council Workshop on Proposed SMP Amendments

August



- Council Public Hearing to Adopt Amended SMP
- Adopted SMP Submitted to Ecology

September



- SMP Effective after 30 Day Review

October





## Next Steps

The City will hold a public hearing on the proposed amendments at the Planning Commission's June 24<sup>th</sup> meeting.

# Project Contacts

## Project Contacts:

- Jeff Wilson, AICP - Community Development Director  
[jwilson@dupontwa.gov](mailto:jwilson@dupontwa.gov)
- Brittany Port, AICP, [bport@ahbl.com](mailto:bport@ahbl.com)

SMP Periodic Review Website -

<http://www.ci.dupont.wa.us/index.aspx?nid=476>